

SEN Policy Paper

How will accountability work in the new SEND legislative system?

SEN Policy Research Forum

April 2013

Contents:

Chapter 1: Introduction to Policy Paper	3
Chapter 2: School accountability: Parents from Camden local authority	6
Chapter 3: Group discussion following initial parent presentation	9
Chapter 4 How will accountability work in the new SEND legislative system? Penny Richardson	12
Chapter 5: Summary of discussion in groups following ‘Changing accountability in local authority’ by Penny Richardson.	24
Chapter 6: Accountability the Local Offer and SEND Reform: a Cultural Revolution? Brian Lamb	27
Chapter 7: The local offer as an accountability mechanism: core national qualities of the offer around which local offers could legitimately vary. Jean Gross	37

Chapter 1

Introduction to Policy Paper

This Paper is based on a whole day seminar held on 7 Feb 2013 at the NCB London on:

How will accountability work in the new SEND legislative system?

The seminar aimed to examine accountability issues and how the new frameworks to be established by the SEN legislation will operate. The seminar took place while Regulations and the new Code of Practice were being formulated. Its specific focus was on accountability issues at school, local authority and national levels. It also aimed to cover the nature of the local offer, the need for a national quality framework, clearer expectations on schools and parental roles.

Programme:

1. School accountability: Parents from Camden local authority presented their ideas about what school accountability for SEND should look like.
2. Local Authority: Penny Richardson (SEN consultant) presented ideas about the changing accountability of Local Authorities and the role they could/should play in a more devolved context.
3. National: Brian Lamb and Jean Gross presents perspectives and analyses of what should be the core national 'qualities' around which local offers could legitimately vary.

SEN Policy Research Forum

The SEN Policy Research Forum incorporates the aims and work of SEN Policy Options group in a new format and with some expanded aims.

The Forum now has a website at:

<http://www.sen-policyforum.org.uk/index.php>

The aim of the Forum is to contribute intelligent analysis, knowledge and experience to promote the development of policy and practice for children and young people with special educational needs and disabilities. The Forum will be concerned with children and young people with special educational needs and disabilities from pre-school to post 16. It will cover the whole of the UK and aim to:

1. provide timely policy review and critique,
2. promote intelligent policy debate,
3. help set longer term agendas – acting like a think-tank,.
4. deliberate over and examine policy options in the field.
5. inform research and development work in the field.
6. contribute to development of more informed media coverage of SEND policy issues.

The uncertainties over what counts 'special educational needs' and 'disabilities' in relation to a wider concept of 'additional needs' are recognised. These will be among the many issues examined through the Forum. The Forum, as was the SEN Policy

Options group appreciates the generous funding from NASEN to enable it to function, though it operates independently of NASEN.

Lead group and coordination of the Forum:

Professor Julie Dockrell - Institute of Education, University of London

Dr Peter Gray - Policy Consultant (co-coordinator)

Brain Lamb - Policy consultant

Professor Geoff Lindsay - University of Warwick

Professor Brahm Norwich - University of Exeter (co-coordinator)

Linda Redford - Policy Consultant

Penny Richardson - Policy Consultant

Janet Thompson - Ofsted

Professor Klaus Wedell - Institute of Education, University of London

Membership:

If you would like to join the Forum go to the website and follow link to registering as a member. You will be invited to future seminars and be able to use the website.

For further information please contact the co-coordinators of the Forum, Brahm Norwich, Graduate School of Education, University of Exeter, Heavitree Road, Exeter EX1 2LU (b.norwich@exeter.ac.uk) or Peter Gray (pgray@sscyp) .

Past Policy Options Papers (see website for downloadable copies)

1. Bucking the market: Peter Housden, Chief Education Officer, Nottinghamshire LEA

2. Towards effective schools for all: Mel Ainscow, Cambridge University Institute of Education

3. Teacher education for special educational needs: Professor Peter Mittler, Manchester University

4. Resourcing for SEN: Jennifer Evans and Ingrid Lunt, Institute of Education, London University

5. Special schools and their alternatives: Max Hunt, Director of Education, Stockport LEA

6. Meeting SEN: options for partnership between health, education and social services: Tony Dessent, Senior Assistant Director, Nottinghamshire LEA

7. SEN in the 1990s: users' perspectives: Micheline Mason, Robina Mallet, Colin Low and Philippa Russell

8. Independence and dependence? Responsibilities for SEN in the Unitary and County Authorities: Roy Atkinson, Michael Peters, Derek Jones, Simon Gardner and Phillipa Russell

9. Inclusion or exclusion: Educational Policy and Practice for Children and Young People with Emotional and Behavioural Difficulties: John Bangs, Peter Gray and Greg Richardson

9. Baseline Assessment and SEN: Geoff Lindsay, Max Hunt, Sheila Wolfendale, Peter Tymms

10. Future policy for SEN: Response to the Green Paper: Brahm Norwich, Ann Lewis, John Moore, Harry Daniels

11. Rethinking support for more inclusive education: Peter Gray, Clive Danks, Rik Boxer, Barbara Burke, Geoff Frank, Ruth Newbury and Joan Baxter

- 12. Developments in additional resource allocation to promote greater inclusion:** John Moore, Cor Meijer, Klaus Wedell, Paul Croll and Diane Moses.
- 13. Early years and SEN:** Professor Sheila Wolfendale and Philippa Russell
- 14. Specialist Teaching for SEN and inclusion:** Annie Grant, Ann Lewis and Brahm Norwich
- 15. The equity dilemma: allocating resources for special educational needs:** Richard Humphries, Sonia Sharpe, David Ruebain, Philippa Russell and Mike Ellis
- 16. Standards and effectiveness in special educational needs: questioning conceptual orthodoxy:** Richard Byers, Seamus Hegarty and Carol Fitz Gibbon
- 17. Disability, disadvantage, inclusion and social inclusion:** Professor Alan Dyson and Sandra Morrison
- 18. Rethinking the 14-19 curriculum: SEN perspectives and implications:** Dr Lesley Dee, Christopher Robertson, Professor Geoff Lindsay, Ann Gross, and Keith Bovair
- 19. Examining key issues underlying the Audit Commission Reports on SEN:** Chris Beek, Penny Richardson and Peter Gray
- 20. Future schooling that includes children with SEN / disability:** Klaus Wedell, Ingrid Lunt and Brahm Norwich
- VI. Policy Options Papers from sixth seminar series**
- 21. Taking Stock: integrated Children's Services, Improvement and Inclusion:** Margaret Doran, Tony Dessent and Professor Chris Husbands
- 22. Special schools in the new era: how do we go beyond generalities?** Chris Wells, Philippa Russell, Peter Gray and Brahm Norwich
- 23. Individual budgets and direct payments: issues, challenges and future implications for the strategic management of SEN** Christine Lenehan, Glenys Jones Elaine Hack and Sheila Riddell
- 24. Personalisation and SEN** Judy Sebba, Armando DiFinizio, Alison Peacock and Martin Johnson.
- 25. Choice-equity dilemma in special educational provision** John Clarke, Ann Lewis, Peter Gray
- 26. SEN Green Paper 2011: progress and prospects** Brian Lamb, Kate Froom and Debbie Orton
- 27. A school for the future - 2025: Practical Futures Thinking** Alison Black
- 28. The Coalition Government's policy on SEND: aspirations and challenges?** P. Gray, B. Norwich, P Stobbs and S Hodgson.

Copies of most of these papers can now be downloaded from the website of the SEN Policy Research Forum as well as the NASEN website look for SEN Policy Options public pages for downloading these past copies.

<http://www.nasen.org.uk/policy-option-papers/>

<http://www.sen-policyforum.org.uk/>

Chapter 2:

School accountability:

Parents from Camden local authority

Zlieko Ajimotokin, Julie Bidgway, Moni Chowdhuny and Ophelia Field

Introduction

We present this paper as a group of parents of children with SEND with the aim of highlighting issues that fall broadly into 4 categories and relate to:

1. Confidentiality
2. Honesty
3. Respect
4. Communication

We acknowledge that families who access Parent Partnership Services do so because they have concerns/issues, typically around SEN, Disability, Exclusion, Bullying and Transport. Our starting position is that good practice for families of children with SEND is equivalent to good practice for all families (though we acknowledge the need for some discreet services).

The session started as presentations by parents, followed by group discussions about possible solutions to the presented issues raised and then feedback and discussion with the parents comparing the groups' solutions with parents' views about these issues.

The conclusions of the presentation are presented here under the 4 areas, setting out the issues and then the parents' suggested solutions to these.

1. Communication

One issue is that information provided is not always shared appropriately, (or at all) in schools. Parents have to repeat themselves often. A solution to this issue is for the details of a child's SEN/disability to be shared with all staff. Messages must reach the intended recipient, for example, use of direct e-mail addresses. Good communication between SENCO and other staff is essential. There also needs to be some monitoring of information sharing.

Another issue is that many parents are not asked how they would like the school to communicate with them. Assumptions are made about use of literacy, I.T. for example. A solution to this would be for schools to demonstrate a genuine commitment to partnership working by offering choices and asking parents how they would like to contact/be contacted. Schools need to be more responsive and sensitive to parental concerns.

Professions often assume parents are overprotective and/or anxious. This is another issue which reflects that professionals forget that parents sometimes have valid reasons which are unknown by those currently involved. The way to respond to this would involve promptness, being non-judgemental, taking turns to listen, offering help if possible, offering alternatives, being flexible over meeting dates/times, showing reassurance, presenting clear information (make sure parents understand jargon) and having a genuine sense of being heard.

2. Honesty

An issue under this heading is whether schools are fulfilling their promises to parents. For example, not requesting statutory assessment on behalf of parents to local authorities and not implementing the requirements of the statement or IEP. Do schools inform parents that they can apply for a statutory assessment and where they can get support as set out in the SEN Code of Practice. Do schools give parents the correct information and appropriate support to families and parents.

What is required is that schools / teachers do not make empty promises to parents. They need to ensure that they follow the requirements of statement and IEP meetings. Nor should schools set unclear, vague or unachievable targets for IEPs. Parents should be always invited to participate in target setting; setting specific targets with an achievable timescale. There should be parental and pupil involvement in target setting, discussing their views and ensuring that parents understand what is involved.

Another issue is that parents are not always being informed of their children's internal exclusions. Parents ought to be informed as soon as possible of internal exclusions – not afterwards. Schools should follow their behaviour policy and use home-to-school communication systems e.g. e-portals, so parents can see if there is any gap in attendance or any other problem.

Informal exclusions are sometimes arranged with parents despite these being illegal. Schools need to stick to the law; and not arrange informal exclusions. Such exclusions hide issues and can mask the child's difficulties. Teachers need to speak to the parents, arrange a meeting to try to resolve the reason for exclusion – work with the parents and child. Parents need to feel confident to refuse an informal exclusion. Similarly, parents should be given written confirmation of any punishment. The aim is to consider alternatives; exclusions are a last resort.

3. Respect

Some schools are dismissive of parental concerns – “your child is not the only child at this school”. One response to this would be for more transparency about the competing pressures on teachers and budgets, though these should not be used as an excuse for a lack of essential support. It was also suggested that there be meeting with parents to discuss their concerns which are unhurried. Simple discussion may resolve them.

Teachers are often not good at listening to parents. There needs to be more openness and more regular opportunities for all parents to come into the school and speak with staff. Clear instruction, guidance and information is required about who is responsible for parent liaison and for parental concerns/complaints. There is also sometime little choice for parents about methods of communication. So, the SENCO's phone line could be an option on the first menu when anyone rings the school. Teachers need to be flexible and, from early on, give different options about methods of communication: e.g. home-school book, texting, e-mails, phone, e-portal, etc.

Sometimes teachers are not receptive to parental ideas. To this teachers could acknowledge and welcome parental involvement and ideas. They could be proactive and empower parents to be an asset not adversaries. Connected to this teachers could realise that the parent/carer usually knows their child better than anyone and could offer strategies that may have worked at home. Teachers can see the 'problem' or condition before the child. In response to these issues teachers need to create enough space and time for a good relationship with the parents to develop as more rounded idea of the child. They need to examine their use of language – e.g. not “an autistic child” but “a child with autism”. They need to look at the 'whole' child without making assumptions about needs based solely on the diagnosis/condition, or preconceptions about the condition.

4. Support

Schools tend to not promote other organisations, particularly the Parent Partnership Service. There needs to be some signposting to appropriate sources of support, such as the Parent Partnership Service, which is there to work with schools as well as parents. Some teachers do not inform parents of their child's SEN or tell them about the Code of Practice. SENCOs need to be up-to-date on the requirements of the SEN Code of Practice. Volunteering relevant information to parents helps parents feel supported.

There can also be a lack of information regarding the transition to secondary school. Schools can facilitate meetings between parents of younger children and those with older children who know about secondary schools. In year 6 there could be a meeting for parents of children with SEN to discuss transition arrangements. Schools can also give information about sources of support. Sometimes there is no support when a child is undergoing statutory assessment. There could also be some arrangement to have meetings or groups for parents whose children are undergoing statutory assessment, with the SENCO present to answer questions. Informing parents about sources of information and support at both local and national level is what is required.

Chapter 3

Group discussion following initial parent presentation

The groups were set the task of examining how they would respond to the issues raised by the parents as regards parental participation. Here is a summary of the group deliberations.

Group 1:

In this group it was suggested that SENCo training needs a strong emphasis on communication with parents. It was also suggested that communication works or does not work in terms of the ethos presented by the head of the school.

Using technology to provide information on websites was also an important option. This is relevant to changes in personnel in local authorities; this can provide continuity with staff changes. It was also suggested that all school websites should have a link to the parent partnership.

In terms of the theme of respect, the group discussed how information is provided and withheld from parents. Some saw this as related to the issue of being willing to share power with parents and developing power in groups to participate in decision-making. This involves exposing yourself to the risk that parents may actually have some ideas that do not necessarily correspond with your allocation of resources. This may change with personal budgets. Perhaps groups of parents would be set up around certain conditions. This might be organised by SENCos, so instead of being the one 'pushy' parent on your own, you are in a group of maybe five parents who can all support each other and it would be enabling for everybody. This strategy may avoid making parents feel like they have to be troublemakers.'

One person asked in relation to honesty with parents whether local authorities are being honest when they say they are powerless and underfunded? A representative of a London authority answered yes; claiming that there has been a significant fall in real funding. This led to discussions about whether the Local Offer is a process or an end point? How much is it about managing expectations, or about matching services to expectations?

Other points discussed by this group included:

- The good practice in the early years over communication with parents could be continued as children get older.
- It could be useful to ask parents to plot their family's history of problems/issues/assistance over a timeline. This is not only a therapeutic and revealing exercise for them, but also creates a document that can be updated and handed over to anyone new who is coming into working with them. It saves them having to repeat themselves every time.
- Some people consider the Common Assessment framework (CAF) as effective practice as regards communicating with parents.
- Schools could ask themselves the question from a reverse angle: What is it that stops us from being good partners to parents?
- There are issues about power and power sharing. This might shift with the new personal budgets perhaps.
- It was suggested that a possible positive effect of the Local Offer would be to influence schools to come together and discuss/compare what they do. Some

schools may feel real apprehension about how to explain the limits of the Local Offer to parents; what will not be provided. There was an example of secondary school cluster that had a very genuine dialogue with parents during development of the Local Offer.

Group 2:

One of the ideas emerging from the discussion was that all parental concerns should be regarded as core issues to be addressed in schools. Someone also suggested that lots of parents will have similar issues, not just parents of children with SEND. So, the discussion went from considering systems issues like the need for more SENCo training to practical things like annual performance discussions with teachers which includes parental dialogue about SEN. One idea was that when an individual teacher receives information about a pupil, they have to sign that they have received it, and therefore they are immediately accountable for the use of that information.

It was also proposed that much could be learned from the early support programme, Achievement for All and the new teachers standards have aspects that can be used. There was also consideration of governors' accountabilities and how governors took their accountabilities for monitoring progress very seriously, but not necessarily the progress of children with special needs. A common feature in this discussion was the importance of leverage and finding ways of having an influence on these issues.

Group 3:

This group had a very wide-ranging discussion. Someone started off by saying 'If we asked this question ten years ago about some of these parent concerns, would we have heard the same issues?' The general view was that many of the same issues were also around ten years ago, so what has changed? It was also mentioned that many of the ideas and experiences were also picked up and worked on in the Lamb Enquiry.

The discussion then moved towards the Achievement for All ideas, particularly the structured conversation; the importance of listening to parents. The work done on Achievement for All in Camden local authority was then reported. This led to much discussion about how it was organised. This led to the idea that the elements of the Achievement for All model might be relevant to what is contained in the local offer. There was some indication that that the local offer was going to be formed in some way based on this model in Camden. This relates to the afternoon session that was about local authorities and the local offer.

There was a very strong sense of the importance of inclusive leadership, management and governance. This idea of listening to parents and showing respect and addressing some of their concerns really depended on school leadership and management. However, there also needed to be some recognition of the variability between the schools and even within schools in how staff relate to parental concerns.

Finally, there was also some discussion and worry about the robustness of the Ofsted system, as the evaluations were very target and data led, and whether Ofsted was actually picking up some of the variability in how schools relate to parental concerns. This worry extended to how Ofsted inspections are done across schools,

as there is only a two days training on special needs for Ofsted inspectors. There were also issues about the scale of the issues, given the variability of schools and the concentration of children with difficulties and disabilities, or vulnerable children across schools. Was there enough resourcing to enable some of these practices to be sustained?

Group 4:

This group focussed on how school quality for SEN fits in with a very prescriptive top down general accountability for schools around attainment, compared with a more liberal tradition where initiatives are more bottom up and people are endeavouring locally to promote quality without that same kind of prescription. So, it was recognised, on one hand, that in terms of the balance of national priorities SEN does not figure that highly; other things are more important and that is always going to be the case while we have a certain kind of political system in place. On the other hand, opportunities for leverage need to be sought. The issue is that if there is a system where leverage is through individual parents pushing for quality and expectations for their children through Statements or Plans, then there will not be much impact on the broader accountability, which is less dependant on what individual parents do. Was this fair?

The discussion then moved to the local offer, with queries about whether the local offer could give much purchase on quality. The focus then turned to how to use the local offer to promote quality services. The discussion moved on to some actual approaches to leverage. For example, with Ofsted, how could the new framework be used to find a way of more systematically feeding parental experience to Ofsted. At the moment parents can contact Ofsted and they can say, 'I'm having a dreadful time with this school, I'm raising this as a concern about this school'. But, that can be very anecdotal and individual. Also, some parents would not want to go down that direction. The group considered other ways of producing evidence of good quality that was less anecdotal and more collective. The example at a national level of the national health entitlement indicators was also raised.

Finally, the group touched at the end on the role of local authorities in the future and the ambivalence about what local authority roles might be, given their commissioning rather than providing roles. It might release local authorities a little from the pleasing schools agenda and so be able to provide more challenge in relation to school quality in this kind of area.

Chapter 4:

How will accountability work in the new SEND legislative system?

Penny Richardson

The changing accountabilities of Local Authorities and the roles they could / should play in a more devolved context

Introduction

A key challenge for Local Authority strategic management of SEN has been the progressive incompatibility of the 1981 Education Act (in particular the position of statements) with the modernisation of the education system. The continuing and dynamic changes in the balance of power, influence and responsibility between Local Government, Whitehall, Schools, Academies and parents have added to these challenges.

The development, over time, of an autonomous, state-funded, self-governing structure of schools and education settings, in the context of creeping disincentives for schools to include pupils with learning difficulties, has led to the development of a competitive culture between and across schools, competing for the pupils that will reach the highest academic standards. This suggests an imbalance of pupils with SEN across mainstream schools.

In 2002 the Audit Commission² (para 45) described as a “magnet effect”, the situation where some schools became known for developing an inclusive ethos, giving more confidence to parents of children with SEN than others. The risk identified by Audit Commission was that:

“.....individual schools may become over-stretched and a polarised pattern of provision develop – restricting parental choice and effectively letting other schools off the hook.”

This remains a continuing concern of many schools.

Over the past 20 years, new legislation for SEN (1993, 1996 and 2001) has rebadged the same system that was developed through the 1981 Education Act.

2002 - 2012

The challenges of implementing the statutory SEN framework, within a changing relationship between Local Authorities and schools – largely driven by a shift in locus of power and responsibility, has been well articulated, including by Ofsted and Audit Commission. In 2002³, Ofsted describes Local (Education) Authorities as increasingly meeting the challenge of their developing role to support school improvement, although it described the expectation that LEAs should have a major effect on pupils’ standards as “*unrealistic*”. In this context, Ofsted found that LEAs were:

“....less effective in developing strategies for inclusion of pupils with special educational needs (SEN), partly because of the constraints within which they work, a result of national policy regarding individual SEN statements.”

Ofsted³ describes the SEN statutory system as a structural issue that acts as an impediment to progress, and comments on the:

“lack of reasonableness in the system within which LEAs have to work that impedes their efficiency.”

In 2002¹, in “Statutory Assessment and statements of SEN: in need of review?”, the Audit Commission highlighted the importance of a

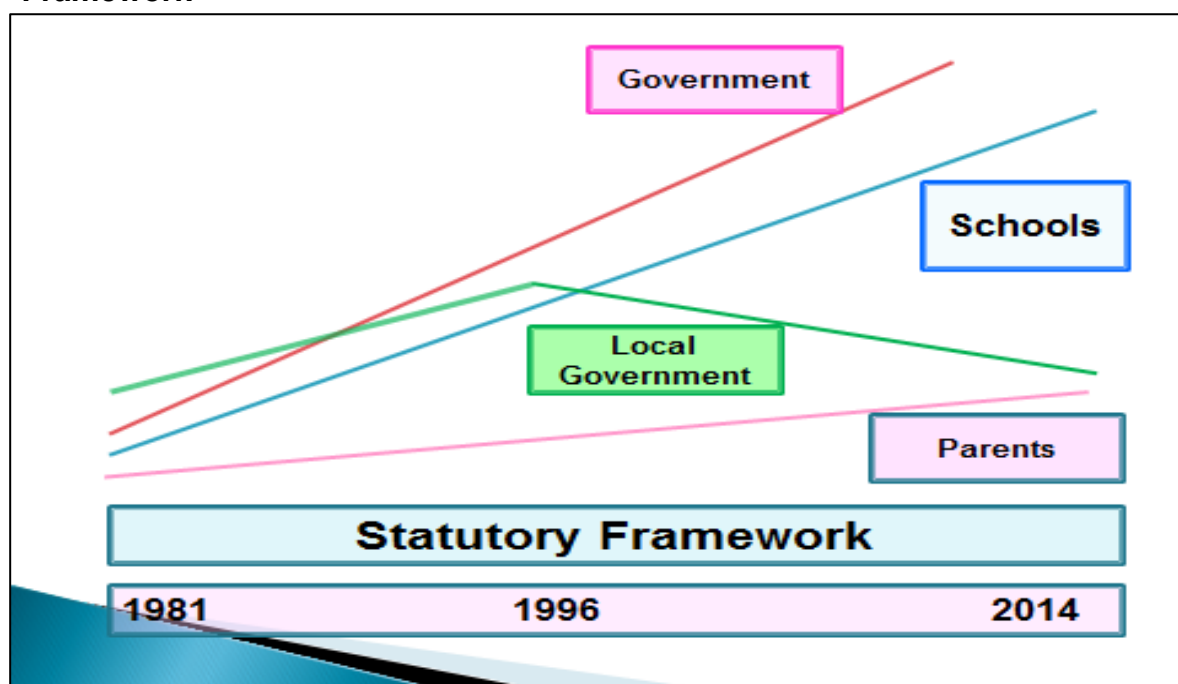
“.. carefully managed move towards a school-based approach to funding the majority of special needs, linked to the development of effective monitoring procedures to ensure that provision receive the provision they need in school.”

The work of the Audit Commission, provided a steer on how approaches to funding of schools could encapsulate the funding of individual pupils with SEN, and introduce a focus for monitoring that went beyond the statutory annual review of a statement. The same report that explored how parents could be provided with more assurance, reflected on the 1978 Warnock Report⁷ and concluded that:

“...key parts of the statutory framework no longer reflect the reality of today’s system of education.”

Figure 1 below illustrates the direction of increasing influence and control generally in relation to Government, Local Government, Schools and Parents within the education service, showing the flat trajectory of the SEN statutory framework from 1981 to the date at which expected changes to the SEN system may be enacted some 33 years later.

Figure 1: Changes in Influence and Power against No Change in Statutory Framework



Some seminar participants said they found it hard to conceptualise the role of a parent in this framework. The diagram below is intended to indicate that the casework level of parental rights to appeal decisions, and the impact of feedback from mediation services and Parent Partnership services, is such that Local Authorities should be able to identify where provision continues to dissatisfy parents and where there is a need to address recurrent and common expressions of concern. This is where the parents voice can exercise a higher level of influence on Local Authority spend and commissioning priorities.

In 2005, referring to the continuing system of statementing (focal to the SEN statutory process) Baroness Warnock⁶ (p54) expressed her conviction that:

“ ... that the present system of statementing, however lovingly ministers cling to it (as lovingly, indeed, as they cling to A levels), must be re-examined and put to different use if it cannot be abolished. This is for many reasons, but one is enough: it is wasteful and bureaucratic, and causes bad blood between parents and local authorities and schools.”

There was no disagreement that the statutory system was becoming increasingly tortuous to manage. So it was unsurprising that, also in 2002, the Audit Commission⁴, described a:

“..great variation in SEN policy and practice across LEAs in England and Wales....”

This was illustrated by comparative data on:

- the amount spent on SEN,
- the level of SEN budget delegation,
- the proportion of children with statements,
- the proportion of children attending special schools.

Ten years later, the annual 2012 pupil level census¹² showed the wide variation across Local Authorities in the proportion of children with statements and proportion of children attending special schools remains.

Although School Funding Reform guidance (2012)²¹ has set benchmarks for the amount of delegation to mainstream and special schools for “core” or “notional” SEN provision, the overall funding of Local Authorities is such that per pupil values vary significantly. In 2011/12, Local Authorities’ planned (section 251) budget statements showed a variation in per pupil ISB values from £2,274 to £7,277, with an England average (mean) at £4,502.

Inconsistencies in funding values, statements, placements remain. In 2010, in its report “The Special Educational Needs and Disability Review: A statement is not enough”⁵, Ofsted said,

“... despite extensive statutory guidance, the consistency of the identification of special educational needs varied widely, not only between different local areas but also within them. Children and young people with similar needs were not being treated equitably and appropriately: the parental perception of inconsistency in this respect is well-founded.”

There remains an enduring, and as yet unsolved, challenge in meshing the statutory SEN system with the developing role, function and responsibilities of the Local Authority.

National strategies, commissioned reviews, good practice guidance were a feature of the New Labour approach that influenced and linked LAs and their schools, establishing an articulated role for Local Authorities. The legacy of this period was the “Waves” of intervention and proactive communication from Government to Local Authorities, which quickly disappeared with the new Coalition Government. This was characterised for many SEN professionals as a contraction of the practice and process dialogue in SEN. The entente disappeared, almost overnight.

Another set of challenges presented themselves to Local Authorities in their strategic management of SEN. This was not because there was any greater clarity of understanding about the challenges for schools and LAs in providing for SEN. It was because of a driven determination from Government that parents’ confidence could be increased through schools that secure better results, and through the provision of greater choice for their children.

Responsibility and accountability

The administration, by Local Authorities, of whatever SEN statutory framework emerges over the next year (2013), will be set in a context where many Local Authorities consider whether to discharge a range of responsibilities directly, or through an agent, or through a balanced combination of both. They manage by outcomes, commission by outcomes, monitor by outcomes and are monitored by outcomes.

The Commissioning Cycle was the subject of much dialogue in the post Climbié¹⁶ Every Child Matters activity of increased cross energy planning and collaborative working. In March 2006, on publication of the Joint planning and commissioning framework for children, young people and maternity services¹⁷, the Commissioning Cycle (Figure 2 below) was described as:

“....a tool for children's trusts – to build services around the needs of children and young people – and to deliver their outcomes most efficiently and effectively.”

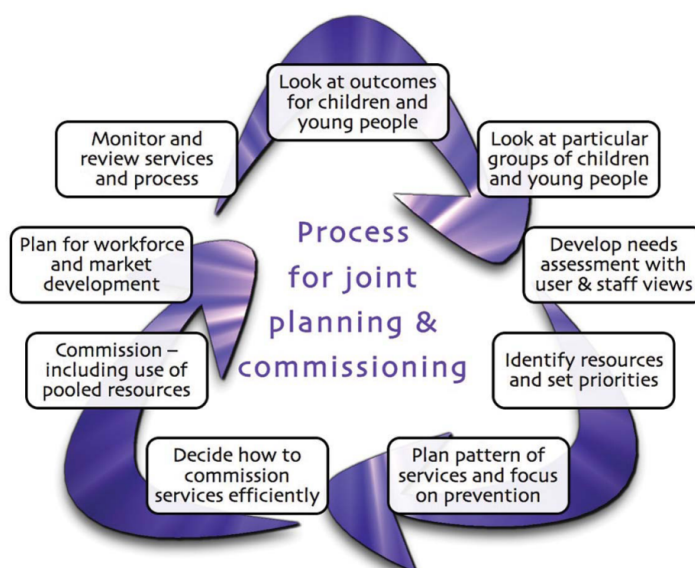
The expressed intention was (p4) to:

“help local planners and commissioners to design a unified system in each local area which will create a clear picture of what children and young people need, will make the best use of resources, and will join up services so that they provide better outcomes than they can on their own.”

This process focused directly on improving outcomes for children. It linked very closely with the work of the Children’s Trust for the area. In the seminar, presentation slides recapped on the increased freedoms and flexibilities of Children’s’ Trust Boards introduced by the DfE in 2010²⁰ when detailed guidance was withdrawn. The intention at that stage was to remove the duty on schools and colleges to co-operate

with the Trusts. This was not implemented pending the “working through” of the SEN Green Paper.

Figure 2: The Joint Commissioning Cycle



Source: Joint planning and commissioning framework for children, young people and maternity services, DfES / DoH (2006)

Within the education service, accountabilities have changed over time. Although the level of influence, power, and control of Local Authorities on schools in their area has changed, Local Authorities continue to have responsibilities for performance of schools in their area. Sir Michael Wilshaw has announced a sharpened accountability to Ofsted for the effectiveness of their (Local Authorities’) school improvement support⁹.

Herein a further difficulty: how Ofsted judges effectiveness of provision for children with SEN (progress outcomes, rate of progress, progress of cohorts (e.g. of children with SEN), is not how all parents judge the effectiveness of education for their children. The basis of many parent SEN appeals is in relation to input – the specificity of the statement – intensity, frequency, type of specialist intervention. These input measures are used to consider whether or not provision is suitable for children, and, when challenged, are also considered on comparative cost. Attempts to reframe how statements should be drafted through the National Strategies team in 2010¹⁸ were more outcome focused (page 26), but this has not been an approach that has been encapsulated in any updated statutory guidance. The new draft (Indicative) SEN Code of Practice¹⁹ (2013) indicates a distinct section on outcomes for the new Education, Health and Care Plan (EHCP). This may enable a stronger focus on accountability of schools for delivery, in addition to their current accountabilities for ensuring specified inputs are in place.

The debate (at March 2013) continues on responsibility for securing and funding the specialist non-school based provisions that are needed as integral parts of the co-ordinated special educational provision. Local Authorities want Health services to fund health interventions. Health services often say they can do it, but only if funded by Local Authorities specifically for this.

Multiple Commissioners and Value for Money

A theme arising from participant discussion at the seminar in February 2013 was the unreliability of current cross agency planning and integrated service delivery (around a child with SEN or school). This was attributed to the lighter weight responsibilities that attach to the health service, in particular, to fund and provide services determined on statements (to be EHCPs).

Does an apparent increased focus on parent as commissioner (direct payments, personal budgets) put at risk a Council's control over effective use of its resources? Is there a shift of responsibility for a child's outcomes, if a parent assumes financial responsibility for those outcomes? The Management of SEN Funding (DCSF 2004)¹⁰ linked the development of systematic accountability arrangements with the provision of clear information on SEN to parents, and on SEN budgets to schools. In this guidance (albeit another casualty of the new DFE archive), there is a strong link between responsibility and accountability, and decisions taken about how money is used. If parents are given some of the money for their child's education, so they can choose what they want for that part, then where does the responsibility for outputs and outcomes lie?

The answer must be in how this is monitored and the powers of accountability that attach to those who monitor and judge the impact of the provision / financial investment.

Monitoring and Accountability

In its submission to the Parliamentary Education Committee¹¹, the Association of Directors of Children's Services refer to monitoring at the individual child level, saying that ,

"...outcomes monitoring must be a requirement for all agencies and should be undertaken at points relevant to the intervention, not just at annual reviews or major transition phase."

Accountabilities by the NHS for the delivery of health inputs was a regular theme, with recurrent suggestions that regulations would be needed to hold health services to account. Structural solutions were suggested, for example, Peter Gray, specialist consultant, in his oral evidence to the Education Committee (October 2012)¹¹ suggested that the framework for evaluating and monitoring local offers could be strengthened in the regulations, and the school's aspect of it could be dealt with in the Ofsted framework.

Structural links within and between Local Authorities and Health and Well-being Boards were explored as a means to ensure a focus on provision for children in schools. Their role is principally related to health and social care. One Local Authority¹⁵ describes the role as:

“overseeing the new system for local health commissioning. It leads on the strategic planning and co-ordination of NHS, Public Health, Social Care and related Children's Services. Health and Well-being Boards were formally established in April 2012 with a view to them becoming statutory from April 2013.”

The Local Offer

Drawing on section 11 of the draft legislation, LA responsibilities within the Local Offer are set out below. A brief comparison has been made with the current position.

Figure 3: Local Offer – LA future responsibilities versus Now

Draft Legislation⁸ (September 2012)	Current legislation
Publication of Information s11(1) (2) and (3)	Yes - with additional requirement to cover health and social care provision
Regulations (s11 (4) may determine who is to be consulted, how it will be published, how children and parents are involved in the preparation of the Offer	No – current regulations do not determine this.
What must be included in the Local Offer s11(5)	Yes – but not all included within SEN legislation
Keep Offer under review	Yes

Source – draft SEN legislation⁸

The report of the Committee¹¹ (paragraph 139) encouraged the Minister to:

“ ... take up the offer from Ofsted to work together with the Department to create an improved accountability framework for achievement of SEN pupils in schools based on outcomes”.

If regulations do not determine clear responsibilities for monitoring and reporting on the impact and effectiveness of a changed SEN legislative system, at the level of:

- Government,
 - Local Authorities,
 - Schools, academies, free schools and early years settings
 - Organisations with statutory responsibility for services determined on a EHC Plan
 - Parents acting as commissioners of some or all provision for their child,
 - Parents whose children access service commissioned and provided by others
- and if the responsibility for monitoring is not clear, and the standards that inform accountability judgements, then little will be different to the current position.

Accountabilities by stakeholder

The first group task associated with this seminar is focused on an analysis of who is accountable to whom for what, and who monitors. The stakeholder groups are parents, schools, Local Authorities, multi-agency commissioning groups and Government.

The second task is to explore the connections between the same stakeholder groups, but in relation to their accountability relationships with the functions or roles with respect to the:

- Organisation of provision
- Resources – their use and impact
- Improving quality
- Commissioner
- Improving outcomes
- Provider

The objective is to see how far these two exercises will highlight any new accountability scenarios or dilemmas that have not been a feature of the dialogue on SEN accountabilities over the last 15 years.

New scenarios will provide the focus for further analysis of policy options arising from the new draft SEND framework. An example of one is that of multiple commissioners: a feature that may arise from the draft framework as it stands, where:

- Integrated commissioning to support the Local Offer is led, perhaps through Health and Well Being boards, by Local Authorities,
- Commissioning specialist SEN school placements is managed through the new school funding arrangement and the Education Funding Agency,
- Placement of children with EHC plans, and determining provision, will be driven by a legal process focused solely on the individual,
- Parents may be able to commission provision with personal budgets or similar.

How can coherence and value for money be assured with multiple commissioners? Does an increased focus on parents or schools as commissioners, put at risk a Council's control of the effective use of its resources?

Key Themes on Accountabilities from Seminar Participants

Discussion was reflective, analytical and reflected the range of experiences of those present. It ranged from pupil level discussion to blue skies analysis, and so, whilst there was a clear commonality across themes, the policy options and opportunities were rehearsed at a range of levels.

The common themes were:

1. Funding

The role and impact of funding: how funds were distributed; who distributed them; how the use of the funds was monitored and who was accountable for the related outcomes. The accountability for outcomes was generally seen to rest with:

- The person / organisation that targeted the money – deciding to spend £x on y service / activity,
- The person / organisation that determined how the service provider would deliver the commissioned service,
- The school / setting that would have overall responsibility for delivering the educational aspect of the EHCP in an education setting,

- The Local Authority that determined the overall structure of the plan.

2. *Different levels of accountability*

Definition of roles and responsibilities linked to the different layers of accountability appeared to be a critical issue for those present, in relation to the overall coherence in the Local Offer. The different layers included the child, parent, education setting / school / academy, Local Authorities. Parents would be accountable for decisions they take for their children. Schools would be accountable within their community of schools for the part they play within the Local Offer, as well as to children on their rolls for their outcomes. Local Authorities retain accountability across their area for outcomes for all children.

Not all groups were agreed about the potential nature and scope of the accountability at each level. The personalisation agenda (or focus on the individual through the new SEN statutory process) was generally seen to sit uncomfortably with the notion of collective responsibility, because of the potential for the issues relating to one child (the Tribunal was mentioned) to fracture the equity of structures, funding and planning for all.

3. *An Accountability Framework*

A framework is necessary to link all those that make decisions or deploy resources. This should be part of the Local Offer.

The Local Offer could include expectations of layered provision planning (e.g. personalised provision maps; places in schools; funding for additional support)

The Local Authority retains the key role as commissioner, for procurement, and to establish and sustain local offer in the multi-commissioner, multi-funder canvas for the future.

4. *External Standards*

The development of an equivalent to NICE (National Institute of Clinical Excellence) – National Institute of Educational Excellence - was suggested as a means to give sanity and balance – looking at what works for individuals and groups with SEN – perhaps focusing on specific interventions and providing a coherent and national view.

5. *Parent accountability*

In considering how complaints and appeals drive resources, the notion of a user body for parental accountability was discussed. A balanced, effective and evidence based parental voice, which would deal with broader thematic concerns, was articulated as necessary.

6. *Commissioning beyond education services and school places*

The potential for the contribution of Health and Well Being Boards may be underestimated. The high level indicators (e.g. attendance) focus commissioning on education matters but at a collective, not individual level.

Concluding comments :Policy Options & Opportunities

The varying “levels” of discussion – from child interventions to strategic direction – makes the identification of Policy Opportunities and Options difficult to crystallise. It is clear that current approaches to accountability are fraught with in-built conflicts and tensions. Some of these are rehearsed above. The Policy Opportunities and Options described below are drawn from a combination of the analysis set out above and the recorded comments from the Seminar.

Policy Opportunities arise from how:

- the Local Offer is described, and how the review, evaluation and monitoring of the impact of the use and distribution of funding is included in the Offer,
- the potential is used to “design out” risks inherent in the current designs and structures of SEN provision continua and strategic support in Local Authority areas,
- the ability is exercised to formally engage external partners in the provision of specialist services, secured through performance driven tender processes, and with parents and multi-agency services involved in the specification processes,
- the need is articulated to be very clear about respective roles and responsibilities in developing an accountability framework – defining by systems role as opposed to role in the SEN provision structure, e.g. as broker, provider, funder, commissioner, reviewer, monitor.

The Policy Options for Local Authorities will arise from decisions taken about what role the Local Authority wants to play. Three broad options are articulated below:

- i. For some Authorities this will be driven by a cross Council drive to adopt one type of role in its area, or adopt one style of operation, e.g.:out-sourcing,
- ii. For other Authorities, the approach will be influenced by the selection of the role that secures maximum influence and impact in developing confidence, competence, capacity and value for money in SEN across schools, colleges and education settings in the area,
- iii. For others it may be that the emphasis on maintaining relationships with stakeholders and / or the electorate is the driving factor.

How the Government puts its planning for the new statutory SEN regime into the context of the current structure of education service development, seems generally insufficient and lacking strategic insight. With the weight of discussion nationally on sustaining and increasing the rights of parents on behalf of their children, it is not surprising that there is little clarity about the framework for accountability. This about having a more coherent system that will evaluate the impact of the new arrangements on children, their families, the wider community within Local Authorities and the effective and efficient use of increasingly limited resources. Pathfinder Pilots have yet to report, and the issues of accountability are likely to emerge. Legislative reform has progressed in the absence of this feedback, and with a framework for accountability that is unclear and vague. Annual reviews of EHC Plans on the one hand, and Ofsted inspection of schools, colleges and settings on the other, is a replication of what exists now. It is likely to be inadequate in providing the levels of confidence needed across providers and parents. Relocating commissioning responsibilities just adds another layer.

It maybe that the Policy Challenges are exactly as in 2003, some ten years ago, when Ofsted said that the “*policy regarding individual statements*” constrained the ability of Local Authorities to develop effective strategies for Inclusion, and that the “*lack of reasonableness in the (SEN statutory) system*” is an impediment to Local Authority progress³.

References

1. Audit Commission, *Statutory Assessment and statements of SEN: in need of review?* Audit Commission, 2002
2. Audit Commission, *Special Educational Needs: A Mainstream Issue*, Audit Commission, 2002
3. Ofsted, *Local education authorities and school improvement 1996–2001: A report on the first cycle of inspections of local education authorities, conducted between 1996 and 2001*, Ofsted, 2002
4. Audit Commission, *Managing Special Educational Needs: a self-review handbook for LEAs*, Audit Commission, 2002
5. Ofsted, *The Special Educational Needs and Disability Review: A statement is not enough* Ofsted, 2010
6. Mary Warnock, *Special Educational Needs: a new look. No. 11 in a series of Policy Discussions*, The Philosophy of Education Society of Great Britain, 2005
7. *Special Educational Needs – Report on the Committee of Enquiry into the Education of Handicapped Children and Young People*, HMSO, May 1978
8. The Secretary of State for Education, *Draft Legislation on Reform of provision for children and young people with special educational needs*, HMSO, 2012
9. Sir Michael Wilshaw’s announces new measures to tackle local area underperformance to the North of England Education Conference
<http://www.ofsted.gov.uk/news/ofsted-chief-inspector-announces-measures-tackle-local-area-under-performance>
10. DCSF, *The Management of SEN Expenditure*, DCSF (2004)
11. All references to the Parliamentary Education Committee (2012/13)
<http://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/inquiries/parliament-2010/sen/>
12. Department for Education, *Special Educational Needs in England - January 2012* DfE, July 2012
<http://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00210489/sen-england-jan-2012>
13. Audit Commission, *Are we there yet? Improving governance and resource management in children’s trusts*. Audit Commission, 2008
14. A new approach for Children’s Trusts
<http://www.education.gov.uk/a00202982/anewapproachforchildrenstrustboards>
15. <http://www.worcestershire.gov.uk/cms/democratic-services/committees-and-panels/holder/health-and-well-being-board.aspx>
16. Lord Laming, *The Victoria Climbié Enquiry*, HMSO (CM 5730) (2003)
17. HM Government, *Joint planning and commissioning framework for children, young people and maternity services*, DfES / DoH (2006)
18. National Strategies, *Improving the quality of statements of special educational needs: Good Practice in writing statements*, DCSF (2010)
19. DfE, *Indicative Draft: The (0-25) Special Educational Needs Code of Practice*, (2013) DfE

<http://media.education.gov.uk/assets/files/pdf/s/sen%20code%20of%20practice%20indicative%20draft%20for%20committee.pdf>

20.

<http://www.education.gov.uk/childrenandyoungpeople/healthandwellbeing/a00202982/anewapproachfor-childrentrustboards>

21. Department for Education, *School funding reform: Arrangements for 2013-14*, DFE, 2012

Chapter 5:

Summary of discussion in groups following 'Changing accountability in local authority' following Penny Richardson paper.

The groups discussed issues arising from presentation about accountability at local authority level. Here is a summary of the group deliberations.

Group 1

In this group the focus was on the local authority (LA) role and that it was difficult to conceptualise the parents' role in this framework. The LA needs to be able to respond at the strategic / planning level to the case level and be clear about the difference between delegation and devolution; if needs be, also be prepared to withdraw funding. The LA also needs to be clear about the distinction between procurement and commissioning.

How the LA was going to articulate the role of champion was also examined and that this role could be in conflict with a provider role. One option that was suggested was to consider using an adversarial process to learn; by comparing provision across schools, LA and regions.

There was also a need for LAs to retain coherence in some form; it was not just about budgets but commissioning and all that goes with that role. It was also suggested that the Local Offer (LO) was a nebulous concept. The LO should reflect the transition points and the coherence of provision. Where practice is good and partnerships are clear, this needs to be highlighted and shared in the LO. Some thought that the role of scrutiny at a national level had seemed to work well. LA could learn from this and raise their game in the scrutiny role.

Group 2

This group addressed the question of how parental representatives could be on a LA strategic group. Key questions were about who is accountable and how are LA processes transparent? This relates to the importance of evaluation; greater clarification of roles and responsibilities and purposes with more partnership and co-production.

Accountability needs to be understood in terms of different levels: parents to children, schools to their communities and LA to all children. Some considered that there can be tensions between collective responsibility and a personalisation agenda. Was it reasonable that tribunals look at the individual needs of the child? Do parents pursue the 'best' for their child?

In this group these policy opportunities were considered:

1. The funding reform 2013 based on policy and principles of the Green Paper (Support and aspirations) and the use of the Health and Well-Being Boards. Sharper priorities were required to reallocate spending.
2. A system like Health Watch – a users' body – for accountability for parents, in which complaints can influence use of resources.
3. Development of National Institute of Educational Excellence; a version of NICE to give sanity and balance. The focus would be on 'what works'. The focus would be on interventions e.g. ASC, literacy etc.

This group also covered some related issues. There were concerns about different stages of provision; the early years stage was more positive, while secondary schools were less ready to take on parental views. The value of partnership work should not be under-estimated. For example, the parent and child voice could be used in producing the local offer. Finally, the question was raised: how can parental voice come to be more influential and effective?

Group 3

For this group accountability was assumed to lead to transparency; if you spend the money, you are accountable for it. Funding is finite, so we must be accountable for how we share it out. Other topics covered in this group were about:

- whether to achieve more Tribunal accountability there was a need for more training?
- will a NICE equivalent for SEN help discussions with parents?
- whether using Ofsted as a police system was a good role for it?
- are schools familiar with and using the Equality Act?
- the tensions between rhetoric v. reality of provision and centralism v. localism

Some broader issues were also examined. There were about the difficulties and challenges over budget holders and responsibilities in different legislative frameworks. With the Government pushing responsibilities to schools, will this address school based issues given that school accountability becomes even more important. Government policy is driven by the belief that market forces will manage the system and police the system. The concerns were about the framework to support this. However, the group concluded that regardless of the legislative and accountability frameworks, provision is more impacted by funding arrangements.

Group 4

For this group one of the key issues was that decisions about commissioning will be dominated by narrow outcome measures. This raises the basic question of how to assess value, who is commissioning, what for and for whom?

Some suggested that partnership was a better way to proceed. Purchasing is different from commissioning. The latter is a more holistic and pro-active process of predicting needs over a period of time, with purchasing or procurement as part of this.

Others considered that the role of the Health and Well Being Boards was overlooked in the presentation. For example, in the Health outcome forum pupil outcomes are used as indicators, e.g. school attendance. This system could be seen as not a bad successor to the previous Children's Plan.

The new funding model was also discussed. The £4K per pupil is the basic pupil unit (AWPU). Schools will provide the next £6K from funding for disadvantage with the LA providing additional funding only after £10K. It was outlined how in Hertfordshire the LA delegates some funding to individual schools and the rest goes to a partnership of schools. However, the LA might need to change the balance of this with new system later this year. Once funding is above £10K this will be based on individual needs; this raises issues about accountability.

Finally there was discussion about the LO, which was regarded as an information duty. Currently the LA sets out what schools have to offer. So, the Local Offer builds on current requirements. In North Yorkshire the LO is seen as the SEN strategy, using provision mapping e.g. for SpLD. This gives details such as about dyslexia friendly school practices, the use of key words and the use of the Wave model. The challenge will be for schools to show parents what they are doing for their children. Using personalised provision maps can build trust and confidence.

Chapter 6:

Accountability, the Local Offer and SEND Reform: a Cultural Revolution?

Brian Lamb

Introduction

One of the Government's major aims for the SEND reforms has been to address confidence in the SEND system by improving accountability and ¹enhancing parental control and choice.¹ This follows from a number of reports that all called for a more accountability to parents in the SEND system.² The proposed Local Offer is the main measure in the Children and Families Bill and its stated aim is to ensure that: "Children, young people and families will be able to develop the local offer with the local authority to ensure that it focuses on local needs. This will make services more responsive and more accountable."³

Confidence and Public Service

How we define confidence in public services is important to discussions about how to achieve it. Hart distinguished between four different types of potential reactions to public service;⁴

- Confidence: having trust in something based on strong evidence;
- Satisfaction: something is adequate, acceptable, fulfils needs;
- Trust: based on limited evidence;
- Faith: requires no evidence, unquestioning acceptance.

As the typology illustrates confidence is secured through having strong evidence of something working and is related to satisfaction in services. What needs to be avoided is trust based on limited evidence and faith that things will be fine without any evidence.

As James argues levels of expectation of a service may influence levels of confidence. High expectations that are not met or low expectations that are exceeded can lead to decreases or increases of confidence. The issue of confidence is therefore predominantly a relative one and depends crucially on pre-existing perceptions and also how expectations are framed, addressed and managed. Parent's expectations are shaped by their early engagement with services. Where these experiences are positive and needs are met confidence is maintained, where not, parents begin to lose confidence and future expectations and demands are raised as parents battle the system to find the support their children need.⁵

There is a large evidence base on what parents want from SEND services but the key areas that are most relevant for thinking about the Local Offer are:

- Appropriate and timely recognition of a child's needs by professionals;
 - Knowledge and understanding of staff about a child's difficulties and needs and accurate assessment of needs;
 - * The willingness of the service/school to listen to their views and respond flexibly;
 - Access to specialist services and someone who understands "my child";
 - Confidence that the services will continue to be there for me and my child in the future;
 - Decisions are transparent and information about entitlements and what is
-

available to making informed decisions and exercising “choice”.⁶

A successful “Local Offer” therefore would have to take into account these factors in building confidence.

Taking more account of Service Users

Until now there have been attempts, either directly through greater parental involvement in planning mechanisms,⁷ or through greater participation at the school level and innovations such as the parental conversation in Achievement for All, to help embed parental views in the system.⁸ Alternatively a number of proxy mechanisms replicating consumer choice including personalisation, marketization of services or personal budgets have also been introduced in some service areas.⁹ What has driven this is the recognition that better involvement of parents also helps service improvement. Essentially by ensuring that services are being better tailored to need and so resources are used more effectively as a result.¹⁰ This was borne out in the Lamb Inquiry evaluation of pilot projects, forerunners for some of the pathfinder innovations, which showed that:

“Fundamental to success was the commitment of Local Authority’s to true, not tokenistic or paternalistic parental engagement and a clear aim to improve confidence and work collaboratively with parents”¹¹

Further the case for greater involvement in parents at school level to produce better outcomes is already well established in the academic literature if often overlooked in the debate on accountability.¹²

The Context for the Offer.

When Sir Keith Joseph reflected, on becoming Secretary of State for Education, that “I have spent thirty years trying to get my hands on the levers of power and now I have I find they are not connected to anything”, he could have been describing where Local Authorities now find themselves. Local Authorities now work in an Education system where:

- Devolution of SEN budgets and powers to heads makes for a more complex operating environment and less central resources to leverage change;
- Less control but retaining responsibility for ensuring sufficiency of provision, strategic direction and aspects of quality assurance;
- Extensive duties to co-operate with other statutory agencies, but little means of enforcing the results of that co-operation or bringing unwilling partners to the table-though the introduction of the duty to jointly commission services starts to address this;
- Parents who still look to Local Authorities to secure specialist support even where responsibility may now rest with the Schools - see the recent OFSTED inspections of “worst performing authorities”;
- Parental aspirations are increasing not least driven by a culture in health where personal budgets for short breaks are becoming the norm and a personalised approach to services is replacing more standardised notions of the service delivery.

This all suggests both major challenges for any new accountability measures, but also a major opportunity for Local Authorities in finding a new way of exercising strategic leadership, albeit in new partnership arrangements.

Improving Confidence-Regulation or Culture Change?

The key question has become, can confidence in SEND provision best be achieved through increasing regulatory control directly through more specific requirements on statutory authorities with enhanced legal redress when services do not deliver. For example, the proposal to split assessment and provision floated by the Select Committee on Education in its report on SEN.¹³ This risks continuing to institutionalise conflict in system. Or, should accountability be sought through introducing a framework that requires planners and services to engage with parents to change the service culture. But, then leaves the process of engagement to determine the service offer available to them within some very broad national criteria?

All legislative solutions in this area will contain an element of tightly specifying service entitlement for those with complex needs where extensive assessment, service co-ordination and significant resource allocation is involved. This is continued in the revision of the current framework in the move from statements to the Education Health and Care (EHC) plans and enhanced responsibilities for health. The SEN framework is also unique in public services in giving a legislative guarantee for services, specified in the assessment process, and also containing accountability measures through mediation and the Tribunal, if there are disagreements.

However, this is complemented by a much broader strategy which aims to alter the service culture in which accountability is delivered across the whole of SEND, including those with an EHC plan. By putting in place a framework to consult about the suitability of services and ensure greater transparency about what is then on offer and a complaints mechanism, when that is not delivered. The Local Offer builds on the Core Offer developed as part of the Aiming High for Disabled Children programme. This had already embedded the concepts of greater transparency of what services were on offer in health provision including good information to help parents make choices and the principles provided some of the model that has been extended into the current Local Offer.¹⁴

The Local Offer aims to build on that approach by putting in place mechanisms that build “voice” into the system with the aim of lessening conflict and increasing confidence. Thus rather than put more defences into the system for when things go wrong, it seeks to improve the openness of the system and ensure greater appropriateness of services through greater parental engagement and appropriate information.

The Local Offer

With the Government having now tabled the regulations¹⁵ for the clause’s that define the Local Offer we are in a much better position to see what will be required.

Essentially the Regulations entail a three-pronged approach;

1. Enshrining the principle that Parents, children and young people have to be consulted in the production of the Offer including what the Government has referred to as “co-production” in shaping of the offer;

2. That information has to cover the range and extent of services and eligibility criteria which are encompassed in the Offer, describing the services involved and their approach;
3. A limited formal accountability mechanism for parents to be able to complain about gaps in services outlined in the Offer and make overall comments about the Offer which the Authority has to keep under review and respond to.

The requirement of what information the Offer should cover is very wide and includes all Education, Health and Social Care provision including the quality of services and outcomes achieved, assessment arrangements, training provision, transport, mediation arrangements and rights of appeal, to name but some.

The Offer does simply require greater accountability through greater transparency about provision, but crucially by requiring that it is co-produced with parents and young people and then monitored. It is therefore both a commissioning framework that has the capacity to translate parental aspirations into service plans and also allow them to monitor the results. It therefore represents a major shift in how services should be developed at the local authority and school level.

Consistency of services between different authorities has also been a major concern and the framework for the offer is indeed to allow a level of comparability between different authorities. The authority also has to publish information on the quality of the existing content of the offer, gaps in the offer and how it is going to be developed and reviewed. Authorities also have to illustrate their approach to the EHC plan and personal budgets and any other services which form part of the Offer. The indicative code therefore goes far beyond the basic requirement to produce a “yellow pages” of local services and should ensure that Offers across different local authorities are comparable.

There is however considerable debate over what type of accountability this will deliver - in that it is different from formal rights to particular services, but does give rights to an audience and process of engagement which expects their voice to be heard and listened to and to receive a response to perceived failings. The complaints mechanism in the Offer secures a general level of redress in respect of the overall offer of services or a particular service provider, but not individual entitlement or a guarantee of service. It also allows gaps in services to be identified and for Authorities to respond to these are partly their duty to ensure sufficiency of provision. It may well be, as the Green Paper envisaged, that the Local Offer will be taken into account if individuals go to a tribunal in judging what should have been available to that individual. However, it will always be complex, outside of the new EHC plan, to achieve this as a statutory right as it would in effect extend the same legal protections beyond the current statutory process to all children.¹⁶ On the whole attempts within the Local Offer to address individual entitlement are trying to work at the wrong level of accountability. A process for engagement and review will not be able to deliver individual entitlements that mirror the current statement and proposed EHC plan.

The measures also require Local Authorities to demonstrate evidence for the approaches they are taking to achieve better outcomes. There is not a good enough evidence base for effective Pedagogy¹⁷, and also continuing concern for the way in

which Teaching Assistants have been deployed. Teaching Assistant hours are still the currency on which the system operates and therefore the focus on outcomes not inputs should help to address these issues over the long term as authorities and service providers are challenged over practice.¹⁸ The requirement to demonstrate outcomes is also mirrored in the Schools information requirements so the focus on outcomes will have run through the whole framework.

There is a wide range of cooperation duties within the Children and Families Bill which also impact on obligations of statutory bodies to cooperate. These are strengthened by the joint commissioning duties for children and young people with SEND, both those with and without EHC plans. There are of course also major touch points with other accountability mechanisms in the crossover between the new commissioning boards and the Joint Strategic Needs Assessments. The Local Offer is also expected to encompass other service areas such as short breaks services and other cross cutting services.

The Local Offer, Schools and Funding.

The shape of the Offer is intimately bound up with the new funding framework for schools especially at the School level of the offer. The requirement for school to cover the first £6,000 of expenditure on SEN after the pupil allocation has in effect challenged all schools to look at what their prospective offer will be prior to the abolition of school action and school action plus. Schools and other education providers will be fundamental building blocks of the Local Offer given their control over the largest part of the devolved SEND budget. Many schools, in clusters or federated arrangements and Academy chains, are already looking to develop their own SEND resources with the move by many Authorities to either devolve specialist support or shift to a traded services model. In effect creating their own local or locality offer and this may become the model for future provision of specialist services¹⁹.

This is now supported by requirements in the indicative code of practice to deliver a school based offer which mirrors the broader requirements of the offer. It has to detail how SEN is identified, how progress is assessed, how parents and young people are involved and the expertise at staff level to address SEND issues. This sets the overall context for the schools based part of the Offer and the Government have also simplified and clarified the requirement on schools in terms of the requirements they have for informing and involving parents and sets a baseline for parental expectations and involvement.²⁰ This is also backed up separately through the new OFSTED inspection framework which has enhanced requirements for reporting on progression around SEND.

Funding will also set a context for the eligibility criteria and overall approach in the Offer, as it is likely that provision mapping will follow the basic outline of the schools funding framework with escalating provision from good whole school provision (the pupil allocation), through more specialist provision looking towards the additional £6,000 and then calling on the high needs funding block for very specialist provision. The criteria behind this will have to be much clearer in the Offer and most of the early frameworks produced by the Pathfinders have followed a similar pattern of trying to define what range of services might be available at each level of need and by what type of service, but no single model has yet emerged.

Pathfinders have also tended to follow the tripartite distinction of Education, Health and Social Care which continues to reflect their own assessment that these services will not be integrated in their delivery; continuing to have different legislative drivers, especially outside of the joint plan. Of course this may start to change with joint commissioning and also if parents start to question the division when the plan delivers these in a more integrated way.

Another key consideration for the Offers is how far they are going to be generic, in line with the indicative Codes typology of SEN needs²¹, or more specifically address particular SEND needs such as Dyslexia, Autism, Speech and Language and Sensory Loss in the way the Offer is framed. There will certainly be pressure from specific SEN groupings to produce Offers that follow best practice in relation to specific categories of SEN. Parents will need to be able to “see” their children in the framework but it needs to be flexible enough to address multiple needs that may go across whatever categories are used.

The Offer in Practice.

Early feedback from those Pathfinders working on developing the Offer has been positive where parents have been involved in working on the outline framework.²² This work has typically drawn extensively either on parent groups associated with Parent Carer Forums, who have brought their experience of working on the Short Breaks programme, or Parent Partnership services. There are a number of consultative models in operation from the obvious ones of internet surveys of parent’s views, to public meetings to consult on priorities, to more deliberative processes of small groups of parents working together on aspects of the reforms, as well as the more traditional working parties.²³

Many authorities have also brought together large groups of local parent’s organisations to feed into the process. But, as with previous consultative methods there are concerns that these accountability mechanisms can disadvantage parents and children who are often not part of the system due to exclusions with children with SEND now 9 times more likely non SEND peers to be in that position²⁴, those in home education and parents who do not participate in local networks. Also, there has been less evidence so far of how young people have had a voice in the local offer process, though there are some encouraging examples from the pathfinders beginning to emerge around young people influencing the EHC plans and assessment process itself.

Local Authorities will be challenged to think more about how they move up the ladder of engagement from simply informing parents to ensuring that they are fully involved in the process²⁵. There is also significant innovation in the development of different approaches to accountability. Rotherham have produced a parents charter which was initially developed as part of the Lamb inquiry projects, in which parents and the local authority worked on a charter of how they should be informed, how schools should deal with SEN and a set of criteria against which each school could be judged if it was meeting the Charter goals. This process not only encapsulated much of the thinking behind the local offer, but was adopted by the Local Authority for all its children’s and young people’s services. Durham’s Confident Schools Confident Parents has also developed a way of working with parents over local provision that seeks to combine delegated budgets and clearer information for parents to ensure

that they can have more choice and control over provision²⁶. Calderdale has invested building on early support services to improve parental resilience and confidence to work with statutory authorities, as part of its Pathfinder projects and other authorities have followed similar approaches.

The most successful projects have followed some of the key insights from accumulated research on what best constitutes good parental involvement. As Goodhall has suggested the key features of this are:

- Planning-Parental engagement must be planned for and embedded in a whole school or service strategy;
- Leadership-Effective leadership of parental engagement is essential to the success of programmes and strategies;
- Collaboration and engagement-Parental engagement requires active collaboration with parents and should be pro-active rather than reactive. It should be sensitive to the circumstances of all families, recognise the contributions parents can make, and aim to empower parents;
- Sustained improvement-A parental engagement strategy should be the subject of on-going support, monitoring and development.²⁷

The additional funding which has gone to the Pathfinders has allowed Local Authorities to develop different ways of working with parents but whether all authorities will have the same level of flexibility to innovate when not being specifically funded is a more open question.

To meet the challenges outlined in the indicative Code and regulations and ensure accountability to parents the Local Offer will have to develop in a way that:

- Demonstrate clear lines of accountability and responsibility in respect of parents' views being integrated into the system and invest in long term arrangements to secure this;
- Ensure that information on needs is captured and services commissioned from providers that better reflect these;
- Provide better information which can drive how the local marketplace for services develops and feeds into the local offer;
- Develop a forward looking analysis of the information coming from the EHC plans to inform parents and future service provision;
- Make strong links between the Local Offer and wider reforms including EHC plans, direct payments, short breaks, key working, early support and preparing for adulthood;
- Ensure they collect evidence of what works to demonstrate impact which goes beyond the performance data that education providers currently collect.

Importance of the Local Offer.

The Local Offer has been underestimated in discussions on the SEN Reforms. It requires, both in strategy and behaviour, a far greater shift in thinking than the flagship proposals around the new EHC plan, which are an extension of existing accountabilities.

The Offer is an attempt to restructure the relationships and culture in an overarching framework which seeks to end the conflict on SEND provision between parents and statutory authorities through encouraging co-production of services. It could also provide a more secure framework for the commissioning of future services by

establishing actual need from parents and young people. With Local Authorities' loss of other levers in the system, the Local Offer presents a major opportunity to develop a coherent strategic vision for statutory services with the users of those services. This would help to drive the conversation with schools about what future provision should look like, especially in the context of developed budgets and therefore what the schools offer will be to children with SEND.

Whether this opportunity will be taken remains to be seen, but it is difficult to imagine a more challenging local context, with continued budget cuts and the hollowing out of many specialist services, as the backdrop to these conversations. However, given the alternatives perhaps the advice of Obama's advisor not to waste a good crisis will also give the opportunity for some radical thinking about how services are structured and delivered. If it fails there will only be renewed pressure from parents and young people for more specific legislative guarantees that will clash with the Government's desire for more local accountability and control. By legislating for Local Authorities to engage with parents and young people it at least offers the prospect, that for any given level of resources, you will get the best possible and most publicly acceptable outcome.

It is up to local authorities and parents groups to rise to the challenge the Local Offer presents. If this cannot be made to work as an accountability mechanism and thereby reduce conflict in the system it will not be another 30 years before the next major reform to the SEND framework is being demanded²⁸.

-
1. Department for Education (2011): Support and Aspiration: A new Approach to Special Educational Needs and Disability.
 2. See for example Lamb Inquiry into Parental Confidence in Special Educational Needs. (2009) The Bercow Report. A Review of Services for Children and Young People (0–19) with Speech, Language and Communication Needs. (2008).
 3. DfE, Evidence Pack Special Educational Needs: Children and Families Bill (2013)
 4. Based on an analysis prepared by Linda Peacey and Nick Peacey for the Lamb Inquiry in Capita Children's Plan One-Year-On SEN Commitments: Information for Parents of Children and Young People with SEN and Disabilities Final Report April 2009. Annex 4.
 5. James, O., 2009. Evaluating the Expectations Disconfirmation and Expectations Anchoring approaches to Citizen Satisfaction with Local Public Services, *Journal of Public Administration Research and Theory* 19 (1) 107-123. Lamb Inquiry. DCSF (2009).
 6. For Example see Lamb Inquiry (2009), Parsons, S., Lewis, A. & Ellins, J., 2009. The views and experiences of parents of children with autistic spectrum disorder about educational provision: comparisons with parents of children with other disabilities from an online survey. *European Journal of Special Needs Education*, 24 (1), pp.37-58, Peacey, L.V., 2006. Is No News Good News? Exploring potential quality indicators in autism education. Institute of Education, The National Autistic Society, TreeHouse. Roulstone, S., and Ayre, A., Evidence from Parents and Children: contribution to the Bercow Review, (2008.)
 7. Department for Education, HM Treasury (2008) 'Aiming High for Disabled Children'

-
8. Humphrey N, Squires G (2010) 'Achievement for All National Evaluation: Final report' DfE.
 9. See for example the case made by PWC (2007) Market for Disabled Children's Services: a review. London: DCSF. Who were an early proponent of developing the market in this area as a means of bringing more accountability and diversity of provision.
 10. "Authorities that achieved the highest levels of service improvement were also the most likely to report high levels of engagement with the public" Communities (2009) Reforming local government: impacts and interactions of central government policies from 2000 to 2006 – Final report of the meta-evaluation of the local government modernisation agenda.
 11. Peacey, N; Lindsay, G; Brown, P. Increasing Parents' Confidence in the Special Educational Needs System: Studies commissioned to inform the Lamb Inquiry. Warwick University/Institute of Education. (2010).
 12. Desforges C, Abouchaar, A. (2003) 'The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Review' DfES Research Report 433. Harris, A. & Chrispeels, J. H. (Eds.). (2006). Improving Schools and Educational Systems: International Perspectives. London: Routledge Humphery, et el (2010)
 13. House of Commons Education and Skills Committee, Special Educational Needs, Third Report of Session (2005–06)
 14. The extension of the Core Offer was recommended in the Lamb Inquiry. (2009)
 15. Indicative Draft: The (0-25) Special Educational Needs Code of Practice. March 2013. The Special Educational Needs (Local Offer) (England) Regulations 2014. Illustrative Regulations for Committee Special Educational Needs (Information) Regulations Clause 64. Can all be accessed at <http://www.education.gov.uk/aboutdfe/departentalinformation/childrenandfamiliesbil/a00221161/children-families-bill>
 16. There is of course a statutory right to reasonable accommodations for auxiliary aids for children who are disabled but who may not have a single EHC plan.
 17. Rix, J, Hall K, Nind, M, Sheehy K and Wearmouth, J (2009) 'Teaching approaches and SEN: What pedagogical approaches can effectively include children with special educational needs in mainstream classrooms? A systematic literature review' Support for Learning: British Journal of Learning Support, Volume 24, Number 2, May 2009.
 18. Blatchford, P., Russell, A. and Webster, R. (2012) Reassessing the impact of teaching assistants: How research challenges practice and policy, Oxon: Routledge.
 - Webster, R. and Blatchford, P. (2013) The Making a Statement Project: Final report. London: Institute of Education, University of London.
 19. Cornwall have already adopted the model of clusters of schools as part of the changes being brought in their reorganisation. See SEND Pathfinder Programme Report March 2013.
 20. DfE. Indicative Code of Practice (2013)
 21. Communication and interaction; Cognition and learning; Emotional; social and behavioural development; Sensory and/or physical. DfE. Indicative Code of Practice. (2013)
 22. See for example SE7, Manchester and Calderdale for examples in SEND Pathfinder Programme Report March 2013 .
 23. Evidence from the Pathfinders. DfE. (2013).

-
24. Lamb, B. "SEN and Exclusions: a question of social justice." SENCO Update Dec 2012/Jan 2013 Issue 141.
 25. For more on this model see Involve People and Participation. How to put Citizens at the Heart of Decision Making. (2006)
 26. See Peacey et al 2010.
 27. Goodhall, J. and Vorhaus, J. (2011) Review of Best Practice in Parental Engagement. London. DfE.

Chapter 7:

The local offer as an accountability mechanism: core national qualities of the offer around which local offers could legitimately vary

Jean Gross

Introduction

Since Education, Health and Care Plans are likely to apply only to a small proportion of children and young people with SEN/D, the local offer looks likely to provide the only framework which the broader group of those with high-incidence SEN/D and their parents or carers can use to hold services to account. But if we have to put all our eggs in the local offer basket, how can we ensure it is not too full of holes to be useful? In this short paper I outline the core qualities (processes, features and parameters) which, if prescribed nationally, might plug some of those potential holes.

What parents/carers, children and young people need from the offer

Any discussion of processes and parameters starts from an assumption that the local offer must tell parents/carers and young people what they need to know. For parents, the questions the offer needs to answer might be:

- ▶ How do I get information about what will help my child?
- ▶ What help should my child's setting /school/ college be providing?
- ▶ What help will be available to the setting/ school/ college from outside?
- ▶ What will be different/extra in the way my child is taught and what they learn?
- ▶ What will be different/extra in the way they are cared for and looked after?
- ▶ What extra resources will my child get?
- ▶ What special expertise will the people who work with my child have? What is their track record of succeeding with a child like mine?
- ▶ What help can our family get, from the school and outside?
- ▶ What are the criteria for accessing support?
- ▶ How do I know who should be providing or funding what? When is it the setting/school/college's responsibility and when is it the local authority/Health/Social Care? Where is the dividing line?
- ▶ How and to whom do I complain if my child is not getting the support they need?

For young people with SEN/D, the questions will be somewhat different, for example:

- ▶ What's available to help me lead an ordinary life, like my mates?
- ▶ What's available to help me get qualifications, training or a job when I leave school?
- ▶ How can I get information about what's available?
- ▶ How do I get listened to?

Core national qualities of the offer: processes

The questions listed above come from my own experience of working with families over many years. They represent a personal view. Parents/carers and young people nationally may have a very different set of questions; every local authority area is likely to throw up its own local burning issues that should inform the information that the local offer provides. So the core processes involved in designing the local offer should begin by asking parents/carers, children and young people what they want from the offer - what questions it needs to answer. The offer should be designed bottom up to meet these identified needs.

A second key process factor should be developing the offer in partnership with service users, service commissioners and service providers. This means more than drafting the offer and consulting on it. It means a lengthy and time-intensive process of co-production. Parents/carers and young people might, for example, sit on the working groups that are developing the offer around particular types of SEN, together with relevant specialists from health services, the local authority and the voluntary sector. After securing the buy-in of head teachers, inclusion leads and SENCOs might work together to agree what should be provided at school level, using delegated budgets.

Schools, colleges and services will only hold to the local offer if they have ownership of its content. This sense of ownership will be person-dependent and therefore time limited. This means that a core requirement should be that, like a school's behaviour policy, the offer is regularly reviewed using the same participatory processes that led to its initial development.

Core national qualities of the offer: features

The local offer should be easy to use in an age of technology. Apps and web pages may be more accessible than print. Information needs to be searchable and capable of being probed at different levels – at the level of what has been agreed by all schools, say, as the provision that should be made under delegated school budgets, and underneath this at the level of what any particular named school or college provides. If it is to be genuinely useful to parents/carers, it needs to be **local to them**, so should be informative about provision that may be geographically close but made in a neighbouring local authority.

The language of the local offer should use a strengths not a deficit model of SEN/D, recognising that the most effective SEN/D support often comes from people who are not professionals, but family members themselves or members of their community, and from access to ordinary community services rather than those that are special and different. Professionals need to provide services that build on but do not replace the skills and knowledge held in the family and community. A local offer that, for example, provides parents with training on manual handling may see the need for additional services decrease.

Since building on family strengths and providing the support the family need is what enables children and young people with complex needs to stay in their local community, the offer should 'think family'. There is a risk that the education and health aspects of the offer focus only on provision and services for the child or young person. Yet, to give just one example, adult services for a parent with a mental health difficulty can be as important for a child's success in education as any education-only provision.

More prosaically, the local offer needs to be precise in drawing the line between what settings, schools and colleges should provide or commission from their own budgets, independent of the local authority 'high needs' funding block, and what the local authority should provide or commission over and above this. It must match at school level roughly what £6,000 per pupil with SEN/D can provide, and clearly define what high needs are.

This clarity about what schools should provide from their delegated budgets presents a one-off opportunity to up their game. The local offer can describe the varied provisions they should make or commission: specialist advice from teachers or therapists, funded time for class and subject teachers to co-plan and review with these specialists, training for staff so that they meet specific competences, evidence-based intervention programmes, resources to enable pupils to access the curriculum, and so on. It provides the opportunity we desperately need to move away from defining provision in terms of 'hours' of velcro teaching assistant (TA) support, which we know remains the most popular school SEN/D 'offer', yet which research has shown can lead to negative outcomes for children and young people with (Blatchford et al, 2012; Webster and Blatchford, 2013).

The local offer also offers the opportunity for local authorities and the NHS to up their game in terms of early intervention that is not linked to an Education, Health and Social Care Plan. The wiser local authorities and Clinical Commissioning Groups will appreciate that the more services they are able to provide to support settings, schools and colleges in meeting children and young people's needs within their non-high needs, delegated resources, the less will be the demand on the more expensive and highly specialist services and the high needs budget. The wisest of all will support settings, schools and colleges via integrated multi-agency teams providing a high level of expertise in relation to particular types of SEN/D: discrete teams of specialist advisory teachers, specialist higher-level teaching assistants, educational psychologists, therapists and CAMHs as appropriate, for autism spectrum disorder, speech, language and communication, moderate/severe learning disabilities, severe social, emotional and behavioural difficulties, sensory impairment, and physical impairment.

Core national qualities of the offer: parameters

Some emerging local offers, at the time of writing, appear to be conceptualising three different, parallel offers – one for health, one for education, and one for social care. This seems to me to make parents' job in unpicking what their child should receive more difficult, and neglect the interdependency of provisions from different agencies. The health offer in terms of speech and language therapy, for example, will depend on what is available at school-level in the shape of specialist TAs able to implement daily programmes, and class or subject teachers' level of understanding of how to enable children with SLCN to access learning in their classes. For me, then, one essential parameter of the local offer is that it should be integrated across education, health and social care, describing broad **levels of child need** and setting out what the different agencies will provide at each level of need under a number of parameters.

Table 1 below shows my view on what these parameters might be. 'Curriculum and teaching' covers parents' need for information about what will be different in the way their child is taught. 'Care' describes what education settings do to secure children's wellbeing (broadly, pastoral care, additional provision to meet social, emotional and behavioural needs and personalised extra-curricular activities). 'Training and expertise' would describe the competences and associated training which adults working with the child or young person should have. 'Resources' covers both human resources (personal assistant time, for example) and physical resources (auxiliary aids). 'Healthcare' would cover everything from CAMHS to nursing to therapies, and

‘Family Support’ social care, leisure and housing. ‘Transport’ speaks for itself. ‘Transition’ seems worth including as a distinct heading which would embrace arrangements for school entry, primary-secondary transfer, and the transition to adult life (training, internship, employment, benefits advice, leisure services and so on)

Table 1 Possible parameters for the local offer

Levels of need	Curriculum and teaching	Care	Training and expertise	Resources	Healthcare	Family support	Transport	Transition
Universal inclusive provision								
Additional provision made in settings, schools and colleges from delegated funding								
High needs Band A								
High needs Band B								
High Needs Band C								

The **Levels of need** constitutes another parameter of the local offer. Broadly, one level of need might be what settings, schools and colleges provide universally for children and young people, including those with SEN/D, that costs up to £4,000 – in the shape of inclusive quality first teaching, pastoral care and appropriate curricula. A second would be the level of need requiring additional interventions provided to the tune of a further £6,000, plus support from external agencies where these agencies or their commissioners have drawn their offer line so that they are able to provide at this level. A third would be the level of need that can only be met by provision that costs more than £10,000, i.e. requiring high-needs funding.

Where local authorities have historic Banding systems, like those devised many years ago in Bristol (see Table 2), it will be possible to arrive at definitions of need based on factors other than cost, and to break down the ‘high needs’ level into escalating Bands that will be able to support negotiations with special schools on high needs funding top-ups for individuals, and potentially support the allocation of personal budgets to children and families with Education, Health and Care Plans.

There can as yet be no assumption that the high-needs level **equates** to an Education, Health and Care Plan, however, given the welcome work in some SEN/D Pathfinders to trial such Plans for a wider group than those currently eligible for Statements .

A further issue for the local offer is to ensure that it contains a level of detail sufficient for parents and others to hold providers to account. At school level, for example, the universal/school action /school action plus provision maps constructed by Nottingham SENCOs (Weaver, 2012) or by Derbyshire local authority in its descriptors of special educational provision (http://www.derbyshire.gov.uk/education/special_educational_needs/default.aspref) provide this level of detail and are useful models which lend themselves to being adapted to fit the new SEN/D context.

Table 2 Bristol levels of need – extract from Special Provision Matrix

Academic curriculum*

Band 1: The child is to be taught within appropriate Key Stage, but requires carefully differentiated teaching within normal classroom programme.

Band 2: The child can be taught within appropriate Key Stage for age, but will need a planned programme to support his/her learning. Additional (mainstream) adult support required is not likely to exceed 10% of the timetable.

Band 3: The child is to be taught within appropriate key stage for the majority of time, though some modification of National Curriculum programmes of study may be necessary, to reflect attainments outside expected range for the relevant key stage in one of the core subjects. Alternatively there may be a need for modified means of curriculum presentation for some of his/her learning, because of sensory or language impairment.

Band 4: The child is to be taught within appropriate key stage for the majority of time but will require modified programmes of study to reflect attainments outside the expected range of levels for the relevant key stage in two National Curriculum core subjects. Alternatively there may be a need for modification of means of curriculum presentation for much of the child's learning, because of sensory or language impairment or (in Key Stages 3/4) reading difficulties.

Band 5: (equivalent to high-needs funding) Substantial modification of programmes of study will be necessary to reflect attainments outside the expected range of levels for the relevant key stage in all of the core subjects of the National Curriculum. Alternatively there may be a need for modified means of curriculum presentation for most of the curriculum, because of sensory or language impairment.

Band 6: The child is unlikely to be taught within appropriate key stage for any of his/her time in school. Arrangements for the child are likely to require total modification or (in very rare circumstances) disapplication of the National Curriculum.

Parents should be able to find their child in the local offer. This suggests to me that the offer should be constructed around broad need types: cognition and learning, social, emotional and behavioural difficulties, sensory impairment, physical impairment, and communication and interaction. It will be important to link provision to needs rather than diagnosis (see, for example, Lindsay et al., 2013), though there could be a case for separating out autism spectrum disorder in the offer as the classroom adaptations, interventions and service pathway are so distinct from other types of communication need.

Children do not of course, fit neatly into the single broad need types proposed here, so many parents would have to do some mixing and matching from more than one need type to see what should be happening for their child. If we imagine a child with an intermittent hearing loss, moderate learning difficulties and mild behaviour difficulties, for example, this mixing and matching would be necessary. Nevertheless, neither can the local offer describe all the provisions this child might access – that would be in the realms of an individual plan, not a local offer.

Finally, the local offer must provide parents with descriptive information on how the SEN system works (such as how decisions are made, how to complain or appeal and to whom) and fulfil a directory function with details of services, voluntary organisations, special schools, resourced provision and so on. Some local authorities, such as the City of York, have already produced such a directory as their local offer. It is comprehensive, easy to read and attractively presented. I would argue, however, that the directory approach alone does not provide parents with a blueprint of provision to which their child should be entitled if they meet specified criteria, against which they can hold agencies to account.

Presence, participation and achievement

A final thought relates to the flaw in accountability inherent in even the best local offer. Inclusion has been defined in the past as about presence, participation and achievement (Ainscow et al. 2006). Together with the Ofsted inspection framework, the local offer may provide a degree of accountability for schools in relation to achievement and participation. Presence, however, is another matter. The local offer describes only those who are in school. For all those parents who have asked a school to admit their child and been told that the school or college cannot meet his or her needs (whereas the school just down the road would be so much better), and for all those children and young people with SEN/D who are excluded from school, we are still in search of any form of accountability mechanism.

References

- Ainscow, M., Booth, t. and Dyson, A. (2006) *Improving Schools, Developing Inclusion*. Abingdon, Oxon: Routledge
- Blatchford, P., Russell, A. and Webster, R. (2012) *Reassessing the impact of teaching assistants: How research challenges practice and policy*, Oxon: Routledge.
- Lindsay, G., Dockrell, J., Law, J. and Roulstone, S. (2012) *The Better Communication Research Programme: Improving provision for children and young people with speech, language and communication needs*. London: DfE
- Weaver, A. (2012) Putting Nottingham on the provision map. *Special!* November 2012
- Webster, R. and Blatchford, P. (2013) *The Making a Statement Project: Final report*. London: Institute of Education, University of London