

**About Kids**

Kids is a national charity for disabled children, young people and their families. For more than 50 years, we have provided a wide range of services to disabled children and young people aged 0 – 25 years. We reach 22,000 young people each year through specialist services, supporting learning and development in the early years and beyond; providing play and social opportunities, including adventure playgrounds, playschemes, after school activities and youth clubs; and delivering family advice, crisis care, support and mediation services.

The current special educational needs and disabilities (SEND) system is not working for the 1.7 million children and young people with identified special educational needs or disabilities (SEND), who are being denied the opportunity to play, learn, grow and thrive. Kids welcomes the Government's commitment to fixing the broken SEND system and believes that wholesale reform of the SEND system is the only option. This must be underpinned by the necessary investment to transform systems and stabilise support for families.

The reforms must be rooted in the reality of children and young people's lives, ensure legally guaranteed support for every child who needs it, and deliver practical help to families at the earliest opportunity. The early years, and the transition to adulthood are pivotal periods in the lives of children and young people with SEND and these reforms must detail support at these stages. The **Government must regear the system from crisis to early support and deploy funds at the earliest opportunity, when a child's needs first emerge.**

Reforms must align and integrate with other education policy developments including the increased government-funded childcare hours; the Children's Wellbeing and Schools Bill; the Curriculum and Assessment Review; Tackling Child Poverty Strategy; and the Law Commission's recommendations on children's social care. Together, they should deliver for disabled children the same ordinary things that other children experience, including an education setting where they are happy, belong and can achieve.

**Kids believes that to be successful, the Government's SEND reforms must meet the following three tests:**

- Is health at the table? Are education, health and social care held equally accountable for SEND provision?
- Are there clear, co-produced principles of inclusive mainstream education?
- Has comprehensive, hands-on SEND training been funded and included in professional training frameworks for education and early years staff?
- Is there legal basis to support early intervention?

**1. Joint accountability for SEND provision and multi-agency working**

*'The schools do not know what they are looking out for so how can they meet needs – they had no idea how to identify her needs let alone how to meet them. You need health for that', **Parent***

Children with SEND have needs that span education, health and social care and many will need services and support from across agencies, including community and third sector providers.

The Children and Families Act 2014 recognised this by introducing education, health and care plans (EHCPs). When responsibilities are shared and schools involve relevant health and care professionals early, children's needs can be identified accurately, ensuring children with SEND receive the right support to attend, and stay, in school.

**SEND reforms must clearly set out the joint responsibility of health, social care and education for special educational provision** and where the roles and responsibilities for providing appropriate support sits – across schools, local authorities and with health trusts.

All three must play their role and the Government will need to designate clear accountability in legislation and guidance for the various provisions and support needed by children with SEND and their families. Assigning this accountability - supported by adequate investment - is crucial for the system to function well at a local level. The Government must lead from the front, starting with joint plans and funding by the Department for Education (DfE) and the Department for Health and Social Care (DHSC). Each department must be empowered and enabled to fulfil their duties which in turn influences what is possible at a local level.

Multi-agency approaches and partnerships with community and specialist providers working directly with families, schools and other professionals must be strengthened and utilised to provide earlier interventions. Of 100 families with disabled children in crisis, who then attended the Kids crisis support programme in Wakefield which supports children and young people experiencing emotional and mental well-being crisis, only six felt that was still the case after 12 weeks accessing our service. Group work, individual therapy, and access to other parents with lived experience helped build their resilience, confidence and knowledge of where to turn for the right support in future. DfE and DHSC should issue robust commissioning guidance to local authorities and ICBs to encourage them to identify and commission value for money programmes provided by the third sector which meet families' needs in a timely fashion. Such guidance should support 'invest to save' principles, to prevent escalation and reduce the cost of crisis care in the long-term.

#### **Policy asks**

- Department for Education and the Department of Health and Social Care to commit to joint investment and accountability for SEND in legislation and guidance leading to joint local commissioning and accountability mechanisms for local authorities and Integrated Care Boards (ICBs) to ensure multi-agency approaches.
- The Government to issue robust guidance to local authorities and Integrated Care Boards (ICBs), recognising the vital role local community providers play in supporting children with SEND, schools and other statutory agencies to ensure multi-agency approaches and accountability.

## **2. Principles of inclusion**

*'Inclusion means being included not as an after thought or an extra. I should be able to do the same as my peers, not have to change who I am or what I need just to have an education'. Young person*

Kids strongly welcomes the Government's ambition to make mainstream schools more inclusive for pupils with SEND. To achieve this, the Government must have agreed principles of inclusion that drive the wider reforms and embrace the diversity of backgrounds and needs of children and young people with SEND. The principles must underpin best practice for all education settings and be inspected against whilst allowing for flexibility in implementation to account for local demographics and differences. **Schools and local authorities must adhere to decision-making practices which promote equity over equality, starting with upholding their responsibilities under the Equality Act 2010.**

Children and young people with SEND fall under the definition of 'disability' within the Equality Act 2010 and as such, **schools have a duty to meet the Public Sector Equality Duty detailed under the Act.** Small changes to policies - particularly those related to attendance to behaviour - would have a profound impact on the life chances of children and young people with SEND. The **DfE must review and update their 'Behaviour in Schools' guidance for headteachers and school staff so that it better recognises individual children's profiles** and how underlying SEND may impact a child's ability to understand and meet expectations around behaviour. Current guidance advises how schools can provide adjustments to sanctions (only once 'misbehaviour' has occurred) but fails to advise schools on meeting their obligations to also make adjustments in the development of behaviour policies ie. to include a section detailing how to take an individualised approach to behaviour where a child's underlying disability may be impacting their ability to comply with or understand standardised behavioural expectations.

Ofsted's Education Inspection Framework references the need for education providers to meet their statutory duties under the Equality Act. As they implement the new inspection framework, we urge them to ensure that schools are held to account on how well they are meeting this duty across all school functions and processes and crucially, to look at specific areas of implementation such as attendance and behaviour policies.

#### **Policy asks**

- The Department for Education to publish a clearly agreed definition of what good inclusion in mainstream education looks like coproduced with children, young people with SEND, parents and experts in the sector.
- The Department for Education to review and update its 'Behaviour in Schools' guidance for headteachers and school staff to ensure the individual child's profile is recognised and considered within behaviour policies and how they are implemented
- Ofsted to robustly and explicitly inspect schools on how they are meeting their obligations to pupils with SEND under the Equality Act 2010, paying particular attention to how attendance and behaviour policies are being applied in a way that upholds their responsibilities to SEND students.

### **3. SEND training and workforce development to enable inclusive mainstream practices**

*I got called on to a Zoom training call, end of a Friday, 1.5 hours on autism - she whizzed through it and basically reeled off a long list of things we should be doing every day/ every week ... I would have liked some more in depth training – time to learn it, practise it and implement it – face to face and interactive.*

### ***School teacher, Reception***

Our Youth Collective survey found **85% of young people felt their teachers lack sufficient SEND understanding**, with 73% saying this affects their mental health and 74% their ability to understand work.

Comprehensive training can drive inclusion, reduce exclusions and behaviour issues, and prevent costly crisis interventions. SEND training for teachers, school leaders and wider school staff must be strengthened and reviewed regularly.

As recommended by the report from the Education Select Committee into ‘Solving the SEND crisis’, SEND modules must be mandated as part of teachers’ and school leaders’ initial training and continuing professional development (CPD). We support the Committee’s recommendation to achieve this through ‘a nationally recognised supplementary qualification in SEND that all existing teachers must complete within a defined timeframe (e.g. three years); or through the incorporation of mandatory SEND modules into existing CPD requirements.’

SEND training and CPD must include hands-on experience working with children with SEND, such as a requirement to complete a placement in a special school. Modules should be developed to provide detail on the needs and conditions which make up the largest proportion of current SEND cohorts (autism, speech and language, and social, emotional and mental health needs).

Comprehensive SEND training for educators has the potential to be one of the strongest levers for delivering an inclusive school environment, to reducing the need for behaviour management techniques, suspensions, exclusions, time out of classrooms, and more expensive crisis interventions as needs escalate.

#### **Policy asks**

- The Department for Education must adapt professional development frameworks for educators to mandate and improve SEND training modules for new and existing teachers and school leaders, and require SEND modules to be undertaken as part of ongoing CPD requirements.
- New training frameworks must include a hands-on element and provide enhanced training the SEND conditions which make up the largest cohorts of students with SEND in schools.
- Training for school leaders must involve comprehensive training on the Equality Act 2010 and in particular the Public Sector Equality Duty and how it applies to schools.

### **4. Legal rights to early intervention**

Kids believes that *every* child with SEND must be legally entitled to early and effective support to meet their education, health and care needs, regardless of whether they have a formal diagnosis.

To achieve this, the SEN Support category should be made statutory, ensuring that all children and young people (YP) in the SEN Support category receive a legally binding plan detailing their needs and the support they require.

For statutory SEN Support plans be effective and enable earlier identification and support, the following must be in place:

- **A fully trained workforce:** The entire education workforce must be comprehensively trained and upskilled to recognise the varied presentations of commonly occurring conditions such as speech and language difficulties, autism, ADHD and sensory processing differences.
- **A whole-school inclusive approach:** Schools must adopt inclusive practices for all neurotypes and disabilities, developed in consultation with children, parents and SEND specialists. This should include reasonable adjustments to the built environment, policies and teaching methods.
- **Access to specialists:** Educational Psychologists, Speech and Language Therapists and Occupational Therapists must be jointly funded and available to support schools. At SEN Support level, their role could focus on helping staff identify needs and advising on effective interventions and teaching approaches.
- **Access to advocacy services:** Roles such as Family Navigators, SENDIASS or Independent Supporters are essential to inform parents of their rights, provide objective guidance, support communication between families and schools or local authorities, and ensure SEN Support plans accurately reflect a child's needs from the outset. Getting plans right first time is key to reducing appeals and tribunal cases. Navigators would provide family-centred support throughout the SEND journey; SENDIASS would provide impartial information and advice where families feel schools are not providing adequate support.

EHCPs must be retained for children and YP whose needs are not met by a SEN Support Plan and where the school has followed previous SEN Support Plans and:

1. Robustly followed the assess, plan, do, review (graduated) approach without the child making expected progress, or where progress has only been achieved through extra interventions that wouldn't usually be made under SEN Support Plans;
2. Made all reasonable referrals to appropriate specialists and sought further guidance.

Schools must be held fully accountable for evidencing that they have met these criteria.

### **Funding to enable earlier identification and support**

Making SEN Support statutory alone will not ensure earlier or more effective support. While it is a necessary step in strengthening accountability, it must be accompanied by adequate funding.

The current high number of EHCPs, rising requests for assessment, and the volume of SEND tribunal cases all reflect systemic failures to identify and meet needs early. These issues are driven by insufficient resources and a lack of specialist capacity, both to deliver EHCP provision and to intervene effectively at SEN Support level. Legal entitlement and funding are therefore inseparable.

#### **Policy asks**

- The government must re-orient the system to focus on early intervention by providing a legal basis for support for all children, including those at SEN Support.
- The government must invest in the resources required to support statutory SEN Support, including comprehensive training for all education staff, and workforce planning and recruitment of specialist professionals, jointly funded by DHSC and DfE.
- To make statutory SEN Support effective, funding for SEN Support must be ringfenced, proportionate to the level of need in a school, available for schools to use before a diagnosis is in place, and adaptable as pupils' needs change.

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