

Children and Families Bill (SEN reform)

NDCS briefing for Second Reading, House of Commons (25th February 2013)



Summary

The National Deaf Children's Society (NDCS) believes that further changes to the Children and Families Bill are needed to ensure it benefits the 35,000 deaf children in England. NDCS also believes that the Department's ambitions for SEN reform are being seriously undermined by spending cuts. This briefing, focusing on SEN reform, sets out key issues that NDCS would like to ask MPs to raise in the second reading debate on the Bill. Suggested questions to raise with the Minister are shown in boxes.

NDCS is a member of the Special Educational Consortium (SEC) and supports the concerns raised in their separate briefing on the Bill.

Impact of spending cuts

The Department for Education has repeatedly stated that it has protected funding for the most vulnerable learners. Yet, through Freedom of Information requests to all 152 local authorities, NDCS has established in the 2 years leading up April 2013, 1 in 3 local authorities will have cut the vital services that deaf children rely on, including Teachers of the Deaf and speech and language therapists. We also know that between 2011 and 2012, the proportion of deaf children failing to achieve 5 good GCSEs climbed from 60 to 63%.

In an online survey of parents of deaf children, only 6% believed that the proposed changes would mean that deaf children in their area would get better support. 80% of families who were familiar with what the changes involved said they felt the real aim of the changes was to reduce spending.

Does the Minister intend to intervene to protect vital specialist educational services for deaf children to ensure his reforms can be successfully implemented?

Local offer

Much of the Bill focuses on issues around statements / Education, Health and Care Plans. However, around three quarters of school aged deaf children do not have a statement of SEN. The local offer will therefore be essential to improve transparency about what help is available to these children. However, NDCS believes the local offer will only be helpful if:

- Local authorities are required to publish information about support available for different types of SEN. The needs of deaf children are very different from, for example, an autistic child.
- It is of a set template so that parents can compare provision between different areas.

NDCS also believes that the local offer needs to be underpinned by a national offer for all deaf children, setting out basic minimum requirements that each local authority should ensure is provided. Too many deaf children are being denied the support they need, at considerable cost to families. NDCS believes this is unacceptable.

In our online survey, over 1 in 10 families said they had already moved to access better services for their deaf child. One family told us how their deaf son had moved between 4 different schools, involving the whole family moving from Hampshire to Lincolnshire, before they could be confident their deaf child was getting a good education. The son's father told us:

"All of the delays my son has had to endure have had a cumulative effect on his life and where he is today. It is immeasurable how much damage has been done to his potential."

In their pre-legislative scrutiny report on SEN and the Bill, the Education Select Committee said:

“The importance of getting the local offer right cannot be overstated... The weight of evidence received by our Committee clearly supported minimum standards and we recommend that the Pathfinders be used to inform what should constitute minimum standards for local offers, particularly to address the provision that will need to be able available in schools to support pupils with low to moderate SEN without EHCPs.”

We do not believe that the Minister’s response to the report adequately addresses this point.

Will regulations accompanying the Bill require a set template for the local offer and require local authorities to publish information by type of need?

Will the Minister establish a national offer of basic essentials for each deaf child to underpin each local offer?

Ofsted

In the SEN Green Paper, the Department for Education recognised the vital role that specialist SEN services have to play. This is particularly the case for the 80% of deaf children who are taught in mainstream schools where head teachers and SENCOs are unlikely to have the experience or expertise necessary to judge what constitutes effective support for deaf children. Parents are therefore often surprised that these same SEN educational services are subject to no real formal scrutiny in the same way that schools are. There is little information available to parents about the quality of service that their child receives from the specialist SEN service.

The Minister has stated that he is working with Ofsted an “improved accountability framework” around SEN. In addition, Ofsted are currently consulting on their role in inspecting local authority school improvement services. NDCS believes both the Department and Ofsted should go further and begin formally inspecting local authority specialist SEN services.

Is it appropriate that specialist SEN services are subject to no real formal scrutiny? Will the Minister amend the Bill to require Ofsted to inspect these services?

Personal budgets

The work of the SEN pathfinders is still at an early stage. It is still not clear what parents will be able to buy with their personal budgets and how it will work in practice. NDCS questions whether MPs have enough information to determine if the Government should proceed with the relevant clauses on personal budgets at this time.

NDCS is particularly concerned about unintended consequences. Greater choice for some parents could result in reduced choice for others if it drains funding away from existing services. When it comes to relatively small services for deaf children, any loss of funding can have a major impact.

In the regulations that allowed the Secretary of State to pilot personal budgets, there was a safeguard in place that required local authorities to ensure there was no negative impact on existing service. This safeguard has not been replicated in the Bill.

What evidence will the Minister make available to Parliament from the SEN pathfinders on the impact and success of personal budgets before Committee stage?

Why does the Bill contain no safeguards to protect against undermining existing specialist SEN services?