

## 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. We also provide expert advice to help parents and carers navigate the complex SEND landscape.

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. For children with SEND who face poverty or other disadvantage, life chances are further reduced.

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 right support and interventions at moments of transition can be life-changing and family support is vital throughout. 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**. This must include funding nurseries and childminders upfront for the costs of supporting babies and toddlers with SEND, and starting transition planning for all young people with SEND at age 14. Reforms must align and integrate with other developments including the increased government-funded childcare hours and the expansion of school-based nurseries; the Children's Wellbeing and Schools Bill; the Curriculum and Assessment Review; the Skills White Paper; 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?

## **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, for example, a nurse trains a teacher to support a child with epileptic seizures, and where schools adopt a 'can do' approach, more children with SEND can 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. Agree 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 for individual settings in order to account for local demographics and differences. **Schools and local authorities must adhere to decision-making and practices which value and 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 -covering everything from attendance to behaviour - would have a profound impact on the life chances of hundreds of thousands of children and young people with SEND. To ensure schools receive clear guidance on how to do this, the **DfE must review and update their 'Behaviour in Schools' guidance for headteachers and school staff so that it better recognises and is sensitive to 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 new 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 – not just on Zoom being told what we MUST provide.*

**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.



Disabled children  
say we can

## Briefing on SEND reforms in England

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