

# **Education and Lifelong Learning Committee**

## **Policy Review of Special Educational Needs - Early Identification and Intervention**

### **Draft Report**

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## **Section 1 - Introduction**

### **Background**

1.1 In summer 2003, the Committee decided to carry out a policy review of special educational needs (SEN): focusing initially on early identification and intervention. After completion of this phase, the Committee intends to examine the statutory assessment (statementing) procedure. Finally, the Committee will examine the problems faced by children and young people with SEN in the transition through the various stages of statutory education and on to further education or higher education.

1.2 From October 2003 to July 2004, the Committee gathered information on this subject; including formal presentations, a consultation exercise and informal visits to schools in north and south Wales.

1.3 A schedule of the information presented to the inquiry is at Annex 1. These papers, together with a full report of the consultation, can be accessed on committee pages of the National Assembly website - [www.wales.gov.uk](http://www.wales.gov.uk)

1.4 To help with this review, the Committee established an external reference group (see Annex 2 for membership) representing a wide range of expertise in the field of special educational needs. This group was very helpful in providing advice and guidance to the Committee.

### **Terms of reference**

- To review what support is provided by local authorities and other agencies to assist parents and teachers in the early identification of special educational needs (SEN);
- To review how local authorities are having regard to the requirement for early identification as set out in the SEN Code of Practice for Wales;
- To identify good practice in multi-agency working in the early identification of SEN and the provision of appropriate intervention strategies, including the supply and training of speech and language therapists;
- To take account of recommendations in the Review of Services for Children with Special Health Needs undertaken by the Assembly's Health and Social Services Committee (published in November 2002), and the response issued by the Welsh Assembly Government in February 2003;
- To quantify the provision of advice and support through the medium of Welsh for children with SEN, with regard to early identification and intervention; and
- To make recommendations to the Assembly Minister on how existing services might be improved so that more children with SEN are identified in sufficient time to enable effective intervention strategies to be developed and implemented.

## **Definition of Special Educational Needs**

**Children have special educational needs if they have a learning difficulty, which calls for special educational provision to be made for them.**

Children have a learning difficulty if they;

- Have a significantly greater difficulty in learning than the majority of children of the same age; or
- Have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the Local Education Authority (LEA); or
- Are under compulsory school age and fall within the definition at (a); or (b) above or would do so if special educational provision was not made for them.

**Special education provision means:**

- For children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than special schools in the area; and
- For children under two, educational provision of any kind.

**See Section 312, Education Act 1996**

A glossary of terms is at Annex 3.

## **Section 2 - Information**

### **Statutory framework**

2.1 The statutory framework for SEN is outlined in the Education Act 1996 and the SEN and Disability Act 2001. The Education Act 1993 placed a duty on the Secretary of State for Education to issue a Code of Practice and established the power to revise it from time to time. The first Code of Practice came into effect in 1994. Since then, the rights and duties contained in the 1993 Act have been consolidated into Part IV of the 1996 Education Act.

2.2 The SEN Code of Practice for Wales provides guidance and sets out procedures aimed at enabling children and young people with SEN to reach their full potential, to be included fully in their school communities and make a successful transition to adulthood. It includes new rights and duties introduced by the SEN and Disability Act 2001 and Regulations.

2.3 The Code describes the following areas of SEN:

- Communication and interaction difficulties;
- Cognition and learning difficulties;
- Behaviour, emotional and social development; and
- Sensory, physical and medical needs.

2.4 The Code describes procedures for assessing the special educational needs of children and young people, and of devising appropriate interventions to address them.

2.5 The basic principles of the Code are:

- All children with special educational needs should have their needs met;
- These special educational needs should normally be met in mainstream early years settings, or schools;
- The views of parents and their children will be listened to and taken into account;
- Parents have a vital role in supporting their child's education; and
- Children with special educational needs should receive a broad, well-balanced and relevant education.

2.6 The Code describes how support for children and young people will be provided by early years settings and schools in a step-by-step or graduated response. Different schools will take account of the Code in different ways.

### **Statistics on SEN in Wales**

2.7 To illustrate the scale of the problem, in their presentation to Committee, Estyn estimated that one child in four will have a special or additional need at some time in their school life.

2.8 The following information was obtained from statistical bulletins SB63/2003 and SFR38/2004.

2.9 At January 2004, some 3.3% of pupils on school rolls in Wales had statements of SEN. The percentage of pupils with statements on school rolls over the last six years has remained fairly constant.

2.10 At January 2004, there was a wide variation between local education authorities (LEAs) in the proportion of pupils with statements; from 1.6% in Bridgend to 4.9% in Newport.

2.11 The number of pupils with statements decreased by 2% in 2003, bringing the total number with statements to 16,959 at January 2004.

2.12 The number of pupils newly assessed as requiring a statement decreased during 2003 from 1,953 pupils to 1,882 pupils.

2.13 In January 2004, about 90% (15,337 pupils) of pupils with statements were educated within their local LEA.

2.14 In January 2004, about 75% of pupils with statements were educated in mainstream schools in January 2004.

2.15 The proportion of pupils with statements educated in mainstream schools, whether in their local LEA or elsewhere, varied considerably across LEAs - from 20% in Bridgend to 90% in Ceredigion. It should be noted that there are no special schools in Ceredigion.

2.16 Total budget for SEN provision in Wales in 2003-04 was £224 million. This represented an increase of 11% on the previous year's budget.

2.17 Delegated expenditure to special schools accounted for 21% of the total budgeted SEN expenditure in 2003-04. Notional expenditure within primary and secondary schools accounted for a further 38% of the total. The remaining 41% was made up of money held centrally by LEAs.

## **Consultation**

2.18 During autumn 2003, the Committee carried out a consultation exercise amongst education and health professionals, parents and interested groups and individuals. The consultation included a random 10% sample<sup>1</sup> of schools in Wales; including nursery, primary and secondary schools, including mainstream schools with SEN provision, special schools and pupil referral units in the maintained sector. Independent schools, further education and higher education institutions were also consulted.

[Note: <sup>1</sup> This sample is in accordance with the National Assembly's policy of reducing bureaucratic burdens on schools.]

2.19 The consultation period was September 2003 to January 2004. Over 130 responses were received. A report of the consultation, including a schedule of respondents, can be found at Annex 4.

2.20 The survey questionnaire was designed to be comprehensive and yet easy to complete. It was based on the results of a pilot survey, and advice from members of the reference group.

2.21 The issues raised were all covered, to a greater or lesser degree, in papers presented to the Committee. For the sake of brevity, it is not intended to repeat the information contained in the papers. These are listed at Annex 1, and can be found on the Assembly website at [www.wales.gov.uk](http://www.wales.gov.uk)

### **Support for parents**

2.22 The main responses are summarised below:

- Some parents felt that they had little opportunity to share concerns about their children's needs;
- Local education authorities (LEAs) and local health boards (LHBs) identified opportunities for parents to share concerns with education and health professionals;
- Many parents cited voluntary sector organisations as providing a valuable opportunity to discuss their concerns with experts and other parents;
- Voluntary organisations reported that parents often felt intimidated by the thought of visiting the school to discuss problems concerning their child, as parents and teachers were sometimes fearful of upsetting one another;
- Some parents suggested that increased coverage of SEN by the local media would improve understanding by parents and pupils, and facilitate acceptance of SEN pupils in mainstream schools;
- Many parents felt that LEAs should establish a general information website aimed at children and young people with SEN and their parents;
- Many parents advocated the 'one-stop-shop' approach, where advice and support could be accessed by parents and children;
- Many parents emphasised the need to soften the perception of SEN and de-mystify the medical terminology, which could be confusing and intimidating;
- Many parents found that seeking specialist advice and support for their child was often a frustrating and distressing process;
- Professionals stressed that immediate follow-up support was crucial, following the initial identification of need;
- Parents were broadly satisfied with the support available to enable them to work with their children at home;
- Of parents whose first language was not English, only about a third felt that available support was easily accessible;
- When asked to consider barriers to the early identification of SEN, the vast majority of parents identified the shortage of specialist staff as the key issue: in particular, the shortage of speech and language therapists;

- The situation was regarded as chronic with regard to Welsh language specialist provision, and also for children and parents whose first language was neither English nor Welsh;
- There was a general perception that specialist staff were overburdened by their caseloads and lacked adequate time to allocate support to individual children;
- There was confusion over the roles of the education and health sectors, with relation to the responsibility for provision;
- Many parents felt that referral arrangements between statutory and voluntary bodies were ad hoc and uncoordinated, and that there was a need for a strategic approach;
- Many parents felt that initial teacher training (ITT) colleges should include SEN training as a compulsory part of their courses;
- Some schools felt that, there was a lack of parental awareness or acknowledgement of their children's needs – this was normally due to a fear of stigma of SEN, or a reluctance to accept that their children might have additional requirements;
- When asked to give an example of good practice in early identification of SEN, most respondents referred to joint working between professionals from the education, health and social services sectors;
- Some respondents referred to specific diagnostic tests that they considered helpful; particularly, neo-natal hearing screening.

### **Support for children and young people with SEN**

2.23 The main responses are summarised below:

- Several means of ensuring that children and young people are given an opportunity to discuss their needs were referred to: these included termly meetings, involvement in individual education plans (IEPs), school councils and pastoral support from teachers;
- The personal and social education (PSE) curriculum was cited as an appropriate means of increasing young people's awareness of SEN;
- School assemblies, buddy systems and 'circle/shared time' sessions were felt to be appropriate settings;
- It was felt that a sharing of information about the various types of SEN would benefit all pupils, and would help those pupils with SEN to assimilate more easily into mainstream schools;
- The vast majority of respondents to this question referred to the vital need for inclusive education and the integration of SEN pupils into mainstream settings;
- Children's advocacy services were cited as an important factor in increasing children's and young people's awareness and understanding of SEN;
- Other suggestions included offering a broad curriculum, employing more specialist staff and increasing the amount of one-to-one contact time;
- Opinion was fairly evenly divided on whether information on available support for children and young people was easily accessible;
- Many felt that the existing system favoured parents who were well informed and/or articulate;

- Parents found that SEN website run by voluntary organisations were particularly useful;
- When asked to consider whether the SEN Code of Practice for Wales was applied appropriately and effectively in early years settings, opinion was evenly divided;
- Respondents felt generally that the Code was applied appropriately, but this was hampered by insufficient specialist staff and long waiting lists for therapy;
- Many respondents felt that that early diagnosis and intervention could be conducted more efficiently;
- Many considered that the statutory assessment process was too protracted and unproductive;
- There was a more positive perception of the SEN Code in schools, with about two thirds of respondents feeling it was applied appropriately and effectively;
- Some felt that a lack of specialist staff, time and resources and bureaucratic burdens obstructed professionals in effective application of the Code;
- It was felt that shortages of specialist staff were particularly acute in the context of Welsh language services, making the difficulties faced by Welsh-speaking (first language) children and young people, and their parents, even more pronounced;
- Many respondents cited a lack of co-ordination between all agencies involved and called for guidance to be issued;
- Many teachers felt that they were working hard to support SEN pupils, and their parents, and provided examples of interaction with parents: for example, coffee mornings, parents' evenings, and school 'open door' policy, parent/teacher discussions of the IEP and take-home work packs for pupils to work at home with their parents;
- Some parents felt that a lack of clarity regarding the responsibilities of schools and LEAs often interfered with effective partnerships between schools and parents.

## Multi-agency working

2.24 The main responses are summarised below:

- Address the recruitment and retention issues surrounding speech and language therapists (SALTs);
- Increase the number of therapists and also the contact time and access;
- SALTs could be employed by LEAs;
- NHS services to be accountable to LEAs;
- Address the prime and ultimate responsibility anomaly between health and education sectors;
- SALT provision should be part of education and not health provision;
- SALTs could be attached to schools on a named-school/cluster basis;
- Increase the number of Welsh-speaking SALTs, in accordance with a strategic framework for development;
- Provide funds for schools to sub-contract to providers;
- Need more on-site visits to schools from health professionals;

- Children should be assessed on-site in schools, and not off-site in clinics;
- More feedback required from social services personnel;
- Holistic, multi-agency assessment should occur on one-site; for example, at children's centres;
- More access to SALTs at secondary school level;
- Need statutory access to SALT provision in the further education sector;
- More opportunity for networking amongst professionals, possibly as part of their continuing professional development (CPD);
- Allow more joint planning of integrated work schemes;
- Shortcut referral procedures; and
- Increase Child and Adolescent Mental Health Services (CAMHS) support alongside SEN provision;

2.25 Regarding collaboration between schools and health visitors, the responses were as follows:

- NHS Trusts directly managed health visitor services;
- Collaboration varied between schools: it appeared to be more prevalent in early years settings, with home visits a regular feature;
- Staff turnover sometimes meant uncertainty and re-adjustment for children.

2.26 The majority of respondents (79%) felt that collaboration between the various support agencies was ineffective.

2.27 Amongst the more positive comments:

- Some respondents considered that planning was effective but there was a need for more resources;
- Many felt that the annual review of statements worked effectively.

2.28 Those who felt there was scope for improvement offered the following suggestions:

- Need joint commissioning of services and inter-agency planning;
- Budget holders should attend planning meetings;
- Training needs to be on a inter-agency basis, with particular regard to the planning process;
- Need multi-disciplinary teams: more co-ordination and communication required between teams and services;
- Need a 'one-stop-shop' approach and a multi-agency unified assessment service;
- Increase resources, decrease bureaucracy;
- Create a central database of pupils with SEN;
- ~~Requirement for Provide~~ Welsh-medium assessment documents; ~~to reduce administrative burdens;~~
- Schools should retain staff with SEN expertise;
- LEAs should listen to the views of parents;
- Many respondents advocated greater partnership working amongst professionals from the health, education and social services sector;
- Some detailed examples are given in Annex C of the consultation report.

## Language

2.29 Regarding barriers to the early identification of SEN for children and young people whose first language is not English:

- Respondents felt that there was a severe shortage of Welsh-medium therapists; ~~able to speak Welsh~~
- This applied also to therapists able to provide support in ~~and~~ languages other than English;
- It was felt that there were insufficient multi-lingual professionals able to accommodate the specific needs of the black and minority ethnic community;
- There was felt to be little or no supporting literature or information for languages other than English ~~and, in some cases, Welsh;~~
- Many respondents considered that, in spite of support from the Ethnic Minority Achievement Services (EMAS), there was limited access to interpreters and limited partnership opportunities with parents in the black and minority ethnic communities;
- Parents were often unable to pursue follow-up activities in the home because of language difficulties, or where parents had special needs themselves;
- Teaching and health professionals stated that there was often difficulty in determining whether a child's difficulties were due to the language of the assessment (sometimes a child's second or third language), or a special educational need;
- Some professionals felt that it was difficult to undertake a fair assessment of a child using his or hers second, or even third language;
- Many respondents pointed out that there was no residential school in Wales for deaf children and young people;
- Some respondents considered that the status of British Sign Language through the medium of Welsh needed to be resolved.

## Resources

2.30 The main responses are summarised below:

- A vast majority of respondents considered that there was insufficient funding available for the early identification and intervention of SEN through the various settings;
- Many felt that there was a need for a better career structure for learning support assistants;
- Some respondents felt that any increase in funding should be targeted at the early years settings, in order that appropriate interventions could be implemented as early as possible;
- It was felt that some children and young people suffered unnecessarily due to their special educational needs being identified too late, or missed altogether.

2.31 Other comments or suggestions were:

- Funding should be driven by needs not targets;
- Delegate funding for SEN directly to schools;

- Multi-agency training/collaboration - teams sharing resources and working on a shared-school clustering basis;
- Pool multi-agency specialists for outreach work;
- Hypothecate funding for multi-agency provision;
- There should be a full-time SENCOs for each school;
- Cluster support SENCOs for early years settings;
- Schools should employ more learning support assistants (LSAs);
- Develop database/audit of needs at LEA level;
- Standardise statutory assessments;
- Extend portage services;
- Increase provision of educational psychologists in early years settings;
- Reduce bureaucracy for teaching staff and other professionals;
- Target pupils with 'one to one' support;
- Funding for early identification in infancy and early years should be more readily available;
- Nearly all respondents felt that there were simply not enough professionals to meet current, or indeed future, needs for early identification and intervention;
- This was especially significant in relation to Welsh-medium provision;
- Some respondents advocated a common approach to testing in schools;
- Many respondents confirmed the existence of Welsh Language tests, but felt that there were insufficient qualified professionals to administer the tests and to support children and their families;
- This problem applied also to tests in other minority languages.

## **Summary**

2.32 The main conclusions drawn from the Committee's consultation are:

- The direction and guidance provided by the SEN Code of Practice for Wales is broadly welcomed;
- There is plenty of good practice and support already available from the public, private and voluntary sectors;
- But more human resources are required, particularly specialist therapists;
- There is a need to clarify responsibilities for SEN provision between local education authorities and local health boards; and
- There is scope for more effective collaboration between the various agencies involved with planning and delivering services for children and young people with special educational needs.

## **School visits**

2.33 In order to supplement the information collected during the consultation exercise and formal presentations, committee members and officials visited schools in north and south Wales. Committee members welcomed the opportunity to meet with teachers, pupils and parents. The schools visited are described at Annex 5.

2.34 The main issues raised during these visits are summarised below.

### **Early identification**

- There is good liaison with the educational psychologist services, and although it is very expensive to provide early years psychologists, they are considered to be very effective in the early identification of SEN;
- More resources should be deployed to identify difficulties in pre-school settings;

### **Training**

- SEN should be given a higher priority in Initial Teacher Training (ITT) and Continuing Professional Development (CPD);
- More use should be made of teaching assistants in supporting teachers and speech therapists;
- There is a need to consider different access routes for training, especially with regard to second career entrants;
- There is no training facility in North Wales for speech and language therapy;
- Grant for Education and Support Training (GEST) funding is a valuable contributory factor in the delivery of SEN provision;

### **Multi-agency working**

- There is a need to clarify who has prime and ultimate responsibility for delivering specialist support; for example, speech and language therapy and physiotherapy;
- There is a significant shortage of English-medium speech and language therapists, and an even more significant shortage of Welsh-medium speech and language therapists ~~in Wales~~;
- Specialist staff could be more effectively used during the school day: there are too many meetings, and there is a need for more administrative support;
- Specialist health staff often have different annual leave patterns to teachers, which sometimes causes difficulties and tensions and is an obstacle to effective treatment of pupils with special needs;
- Multi-agency working is vital to ensure effective early identification of SEN, and to provide appropriate support;

### **Definitions**

- There is inconsistency between LEAs in agreed definitions of the various types of SEN, which encourages inconsistency in provision;
- The Code of Practice is welcomed but LEAs interpret it differently;
- LEAs should share their experiences of using and interpreting the Code of Practice.

### **Funding**

- It is felt that there is inconsistency and a lack of transparency in the funding formulae for allocating resources for special educational needs to LEAs, and that the formulae should be reviewed;
- The reduction in GEST funding for inclusion will impact adversely on assisting in the delivery of SEN provision.

### **Best practice**

- Specialist health professionals are needed on-site in school; particularly speech and language therapists, physiotherapists, school nurses and social workers;
- Teachers need time to network with colleagues and to discuss new ideas, and to review best practice in other schools;
- In-Service Training (INSET) days should be used to disseminate best practice;
- It was felt that educational specialists should be more involved in planning pre-school provision;
- There is little reference to child health in nursery schools;

### **Welsh-medium provision**

- There is an acute shortage of speech and language therapists, in particular those trained to provide support using Welsh;
- There is an urgent need to train more specialist support staff;
- The ~~Welsh Language Board's~~ 'Dwylo Ychwanegol'/'Extra Hands' scheme, provided by Mudiad Ysgolion Meithrin, is considered to be very useful but insufficiently funded;

### **Needs analysis**

- There is a need for a general audit of demand for SEN provision across Wales;

### **Business links**

- Some schools have forged links with local businesses to provide extra resources; for example, help with school accounts;
- Schools should seek to engage further with local businesses;

### **Vocational training**

- Vocational training delivered in the setting of a supportive environment is very effective in building self-esteem for pupils with SEN; and
- One of the schools had links with its local further education college, and a third of its pupils went on to pursue further education.

## **Section 3 - Discussion**

### **Preamble**

3.1 Every child has the right to the best possible start in life. When a child has special needs, it is vital that these needs are correctly identified as early as possible. It is equally important that effective early intervention is available for the child, together with emotional and practical support for the parents.

3.2 The Committee acknowledges that there is already a great deal a good work being carried out by teachers, parents, specialist therapists and other professionals in the early identification of special educational needs. The Committee is impressed by the expertise and dedication of staff in the public, private and voluntary sectors in helping children and young people with special educational needs.

3.3 The Committee acknowledges the work of the Welsh Assembly Government in this field, both completed and ongoing. The publication of the SEN Code of Practice for Wales in 2002 has had a significant impact in removing barriers to participation and learning for children and young people with SEN, whether they have a statement or not.

3.4 The Wales only sections in the Education Act 2002 paved the way for more effective collaboration between local education authorities in planning and providing SEN services on a regional basis, and for establishing a SEN tribunal in Wales to resolve disputes concerning assessments and statements.

3.5 The Committee welcomes the work being carried out by the Assembly Government's National SEN Steering Group for Wales. The Committee is particularly interested in the outcome of the recent consultation on ways of improving speech and language services for children and young people with SEN.

### **Inclusive education**

3.6 In October 2003, the Assembly Government published a consultation document setting out draft guidance on inclusive education. This document provided guidance on the practical operation of the statutory framework of the Education Act 1996 and the Special Educational Needs and Disability Act 2001.

3.7 Inclusive education is an ongoing process concerned with breaking down barriers to learning, and increasing the participation of children and young people in their local schools. It requires the commitment of schools and LEAs to develop policies and practices that ensure equality of educational opportunity and access, focused on raising the achievement of all learners.

3.8 The key principles of inclusive education are:

- Inclusion is a process by which schools, LEAs and others develop their cultures, policies and practices to include children and young people;
- With the right training, strategies and support, nearly all children and young people with SEN can be successfully included in mainstream education;
- An inclusive education service offers excellence and choice and incorporates the views of parents, carers and children and young people;
- The interests of all children and young people must be safeguarded;
- Schools, LEAs and others should actively seek to remove barriers to learning and participation;
- All children and young people should have access to an appropriate education that affords them the opportunity to achieve their personal potential;
- Mainstream education will not always be right for every child or young person all of the time. However, even if mainstream education is not right at a particular stage, this does not prevent the child or young person from being included successfully at a later stage, where this meets their individual needs.

3.9 In May 2004, the Assembly Government published a summary of responses to the consultation, from a variety of organisations; including schools, LEAs, teacher unions and voluntary organisations. The main comments concerned:

- Inclusion as an ongoing process;
- Inclusion in its broadest sense is about removing the barriers to learning for all children, not just those with SEN;
- The requirement for equal linguistic opportunities for English and Welsh speaking children and young people;
- Further guidance on what constitutes “reasonable adjustments” in regard to the SEN and Disability Act 2001;
- The further development of multi-agency liaison and partnership working with parents and carers;
- The need to involve children and young people, so that adults and professionals can plan with them, not for them;
- The shortage of specialist bilingual resources; ~~and other financial constraints~~;
- The need for in-school training on inclusive education; and
- The need for clear, accountable and transparent funding mechanisms.

3.10 The Committee supports all these aims and welcomes the "index for inclusion" guidance, which has been issued to all schools. The Committee looks forward to examining the final guidance to be published later this year.

3.11 The SEN Code of Practice for Wales stresses the importance of children and young people’s participation in all the decisions about their education. Successful inclusion is a key step towards preparing pupils with SEN to be able to participate in, and contribute to, their community.

## Assessment

3.12 Assessment is a process of gathering information about the health, education and social care needs of a child. Assessment should also identify the disabling social and physical factors which are inhibiting the child's access to a good quality of life. For those children and young people with special needs it is important that the process of assessment is supportive of the child and the family.

3.13 Assessment should begin as soon as possible when a developmental delay or disability is suspected. The earlier action is taken, the more responsive the child is likely to be, and the greater the likelihood of preventing some longer-term difficulties.

3.14 Assessment should not be regarded as a single event, but rather as a continuing process. An early assessment of need, in terms of medical, social and educational needs, is essential to secure and define appropriate service provision. However, the needs of the child and the family will change over time as a result of the child's development, family factors and as an outcome of the support provided. The ongoing assessment process must be flexible and responsive to changing needs.

**3.15 The Committee recommends that ACCAC should further develop means of assessing and monitoring the attainment of children and young people with differing complexity of SENspecial educational needs.**

3.16 In some respects, existing statutory assessment procedures can be unhelpful. Bypassing these formal assessment, and ensuring that appropriate resources are focused on those who need them, as quickly as possible, could be a more effective method of early intervention.

3.17 Estyn has recently introduced new school inspection arrangements. Inspectors are looking for evidence that schools effectively diagnose individual learning needs, and provide appropriate additional support. Evidence gathered and evaluated by Estyn will be used to monitor progress and disseminate best practice in the early identification of SEN.

3.18 Early identification of special needs is essential and is reliant on the ability of the classroom teacher to identify any special needs. There is a growing bank of evidence that early identification of low level special needs, such as dyslexia, would aid a child's ability to fully participate in the school environment and later life.

3.19 The need for all classroom teachers to be aware of low level special needs: their diagnosis and consequential teaching strategies is acknowledged. This would be aided by the training of at least one teacher per

school, or school cluster, in the early identification and consequential teaching strategies for low level special needs; such as dyslexia.

**3.20 The Committee recommends that the General Teaching Council for Wales should provide bursaries to ensure that one teacher per school, or school cluster, is trained in the identification of low level special needs: and that the training is consequently cascaded to all members of the teaching staff.**

### **Support for parents**

3.2148 Parents are vital for the care, safety and education of their child, and the agencies and services supporting them must be able to respond flexibly and positively to the very wide range of families with whom they work. Family members can vary significantly in terms of their experience, resources and expectations, as well as their cultural, religious and linguistic abilities.

3.2249 Providing information to families is a key function of service provision. The Health and Social Services Review (2001) received evidence to suggest that there is a real need for comprehensive information services at the time of diagnosis and subsequently throughout a child's development. Reliable and timely information enables families to remain in control as they take decisions about what to do.

3.2320 In October 2002, the Assembly Government issued a document entitled Information for Parents and Carers of Children and Young People who may have Special Educational Needs. This summarises the key principles of the SEN Code of Practice, and emphasises the need for a graduated response in support for children and young people with SEN. It also explains that each LEA has a Parent Partnership Service to help parents make informed decisions about their child's education. The document includes useful contact addresses and telephone numbers.

**3.241 The Committee recommends that the Assembly Government, in consultation with local education authorities and the voluntary sector, should update its information document for parents and carers of children and young people who may have special educational needs, to include relevant websites and LEA contacts.**

**3.252 The Committee recommends that local education authorities establish a 'one-stop-shop' for parents of children and young people with special educational needs, to obtain relevant information. The information should be current, easy to understand and available bilingually; and in minority languages appropriate to the locality.**

**3.26 The Committee recommends that local education authorities should take every opportunity to make parents aware of the support that is available, including any subsequent 'one-stop-shops' that are developed.**

**3.27 The Committee recommends that the Assembly Government should provide funding for advocacy services, independent of local education authorities, to reinforce its independent nature and ability to offer totally impartial advice.**

**3.283** The Committee recommends that Estyn should further develop and disseminate advice on best practice in the early identification of SEN, **by publishing reports of inspections and surveys on using its website [www.estyn.gov.uk](http://www.estyn.gov.uk) and also its publications, and should compile a compendium of good practice.**

**3.294** The Committee recommends that the Assembly Government, **in consultation with local education authorities and the voluntary sector, should update its information this document for parents and carers of children and young people who may have special educational needs, to include links to relevant websites in the public and voluntary sectors. This document could also provide contact information for the LEA 'one-stop-shops' referred to above.**

### **Teacher training and continuing professional development**

**3.3025** As more children with severe and complex difficulties are entering mainstream schools, the initial training and continuous professional development of teachers is becoming increasingly important. Teacher training colleges should incorporate SEN training more widely, as an integral part of initial teacher training courses. In addition, teachers should be encouraged to keep abreast of latest theories and techniques as part of their continuing professional development. Any strategy developed will need to recognise that training of practitioners is fundamental, and that opportunities must be provided for continuing professional development.

**3.3126** The Committee recommends that the Assembly Government, in its forthcoming review of initial teacher training, should give particular attention to the need for **all** newly qualified teachers to have a better understanding of SEN; particularly in techniques for early identification.

**3.3227** The Committee recommends that the Assembly Government issue guidance to teacher training colleges to improve initial teacher training in the identification of children and young people with special educational needs.

**3.3328** The Committee recommends that teacher training colleges incorporate teaching techniques for the early recognition of special educational needs, and provision of appropriate support, as a standard part of their course curriculum;

**3.3429** The Committee recommends that the General Teaching Council for Wales, in developing guidance on continuing professional development for teachers, should include a requirement to keep abreast

**of developments and techniques in the early identification of special educational needs, and the provision of appropriate support.**

**Human resources**

3.359 There is a shortage of specialist staff involved with early identification and provision of support for children and young people with SEN. These include speech and language therapists, educational psychologists and specialist teachers for deaf children. Some initiatives are already in train.

3.364 The Speech and Language Therapy Group (SALTAG), an Assembly Government joint education and health working group, reported on its work in late 2003. The report, *Working Together*, includes seventeen recommendations, which have recently been subject to consultation.

3.372 Several of these recommendations are relevant to other specialisms; for example, better use of information technology to store and share data, greater partnership between local health boards and local authorities, and the development and implementation of evidence based recruitment and retention strategies. The Committee awaits the outcome of the consultation with interest.

3.383 These initiatives are welcome, but it takes four years to train a speech and language therapist; and so it will be necessary to make better use of existing resources in the short term.

**3.394 The Committee recommends that the Assembly Government should publish the results of the recent consultation and prepare a timetable for implementing the recommendations of the SALTAG report, *Working Together*, on speech and language services for children and young people with special educational needs.**

3.4035 A joint Child and Adolescent Mental Health Services (CAMHS) workforce group has been investigating the position of education and training for professional staff working with this group of children and young people. Funding has been provided for the development of a course, to begin in September 2004. The Committee welcomes this initiative.

**Multi-agency working**

3.4136 Multi-agency working is critical to early identification and intervention. Meeting the special educational needs of individual children and young people requires flexible working on the part of statutory agencies. All the agencies involved in providing SEN support should plan their interventions together; to agree priorities, and to make appropriate resources available in time to make a difference. This should include teachers, specialist therapists and other health professionals, local education authorities, local health boards and social services.

3.4237 The Committee feels that there should be flexible and efficient arrangements in place to share information about the child and the family, between all the professionals and agencies involved. Without this, the opportunity to build a cumulative picture of the child's abilities and needs over time is lost, and parents are left with the responsibility of retelling their story to every new professional they meet.

3.4338 Workforce planning will become increasingly important, to address current shortages of specialist staff. In the short term, more innovative use must be made of existing professionals and their support staff.

3.4439 It is essential to resolve the "prime and ultimate" anomaly, under which local health boards have the prime responsibility for delivery of speech and language therapy (SLT) but, for children with statements of SEN, local education authorities have the ultimate responsibility for ensuring that the service is delivered. This causes tension between the two statutory agencies, representing a possible barrier to the effective delivery of SLT services.

3.450 The Committee considers that it should be possible to resolve this anomaly by using existing powers and legislation. The key is better joint working and more effective and transparent commissioning of services for children and young people. Both these objectives are central to the National Service Framework for children and young people, currently out to consultation.

3.464 A change to primary legislation would be one way to resolve this anomaly, another possibility would be the use of the Health Partnership Act 1999 to facilitate joint commissioning and planning of services across statutory agencies.

3.472 The Working Together consultation document suggested (7.10.5) "Local health boards (LHBs) and local authorities should work within the partnership arrangements as described in the Health Act 1999 for the delivery of speech and language services to children and young people."

3.483 The following recommendations were agreed by both the Ministers for Education and Lifelong Learning and Health and Social Care at a bilateral meeting in June 2004. The Committee notes that the two Assembly Ministers intend to make a joint announcement on the recommendations later in the year. These recommendations outline details of how this collaboration could work in practice, taking account of the comments received from the consultation exercise and considers the delivery of services from both the commissioning and provider perspective.

3.494 Commissioners of such services should separately identify, commission and hypothecate those speech and language services for children and young people and those for adults (e.g. services for stroke victims). Commissioners should include in the specification for children and young people's services all necessary criminal records bureau/ child protection procedures. The children

and young people's service should be 0-19, to align with education responsibilities for the purposes of delivering speech and language services.

3.5045 LHBs Local health boards and LEAs local education authorities should establish a Commissioning Partnership to jointly commission services. They should determine what specialist services for speech and language difficulties are required for their area by undertaking a needs assessment. They should establish integrated models of care and care pathways. Such specialist services can consist of speech & language therapists, specialist teachers (based at LEA level), speech & language therapy assistants, and specialist learning support assistants. It is important to stress the distinctiveness of each profession, speech & language therapists and specialist teachers are not interchangeable and each bring their own expertise.

3.5146 It is not the intention to create a single profession, local areas need to consider an appropriate skill mix. The roles that could be undertaken by therapy assistants and learning support assistants need to be critically assessed. All practice must, of course, be evidence based from both a health and education perspective.

3.5247 Any needs assessment should feed into the local Health, Social Care and Well Being Strategy and into the Children and Young People's Framework in order to assist in planning for future services.

3.5348 It is a corollary of joint commissioning that it is the responsibility of both commissioning agencies to fund services for children and young people with speech and language difficulties and commissioners will need to agree their respective contribution and this should be contributed into a pooled fund. The overall size of this pooled fund should be sufficient to provide services to meet the assessed need.

3.5449 In commissioning the service, Commissioners must ensure that statutory responsibilities in respect of Statements of SEN are carried out.

3.550 The highest level of collaboration between the NHS and LEAs would be achieved if NHS Trusts and LEAs provided services in an integrated way, allowing different professionals to work under one management structure (as permitted under the Health Act 1999). Since NHS Trusts (as employers of speech & language therapists) are not coterminous with LEAs, this integrated service could best be organised in some parts of Wales at a geographical level higher than an individual local authority, for LEAs this is permitted by the Education Act 2002.

3.561 The groupings set out in WHC (2003) 63 between NHS Trust areas and LA areas for secondary care commissioning groupings suggest a good model for how this might be organised. This is likely to mean distinctive services for children and young people, and for adults. This splitting of services was a recommendation of the Carlile Report but services would need

to fully consider the practical human resource and training difficulties this may cause.

3.57~~2~~ For effective integrated working the providers need to have resolved that there are clear management structures, professional accountability, clear performance management of the service and a joint location of the service and proper administrative support. Further work is needed to work out details of how this could be achieved and what are the appropriate organisational models, as well as practical issues of implementation.

3.58~~3~~ The Committee recognises that there are difficult issues to be tackled before this anomaly can be resolved. For example, specialist therapists currently employed by local health boards might be reluctant to be employed by LEAs, as this might be detrimental to career development, continuing professional development and access to the wider health community.

**3.59 The Committee ~~considers-recommends~~ that local health boards should consult therapists ~~should be consulted~~ on any proposed changes and that, in the short term, it should be possible to synchronise the working days and holidays of teachers and therapists to provide a more effective service for children and young people.**

**3.60 The Committee recommends that local education authorities and local health boards should adopt a child centred approach, recognising that all children have individual pathways and that inclusion must be on a continuum. This would require each child to have an independent development programme agreed, on a multi-agency basis.**

3.61~~54~~ The Committee welcomes the proposal by the Assembly Government that a co-ordinator be appointed to establish two pilot projects working across LEAs, LHBs and NHS Trusts from April 2005, to introduce partnership arrangements on a wider scale than previously developed. These projects would then be evaluated against improvement measures in service delivery and National Guidance would be developed to ensure total coverage across Wales, thereby ensuring equity and a framework for such partnership arrangements.

**3.62~~55~~ The Committee recommends that the Assembly Government issue guidance to local health boards and local education authorities encouraging use of the Health ~~Partnership~~ Act 1999 for joint commissioning of services and pooled budget arrangements;**

**3.63~~56~~ If such changes towards joint commissioning are not made as a matter of some urgency, the Committee recommends that the Assembly Government should give further consideration to amending primary legislation to resolve the anomalies of prime and ultimate responsibility;**

**3.64~~57~~ The Committee recommends that the Assembly Government should issue guidance to local health boards and local education authorities, encouraging them to make more use of the Health**

**Partnership Act 1999 and the Flexibilities Special Grant, to fund collaborative SEN projects.**

**Regional provision**

3.6558 The Education Act 2002 gives powers to local education authorities in Wales to collaborate in providing advice and support for children and young people with SEN on a regional basis. Some LEAs are already exploring collaborative arrangements with neighbouring authorities. The Committee considers that regional planning and, where appropriate, regional provision of SEN services should be encouraged.

**3.6659 The Committee recommends that the Assembly Government should issue guidance to local education authorities to encourage provision of SEN services in accordance with the SEN Code of Practice on a regional basis, using powers in the Education Act 2002.**

**Welsh medium and bilingual provision**

3.670 While there has been steady growth in Welsh-medium and bilingual education, there is no evidence of similar growth in bilingual services and education for children and young people with SEN. Such children and young people from Welsh speaking homes and/or receiving Welsh-medium education are regularly placed in English medium settings, due lack of appropriate Welsh-medium or bilingual specialist support. Supply of SEN support through the medium of Welsh is patchy, as is the available data on the need for such support.

3.684 In 2002, the Welsh Language Board (WLB) published a comprehensive report entitled Acknowledging Need, which presented a national picture of Welsh medium and bilingual provision and services for pupils with special educational needs. This report sets out current provision through the medium of Welsh, and makes a number of recommendations to improve the equality of linguistic opportunity for children and young people with SEN, including bilingual support for parents; improved access to therapies bilingually; improved cross-agency collaboration, sharing good practice and improved use of ICT; and ensuring that sufficient numbers of Welsh speaking SEN staff are trained, recruited and retained; including teachers, therapists and psychologists.

3.692 The WLB report includes a comprehensive set of recommendations covering the Assembly Government, LEAs and other statutory bodies, the health and social services, physiotherapy, educational psychology, Welsh advisers and the Athrawon Bro service, early years, further education, higher education, work placements, voluntary organisations and learning support assistants.

**3.7063** The Committee recommends that the Assembly Government publish a timetable for implementing the recommendations of the report by the Welsh Language Board, entitled *Acknowledging Need*, to improve Welsh medium and bilingual services for children and young people with special educational needs.

### **Support for those whose first language is neither English nor Welsh**

3.7164 The identification of the special educational needs of children and young people, whose first language is neither English nor Welsh, requires particular care. It is necessary to consider the child within the context of their home, culture and community.

3.7265 When children and young people who have English and Welsh as an additional language make slow progress, it should not be assumed that inadequate language proficiency is the only reason; they may have some form of learning difficulty.

**3.7366** The Committee recommends that the Assembly Government commission an audit of provision of SEN services for children and young people with special educational needs, whose first language is neither English nor Welsh;

### **Health and Social Services (HSS) Committee Report on Children with Special Health Needs**

3.7467 In November 2002, the National Assembly's Health and Social Services Committee published a report on children with special health needs, including those with special educational needs.

3.7568 In February 2003, the Assembly Government responded to this report and accepted these five recommendations. There has been progress; for example, the setting up of the WAGSEN advisory group, the issuing of guidance to local health boards and moves to establish a National Service Framework for children, young people and maternity services.

**3.7669** The Committee recommends that the Assembly Government publish a progress report on implementing relevant recommendations from the Health and Social Services Committee's report on children with special health needs; in particular:

- Good practice in special needs education around Wales should be validated and disseminated;
- The move to special needs provision within a mainstream setting should be welcomed, but greater emphasis should be placed on the monitoring of special needs services so that they do not become diluted;
- The National Services Framework for Children should contain a detailed sub-section on special education and health needs;
- A member of each local health board in Wales should be designated as responsible for children's services and children's rights; and

- **The situation of children aged less than five years with severe health needs requires urgent attention, so that they receive appropriate pre-school education.**

**3.779** The Committee recommends that the Assembly Ministers for Education and Lifelong Learning, and Health and Social Services, should report **regularly twice a year** to their respective committees to enable them to monitor quality of delivery of services for children and young people with special educational needs.

## **Funding**

3.784 Funding underpins the effective identification of children and young people with special educational needs, and provision of support to help meet those needs. It is unlikely that current funding levels will be increased significantly in the near future; so could this funding be used more effectively?

3.792 There are several ways in which this might be achieved; for example, by adjusting the formula which determines the allocation of funding to LEAs, to take account of different levels of need, based on an audit of these needs; by giving a greater weighting to early years provision, implying a reduction of funding in other areas; by increasing resources for the training and recruitment of specialist staff; and by recruiting more support staff, to enable more effective use of therapists and specialist SEN teachers.

**3.80 The Committee recommends that the Assembly Government should commission a review of the formula used to allocate SEN funding to local education authorities, based on an audit of need.**

**3.81 The Committee recommends that the Assembly Government should increase funding for the training and recruitment of specialist staff.**

**3.82 The Committee recommends that local education authorities should provide funding to allow schools to recruit and train more support staff, to facilitate more effective use of therapists and specialist SEN teachers.**

3.8373 The Committee believes that greater co-operation between local education authorities, in planning and funding regional SEN provision, should result in some economies of scale. Any such savings should be used to further improve SEN services.

3.784 The Flexibilities Special Grant, introduced by the Welsh Assembly Government, has facilitated a number of collaborative initiatives between local health boards and local authorities. **The Committee welcomes this grant and recommends that the Assembly Government should encourage further joint projects by reviewing guidance and helping to disseminate best practice.**

**3.85 The Committee recommends that the Assembly Government should create a specific budget for the funding of an independent advocacy**

service.

3.86 The Committee recommends that the Assembly Government makes extra resources available to the General Teaching Council for Wales, to develop bursaries for ongoing professional development in the identification of low level special educational needs.

3.87 The Committee recommends that the Assembly Government should make provision in the budget over the next three years to fund the recommendations in this report.

## Section 4 - Recommendations

### Welsh Assembly Government

4.1 The Assembly Government should issue guidance to local health boards and local education authorities encouraging use of the Health ~~Partnership~~ Act 1999 for joint commissioning of services and pooled budget arrangements.

4.2 If such changes towards joint commissioning are not made as a matter of some urgency, the Assembly Government should give further consideration to amending primary legislation to resolve the anomalies of prime and ultimate responsibility.

4.3 The Assembly Government should issue guidance to local health boards and local education authorities, encouraging them to make more use of the Health ~~Partnership~~ Act 1999 and the Flexibilities Special Grant, to fund collaborative SEN projects.

4.4 The Assembly Government, in its forthcoming review of initial teacher training, should give particular attention to the need for all newly qualified teachers to have a better understanding of SEN; particularly in techniques for early identification.

4.5 The Assembly Government should issue guidance to local education authorities to encourage provision of SEN services in accordance with the SEN Code of Practice on a regional basis, using powers in the Education Act 2002.

4.6 The Assembly Government should issue guidance to teacher training colleges to improve initial teacher training in the identification of children and young people with special educational needs.

4.7 The Assembly Government should publish the results of the recent consultation and prepare a timetable for implementing the recommendations of the SALTAG report, Working Together, on speech and language services for children and young people with special educational needs.

4.8 The Assembly Government should publish a timetable for implementing the recommendations of the report by the Welsh Language Board, entitled Acknowledging Need, to improve Welsh medium and bilingual services for children and young people with special educational needs.

4.9 The Assembly Government, in consultation with local education authorities and the voluntary sector, should update its information document for parents and carers of children and young people who may have special educational needs, to include relevant websites and LEA contacts. This document could also provide contact information for the LEA 'one-stop-shops' referred to in paragraph 4.19.

4.10 The Assembly Government should commission an audit of provision of SEN services for children and young people with special educational needs, whose first language is neither English nor Welsh.

4.11 The Assembly Government publish a progress report on implementing relevant recommendations from the Health and Social Services Committee's report on children with special health needs; in particular:

- Good practice in special needs education around Wales should be validated and disseminated;
- The move to special needs provision within a mainstream setting should be welcomed, but greater emphasis should be placed on the monitoring of special needs services so that they do not become diluted;
- The National Services Framework for Children should contain a detailed sub-section on special education and health needs;
- A member of each local health board in Wales should be designated as responsible for children's services and children's rights; and
- The situation of children aged less than five years with severe health needs requires urgent attention, so that they receive appropriate pre-school education.

4.12 The Assembly Ministers for Education and Lifelong Learning, and Health and Social Services, should report regularly twice a year to their respective committees, monitoring the quality of services for children and young people with special educational needs.

4.13 The Assembly Government should provide funding for advocacy services, independent of local education authorities, to reinforce its independent nature and ability to offer totally impartial advice.

4.14 The Assembly Government should commission a review of the formula used to allocate SEN funding to local education authorities, based on an audit of need.

4.15 The Assembly Government should increase funding for the training and recruitment of specialist staff.

4.16 The Assembly Government should create a specific budget for the funding of an independent advocacy service.

4.17 The Assembly Government should make extra resources available to the General Teaching Council for Wales, to develop bursaries for ongoing professional development in the identification of low level special educational needs.

4.18 The Assembly Government should make provision in the budget over the next three years to fund the recommendations in this report.

## Other bodies

4.193 Local education authorities should establish a 'one-stop-shop' for parents of children and young people with special educational needs, to obtain relevant information. The information should be current, easy to understand and available bilingually; and in minority languages appropriate to the locality.

4.20 Local education authorities should provide funding to allow schools to recruit and train more support staff, to facilitate more effective use of therapists and specialist SEN teachers.

4.21 Local education authorities should take every opportunity to make parents aware of the support that is available, including any subsequent 'one-stop-shops' that are developed.

4.22 Local health boards should consult therapists on any proposed changes and that, in the short term, it should be possible to synchronise the working days and holidays of teachers and therapists to provide a more effective service for children and young people.

4.23 Local education authorities and local health boards should adopt a child centred approach, recognising that all children have individual pathways and that inclusion must be on a continuum. This would require each child to have an independent development programme agreed, on a multi-agency basis.

4.2414 Teacher training colleges should incorporate teaching techniques for the early recognition of special educational needs, and provision of appropriate support, as a standard part of their course curriculum.

4.2515 The General Teaching Council for Wales, in developing guidance on continuing professional development for teachers, should include a requirement to keep abreast of developments and techniques in the early identification of special educational needs, and provision of appropriate support.

4.26 The General Teaching Council for Wales should provide bursaries to ensure that one teacher per school, or school cluster, is trained in the identification of low level special needs: and that the training is consequently cascaded to all members of the teaching staff.

4.2716 Estyn should further develop and disseminate advice on best practice in the early identification of SEN by publishing reports of inspections and surveys on, using its website [www.estyn.gov.uk](http://www.estyn.gov.uk) ~~and also its publications, and should compile a compendium of good practice.~~

4.2817 ACCAC should further develop means of assessing and monitoring the attainment of children and young people with differing complexity of SENspecial educational needs.