



Learning the hard way:

**a strategy for
special educational
needs**

Lucy Wilkins

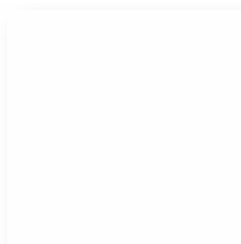
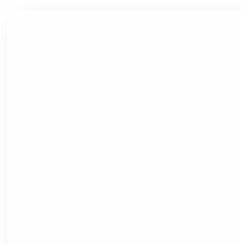
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a strategy for special educational needs

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POLICY PAPER

A joint project by CentreForum and Policy Exchange

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exchange**

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■ Executive summary

"I wonder if any of the policymakers and bureaucrats in government have actually talked to the parents of special needs children, rather than sitting in Whitehall and deciding from there."

– **Special needs teacher of pupils with profound and multiple disabilities.**

The UK is believed to have one of the highest incidences of special educational needs (SEN) in the developed world. Nearly 20 per cent of all pupils have some form of learning difficulty, a rise of 10 per cent in the last four years. Furthermore, SEN is not equally distributed across society: it hits the most deprived hardest.

The education system is struggling to cope with this growing burden. A catalogue of failures – the poor academic and social achievements of children with learning difficulties, an ill-equipped and overburdened teaching staff, and the alienation of parents who have to negotiate a complex and opaque system – led to a recent review of the system describing it as "not fit for purpose".¹

David Cameron, the Conservative Party leader and father of a child with special needs, has forced these problems up the political agenda. Cameron has entered the controversial 'inclusion' debate – whether a child with learning difficulties should be educated in a mainstream or a special school – describing the government's inclusive strategy as mistaken and damaging, and arguing for an expansion of special schools.

This report argues that the inclusion debate misses the fundamental point: that it is parents, not politicians, who are best placed to decide where their children should be educated. It is parent choice, rather than ‘expert’ opinion, that should drive policy.

PROMOTING ACCESS AND EXPANDING CHOICE

To ensure that families with SEN children can access the school of their choice, more good school places need to be created. This can be done in two ways: by allowing good schools to expand, and permitting new schools to open. To this end, ministers should take active steps to accelerate the academies programme, in particular by relaxing the current overly restrictive planning guidelines and waiving the prohibitive £2 million sponsorship fee for those academies establishing specialist SEN units.

To ensure that schools are not able to deny access to SEN children, the school admissions process should be overhauled. This paper makes the case for a ‘first come, first served’ admissions system to give children with learning difficulties an even chance of getting into a good school. Unlike lottery based admissions systems, this approach encourages and rewards parental initiative. Unlike catchment area admissions systems, however, it rewards the initiative of poor parents every bit as much as rich parents.

In addition to prohibiting selection, the Greenwich ruling – which allows children to go to school across local authority borders, but which does not currently apply to SEN pupils – should be extended to include all pupils.

The provision of detailed but accessible information to parents is crucial in any choice based education system. However, in a survey of local authorities, we found that very few adhere to their legal duty to provide information on SEN policy. Parents need consistent and comparable information from local authorities and schools if they are to make the best decisions for their children. Consequently:

- Every council should, in conjunction with its schools, draw up a map of provision documenting the help children will receive depending on their level of need.

- Two sets of performance tables should be published – one which includes SEN pupils and one which excludes them. This would help parents seeking high quality SEN provision.
- Ofsted should inspect local authorities to ensure they are complying with their legal duty regarding SEN provision. Additional inspections should be triggered either by a single very serious breach of SEN law or by receipt of a number of more minor complaints about a particular authority.

GIVING PARENTS CONTROL

The funding of statements must also be reformed if parents are to have confidence in the process. This paper makes the case for separating the assessment and funding functions, putting independent assessors in charge of the former, while leaving local authorities in charge of the latter. While this change would not reduce the need for rationing, it would make the process more transparent and should reassure parents that their child is being impartially assessed.

The diagnosis and recommendations of the statement should be translated into a personal budget for parents to spend. While the responsibility for arranging provision would go, by default, to the local authority, parents who want a say over how and where their child should be educated should be given the opportunity to do so.

In addition, the council should fund the school for the period between when a statement is first requested and its issuance. These 'back payments' would cover the additional costs the school spent during this period, removing any incentive to delay the process.

Beyond the cost of these back payments, this paper does not recommend any increase in the amount spent on SEN provision. Real terms funding has grown by 46 per cent since 2000/01 but without a commensurate improvement in outcomes. The challenge now is to ensure that this money is delivering its intended outcomes.

REDUCING INCIDENCE AND IMPROVING OUTCOMES

Experience, both in the UK and elsewhere in the world, suggests that early and intensive intervention is key to reducing both the severity and incidence of SEN. Thousands of pupils have been labelled with SEN because they have not learnt to read properly. A greater emphasis on literacy would significantly reduce the incidence of learning difficulties, enabling funds and strategies to focus on more severe, unpreventable disabilities.

Strategies should include:

- Regular screening in primary school for literacy difficulties. Estimates suggest this could cost as little as £1,400 per primary school.
- Intensive, phonics-based literacy classes for all SEN pupils at risk of failure and those with identified literacy problems.
- More hours of instruction in literacy and numeracy each week. Mainstream schools should have the freedom originally given to academies to spend more time teaching the basics of English and maths at the expense of other subjects in the curriculum.

The value of specialist teaching cannot be overemphasised. A more sophisticated understanding of learning difficulties would help teachers 'personalise' their instruction, which in turn would reduce exclusions and raise attainment. One of the five compulsory days of in-service training should be dedicated to SEN. Secondary schools should have at least one teacher trained in a specialist learning difficulty and clusters of primary schools should also have access to such teachers. These measures can be paid for by reducing the number of new teaching assistants.

■ 1. Understanding special educational needs

Over the past few decades perceptions of children with learning difficulties have been transformed. Once labelled as ‘educationally subnormal’ or ‘maladjusted’, children with learning impairments are now described as having ‘special educational needs’ and are entitled to the same educational opportunities as all children.

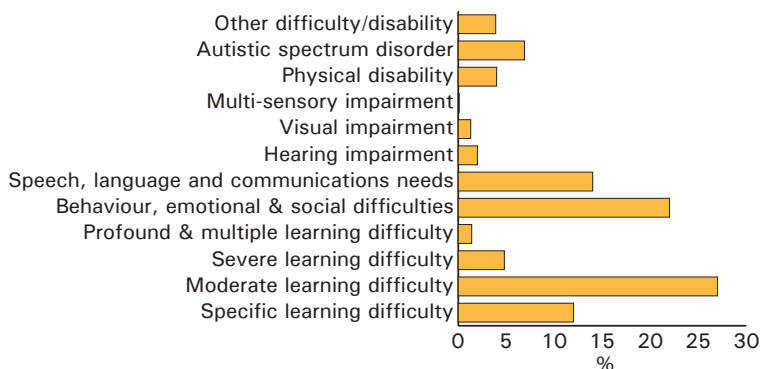
The government should be commended for making a priority of such children’s needs and for reducing the barriers they face when trying to access high quality education. Yet despite these efforts, education for children with special needs is still inferior to that received by those without SEN and there are high levels of dissatisfaction among parents and teachers. Much of this is because of the dramatic increase in the incidence of learning difficulties – with around one in five pupils now having some form of learning difficulty – which has placed further strain on an already struggling education system.

WHAT IS SEN?

The term ‘special educational needs’ refers to a huge range of learning disabilities from physical and sensory impairments to ‘invisible’ difficulties such as autistic spectrum disorders or dyslexia. Figure 1 shows the incidence of the various different categories of learning difficulty. Children with ‘moderate learning difficulties’ include those who have lower than average intelligence levels or other problems which affect performance across the board. This is in contrast to those with ‘specific learning

difficulties', such as dyslexia or attention deficit disorder, who may have an average or above average IQ. 'Speech, language and communication difficulties' can encompass children with Down's syndrome, autistic spectrum disorders, or those with lesser known disabilities such as pragmatic semantic disorder. Some children have several disabilities.

FIGURE 1: INCIDENCE OF LEARNING DIFFICULTIES (SCHOOL ACTION PLUS AND STATEMENTS*)



* Figures for School Action are not collected.

Source: DCSF, 2007.

The stages of SEN diagnosis

The identification of SEN follows the government's 2001 Code of Practice:

The initial diagnosis is undertaken by teachers, assisted by the school's SEN co-ordinator. Once it is confirmed that the child has special needs he or she becomes eligible for additional help within the school and is placed on the 'School Action' register.

If the child continues to perform unsatisfactorily, advice and support may be sought from external agencies ('School Action Plus').

When it is believed the child's needs cannot be met by their school, the parents and/or the school may request the local authority to carry out a statutory assessment.

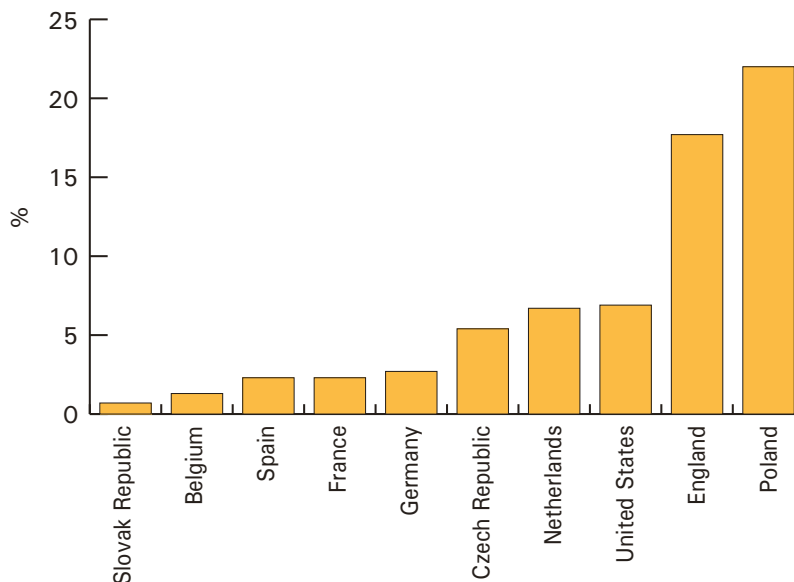
This process culminates with the local authority drawing up a 'statement' which documents the educational help allocated to the child and which the local authority is legally obliged to provide.

WHO HAS SEN?

Approximately one in five pupils are on special needs registers although the number is rising rapidly – by 10 per cent over the last four years alone.² Of all categories, the most notable increase has been in less severe, non-statemented special needs, commonly described as 'high incidence, low severity' SEN. These pupils are usually on School Action, often have behavioural and emotional disorders, and make up over 60 per cent of all cases.³

There are no reliable comparisons of the incidence of learning disabilities on an international scale because of the different definitions and categories countries use for learning needs. However, in 2005 the OECD completed a study using its own criteria for learning difficulties. Although not without methodological problems its findings nonetheless make an important contribution to the debate. Figure 2 uses the measure of additional resources spent on students with SEN to compare the incidence of students with behavioural or emotional difficulties and/or specific difficulties (as opposed to more clearly physiological disabilities). It shows that the UK is the second highest country in terms of the number of children who receive additional funding for special needs. Although this cannot provide a definitive comparison of special needs incidence, it illustrates the considerable burden SEN poses to the UK education system.⁴

FIGURE 2: NUMBERS OF STUDENTS RECEIVING ADDITIONAL RESOURCES FOR BEHAVIOURAL OR EMOTIONAL DISORDERS OR SPECIFIC LEARNING DIFFICULTIES AS A PERCENTAGE OF ALL STUDENTS IN COMPULSORY EDUCATION, 2001.*



* Not including physical impairments

Source: OECD, 2005.

EXPLAINING PATTERNS OF SEN

There are many different theories which seek to explain the incidence and distribution of special educational needs. Some of the recent surge in cases can be attributed to medical advances which have led to a higher survival rate for premature births, increasingly sophisticated diagnosis methods, and a better understanding and awareness of certain disabilities. Before 1990, for example, estimates put the numbers of those with autistic spectrum disorders at about four or five cases per 10,000 people, but more recent estimates suggest the condition now affects approximately one person in every 100 – a twenty fold increase. Several factors have been suggested to account for this increase, particularly the widening of criteria used to diagnose autistic spectrum disorders.⁵

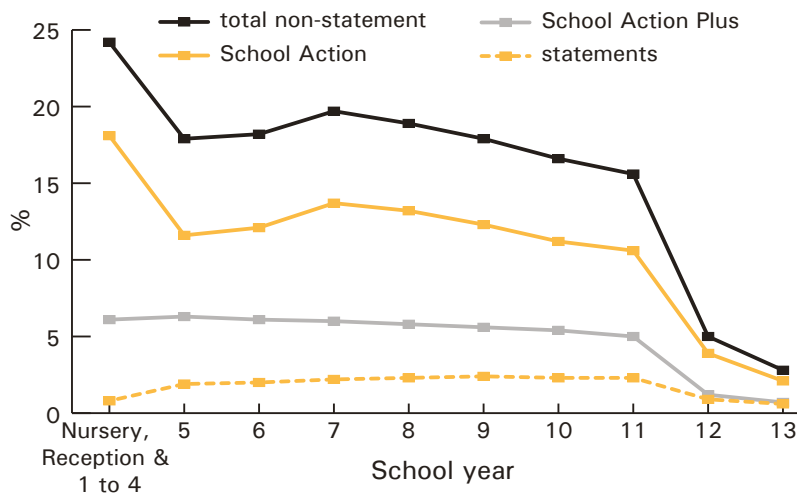
Other analysts have stressed the role of socio-economic influences as a significant cause of SEN. Learning difficulties disproportionately affect children from lower socio-economic groups: children with statements are almost twice as likely to be eligible for free school meals than pupils on average. Eligibility for free school meals (FSM) is used as a basic measurement of poverty, as they are offered only to children of parents in receipt of some form of state support. Children from poorer than average ethnic groups, such as black Caribbeans or travellers, are also more likely to have some form of learning disability.⁶

Educational factors, such as teacher quality and the curriculum, can also influence the incidence and severity of learning difficulties. The Conservative Party's commission on special needs described some children as having 'system driven' needs. Such children, it claims, have the ability to benefit from mainstream schooling but have been failed by the educational system. Somewhat controversially, some experts point to the fact that only the US has seen a comparable increase in SEN to the UK and that both these countries saw a decline in teaching methods such as intensive early phonics in the late 1970s and 1980s.⁷ While this has been fiercely debated among educationalists, the strong link between poor literacy and learning difficulties is undeniable (see chapter five). Research by the National Institute for Health in the US demonstrates that intensive remedial reading instruction delivered at a young age could prevent 70 per cent of learning disabilities.⁸

It is clear that high quality education helps both to prevent the development of learning difficulties and ameliorate them once discovered. This effect is particularly pronounced in early years education: high quality pre-school education has a positive impact on cognitive and behavioural development in children, and on primary school performance. A major study of young children's progress through pre-school and into primary school until the end of key stage 1 (age seven) showed that high quality pre-school provision reduced the proportion of children entering school with low cognitive and language skills which put them at risk of developing learning difficulties. Controlling for home background, significantly more children who had no pre-school experience were identified as having SEN at the age of seven than those who had attended pre-school.⁹

This is corroborated by figure 3 below which illustrates the incidence of learning difficulties over time in school. Notably, the incidence of more severe needs (those on School Action Plus and statements) remains relatively stable during the period. It is the low severity SEN (School Action) that fluctuates the most. The pronounced decline in School Action during the first few years in schools – from 18 per cent during nursery, reception and school years one to four, to 12 per cent in year five (age eight/nine) – highlights the importance of early intervention in reducing SEN incidence. Overall, the graph indicates that schools can have a positive effect on ameliorating the effects of learning difficulties as there is a steady decline in SEN during the school period. (The dramatic decline after year 11 is as a result of many children with SEN leaving school).

FIGURE 3: INCIDENCE OF SEN OVER THE SCHOOL CAREER



Source: DCSF, 2007.

A final factor affecting the incidence of SEN is the possibility that some schools apply the SEN label too frequently to account for poor attainment results. Although this is harder to substantiate, one study noted that the rise in the number of pupils with non-statemented SEN from the mid 1990s coincided with

the publication of national performance tables and suggested that some schools might be using SEN to explain away poor results.¹⁰

Although the evidence suggests that non-educational factors, such as a child's family background and socio-economic status, exert most influence on the development of learning disabilities, it also shows that interventions in school can have a significant impact. This paper will therefore examine prevention and remedial strategies at the school level as a way of reducing the incidence and severity of SEN.

■ 2. Identifying problems with the current system

Critics of the SEN system argue that the poor academic and social outcomes of children with learning needs are chiefly due to two factors: a misplaced faith in the belief that all children should be educated in mainstream schools, and a significant underfunding of SEN provision. This chapter examines these two claims.

The principle behind the government's SEN strategy is that of 'inclusion' – the education of children in mainstream environments, rather than in 'segregated' settings such as special schools. However, some see inclusion as the source of all problems as it results in children with complex needs being thrust into an environment often unable to cope with them. Others regard tuition in mainstream schools as a basic human right for all children.

Inclusion

The 1981 Education Act established basic duties towards children with SEN, introducing the concept of an 'integrative' (which later became an 'inclusive') approach to educating children with learning difficulties. In its simplest form, inclusion is about enabling all students to participate fully in the life and work of mainstream school, whatever their needs. It stems from the belief that access to education is a fundamental right, as enshrined in the Universal Declaration of Human Rights.

CURRENT POLICY

The government appears committed to the principle of inclusion. The 1997 Education Green Paper laid down the government's support for inclusion. The 2004 SEN strategy outlined the importance of a new "inclusion development programme", stating that the number of children in special schools should gradually decrease as mainstream capacity is developed. Over the last decade 158 special schools closed while the number of pupils attending maintained special schools fell by nearly 9,000. However, it appears the government is now adopting a more nuanced position, promising to deliver a range of different services at the local level. This range encompasses a new role for special schools as resource centres providing specialist expertise and guidance to schools and parents, as well as 'special units' in mainstream schools to enable SEN pupils to mix with their non-SEN peers for some, but not all, lessons. This so called 'third way provision' should, the government claims, allow SEN children to reap the benefits of a mainstream education while protecting them from the chaos of school life when necessary.

Not everyone is convinced by the government's inclusion strategy, however. In 2006, the Education and Skills Select Committee declared that SEN provision was not "fit for purpose". Opponents of inclusion point out that attainment is disproportionately low for those with SEN and that there are unacceptable links between SEN, bullying and exclusions in mainstream schools. Nearly 70 per cent of children permanently excluded from school have SEN and statistics indicate that children with statements are three times more likely to be excluded than children without statements.¹¹ The National Autistic Society reports that over 40 per cent of children with autism and 60 per cent of children with Asperger's syndrome have been bullied, compared to around a third of all non-SEN pupils.¹² While teachers support inclusion in theory, in practice they increasingly believe it to be unworkable because of a lack of expertise and professional help.

One of the government's loudest critics is David Cameron, leader of the Conservative Party and father of a child with special needs. The Conservative Party's commission on special educational

needs describes the policy as having “damaged the learning of the pupil majority and...dramatically failed many special needs pupils”. Cameron has called for a moratorium on the closure of special schools and a rebalancing of special and mainstream schools.

EFFECTIVENESS OF DIFFERENT TYPES OF SEN PROVISION

Research shows that students with SEN can progress in all types of setting, but that an inclusive education benefits the majority of SEN children marginally more than does ‘segregated’ schooling. The research is more equivocal for the severely disabled for whom the availability of special school places can be vitally important. There is also little evidence to indicate that non-SEN pupils suffer adverse academic consequences when taught alongside those with SEN, although less data is available. However, the results must be regarded cautiously. Much of the research has been conducted in the US where, though relevant, very different educational contexts exist.

The most comprehensive assessment of the relationship between SEN, achievement and educational setting in the UK is a recent study by the University of Manchester.¹³ The study found no evidence of the number of pupils with SEN affecting attainment at the local authority level, although it did find a very small negative relationship at the school level. At key stage 1, this negative relationship was shown to be a little stronger for pupils with learning difficulties than for those without, while at key stage 2 no clear relationship could be identified. In secondary school the negative relationship was a little stronger for pupils without learning difficulties than for those with SEN – although this relationship was stronger in schools with a relatively small number of SEN children. In addition, the study found a considerable variation in the performance of schools with similar levels of inclusiveness, something which prompted it to conclude that school level factors – such as teaching quality – are more important. Overall, the authors concluded that teaching SEN pupils in mainstream schools is unlikely to have any significant impact on attainment levels when other variables are taken into account.

These findings are corroborated by a number of other reports. A UK study comparing mainstream and special school provision for pupils with moderate learning difficulties concluded that no one type of provision was overwhelmingly superior to any other, but that there was probably a marginal balance of advantage in favour of mainstream placements.¹⁴ In 2006 Ofsted found there was little difference in the quality of provision and outcomes for all types of SEN pupils across primary and secondary mainstream schools and special schools. It concluded that pupils with even the most severe needs were able to make excellent progress in all types of setting.¹⁵

An analysis of 50 US studies compared the academic performance of integrated and segregated students with less severe learning difficulties. The mean academic performance of the integrated groups was in the 80th percentile, while that of segregated students was lower: in the 50th percentile. A recent study of Chicago schools measured the performance of students with learning disabilities after being placed in special education classrooms. Students did not do better, and tended to grow further apart in terms of achievement from comparable students not placed in segregated settings.¹⁶ Research also highlights that an inclusive policy can have a positive effect on tolerance, diversity and social cohesion within the school.¹⁷

Some parents are understandably concerned about the impact SEN children might have on their non-SEN peers, fearing that they will cause disruption and hold the class back. Counter-intuitive it may be, but most studies find that inclusion has little if any negative impact on the attainment of pupils without SEN, although more research is needed in this area. One study which examined achievement in classes with and without SEN pupils (including pupils with severe emotional disorders) over three years found no decline in academic or behavioural performance of classmates in inclusive classrooms and no significant differences in basic skills of reading, language and maths.¹⁸ Furthermore, it seems that the inclusion of SEN pupils can lead to the development of teaching skills that benefit all children, particularly low attaining, non-SEN pupils.¹⁹ The skills needed to teach SEN pupils – sensitivity to individual learning needs and an ability to adapt and personalise the curriculum for a wide range of abilities – benefit all children.

The most notable finding is that ‘additionally resourced schools’ are particularly successful. These are mainstream schools with a specialist facility or unit for learning difficulties which allows pupils to be taught both by specialist teachers and in mainstream classes. The 2006 Ofsted report found that pupils were more likely to make good progress academically, personally and socially in ‘additionally resourced schools’ and that this specialist provision did not detract from provision for all pupils. This finding was also confirmed by 146 inspections of resourced mainstream schools. A US study compared the academic progress of pupils with SEN in a fully inclusive setting, a ‘pullout model’ that offered students instruction exclusively from a special education teacher in a separate room, and a third setting that was a combination of these two models providing students with inclusive instruction supplemented by periodic classes in a resource room. The evaluation found that it was this latter model that had the most beneficial outcomes for children and was most preferred by teachers.²⁰ Likewise, a study of European countries highlighted the development of additionally resourced units as a major trend in best practice.²¹

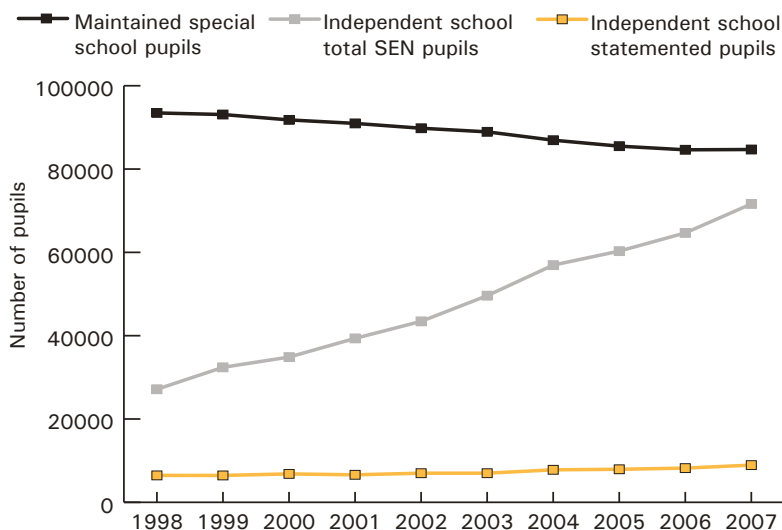
In sum, the evidence shows that children with learning difficulties can progress well in all types of setting without disadvantaging their non-SEN peers. This only strengthens the case for government adopting a non-prescriptive approach, allowing parents to choose the school that best meets their child’s needs.

CHOICE AND THE INCLUSION AGENDA

The National Autistic Society found that 55 per cent of parents said they had no choice over whether their child attended a mainstream or special school. Perhaps the strongest evidence for parental disempowerment is seen in the number of appeals to the SEN and Disability Tribunal (SENDIST). From 1997 to 2006 there was a 60 per cent increase in the number of appeals SENDIST received, totalling nearly 4,000 in 2006. Of those complaints that were upheld, around 80 per cent (300) led to children being placed in a special school. The remainder were placed in alternative mainstream settings (including independent schools).

Moreover, the government has failed to create as many places in mainstream schools as it has closed in special schools, as evidenced by the dramatic increase in numbers of SEN children in the independent sector. While the number of SEN pupils in maintained special schools fell by 9 per cent between 1998 and 2007, the number of statemented children (excluding academy pupils) in the independent sector rose by 22 per cent.²² And while 158 maintained special schools closed over the same period, the number of independent special schools rose from 65 to 72.²³ The choice to educate your child in a special school is increasingly a choice available only to those who can afford it.

FIGURE 4: NUMBER OF SEN PUPILS IN MAINTAINED SPECIAL SCHOOLS AND INDEPENDENT SCHOOLS (INCLUDING ACADEMIES), 1998-2007



Source: DCSF, 2007.

This lack of choice in the maintained sector is emphasised in official government policy. The document 'Inclusive schooling' provides guidance on how the 2001 SEN and Disability Act should be implemented and explains that "where parents want a mainstream education for their child everything possible should be done to provide it." However, for parents who want their

child to go to a special school, their wishes should merely “be listened to and taken into account”.²⁴ This is choice only on the government’s terms. While there are extensive cost implications associated with special schools, much more should be done to develop specialist provision in the form of SEN units and specialist teaching to provide parents with genuine choice in the state sector.

THE CHALLENGE OF FUNDING SPECIAL NEEDS

Schools need to increase their capacity to provide sophisticated, specialist support if parents of SEN children are to be given real choice. But critics have argued that there are two reasons why schools have failed to develop this capacity: first, that SEN provision is under resourced and second, that existing resources are being misdirected. This section examines both these claims – rejecting the first while broadly accepting the second. The statementing system is dealt with separately in chapter four.

Funding for SEN comes from the ring fenced ‘dedicated schools grant’ that local authorities receive from central government and from any additional resources the local authority decides to add to their schools budget. While adhering to basic guidelines, local authorities determine how this funding will be distributed – how much will be retained in a central budget for core services to children and families and how much will be delegated to schools in the ‘individual schools budget’. The SEN aspect of the centrally retained budget is often used for specialist resources such as access to assessments, consultation with educational psychology departments and statementing officers. Distribution of the individual schools budget to schools is calculated by a formula devised by the local authorities reflecting local priorities. It is for governors and head teachers to determine how the SEN budget will be used in their school.

Local authorities calculate the SEN formula in a variety of different ways, using indicators such as FSM data, the number of children for whom English is a second language, pupil mobility figures, reading test scores and so forth. Some local authorities may calculate the entire SEN budget in this way, while others may use a more complex set of indicators to top up the funding according

to severity of need on a per pupil basis. Children with the most severe needs who have a statement are usually funded out of a separate, centrally retained budget, although in a growing number of local authorities all or part of this funding is delegated.

ARE FUNDING LEVELS ADEQUATE?

Overall investment in SEN has risen from £3.2 billion in 2000/01 to a projected £4.7 billion in 2007/08 – a 46 per cent increase in real terms that has seen SEN funding keep pace with education spending generally.²⁵ The table below gives a breakdown of SEN spending in 2006/07. It is particularly noteworthy that the amount of funding allocated directly to maintained special schools, combined with the allocation to independent and non-maintained special schools, amounts to 40 per cent of the total SEN budget going to the 5 per cent of SEN children that are taught in special schools.

TABLE 1: SEN EXPENDITURE, 2006/07

Expenditure Category	Value (£ billions)	Share
Maintained special schools	1.3	29.7%
Mainstream schools	1.8	41.2%
Centrally retained <i>of which – to independent and non-maintained special schools</i>	1.0 <i>0.51</i>	22.9% <i>11.6%</i>
Local authority duties (such as educational psychologists, administration, parent partnership and child protection)	0.27	6.3%

Source: www.teachernet.gov.uk

The increase in SEN funding has not been followed by a commensurate improvement in educational outcomes for children with SEN. As a result, the government is under pressure to further increase funding levels. The case for doing so, however, is undermined by the evidence that existing funds are being allocated inefficiently. One study examined the relationship between costs and outcomes of pupils with moderate learning difficulties in

33 special and mainstream schools. It concluded that resources were allocated inequitably and with little understanding about what would produce the best results. The report also emphasised the difficulty of gathering data, stating that: "Little is known about how schools use funding to make provision for SEN pupils and almost nothing [is known] about the impact on educational outcomes."²⁶ A number of other recent studies have reached similar conclusions finding, for example, no statistically significant relationship between financial inputs and educational outcomes for students on School Action and School Action Plus.²⁷ Another study concluded that across several countries, variations in the way resources were allocated affected outcomes more than did variations in overall funding levels.²⁸

MAKING SCHOOLS ACCOUNTABLE TO PARENTS

Central government designates a proportion of education spending for SEN. However, once this money has passed through local authorities to individual schools there is no guarantee that it will be used for this purpose.

There are two ways of dealing with this problem. The first is by ring fencing the SEN budget delegated to schools and directing schools to spend it only on government approved SEN services. The second is by requiring schools and local authorities to account for their SEN spending decisions directly to parents.

If schools are to be given the freedom to respond flexibly and in the manner of their choosing to the needs of their pupils, it is important not to burden them with yet more bureaucratic controls. The second approach is therefore preferable. Yet many parents are simply unable at present to access the information they need even to choose a school for their SEN child, let alone to hold that school to account for the quality of its SEN provision thereafter. TreeHouse, the national charity for autism education, points out that parents do not understand that much of the money available to support children with SEN is delegated to individual schools' budgets. Furthermore, our own research reveals that only 47 per cent of local authorities currently detail the help they are providing for SEN children on their websites (a legal requirement), and only 27 per cent explain the funding of School Action and School Action Plus.²⁹

■ 3. Promoting access and expanding choice

The issue of choice is especially relevant for the families of children with learning difficulties as they are likely to find it considerably harder to find a place in a school suited to their particular needs. For example, over 50 per cent of parents of autistic children believe their child is not in the school to which they are most suited.³⁰

Supporters of choice based systems argue that liberalising supply so as to allow independent schools to enter the state funded sector will lead to the creation of more good school places. They claim this will give parents more choice which in turn will force poorly performing schools to improve their level of provision. Furthermore, by breaking up the state/church monopoly over the supply of free education, the school system will become more diverse and schools more specialised – something that will particularly benefit students with learning difficulties. Opponents of school choice claim that the opposite is true – that choice systems will inevitably benefit the well educated and the well heeled with the consequence that the disadvantaged (including those with special educational needs) will be left in “special education ghettos”.³¹

The evidence examined here suggests that it is the supporters of choice who have the stronger arguments. Choice based systems in fact particularly *advantage* children with learning difficulties, as not only do they tend to offer more suitable schools, but make it easier for parents to avoid or leave unsuitable schools.

For example, the Canadian province of Alberta, which has operated school choice policies for over thirty years, consistently scores at the top of national and international tests of academic performance. The exercise of parental choice has also increased the diversity of Alberta's school system. The province's two largest school districts – Edmonton and Calgary – offer the broadest range of school programmes in the country, including many programmes for students with special needs.³² The same trend can be observed in the US Charter school movement. Over 70 of these independently managed, state funded schools are aimed specifically at children with SEN.³³ Similarly, several independent schools in the Swedish state funded education system are explicitly focused on students with special needs.

Case study: school vouchers for SEN pupils in Florida

The McKay Scholarship Program for students with disabilities provides a voucher to any parent of a child with SEN in a Florida public school who is dissatisfied with the school's performance.³⁴ The value of each voucher is equal to the total cost of educating that child in a public (state) school and ranges between \$6,000 to \$20,000 depending on the severity of the child's needs. This enables parents to place their child in any participating private school that meets certain minimal requirements.

According to a 2003 analysis of the scheme, the schools that students attend through the McKay programme outperform their previous schools both in terms of parental satisfaction and on a variety of objective measurements. Some 93 per cent of parents were "satisfied" or "very satisfied" with their new placements, compared to a third of parents who were content with their child's previous experience. Furthermore, the pupils exhibited fewer than half the behavioural problems they had in their previous school.

The existence of the voucher scheme has also led to some schools developing a specialist expertise in certain SEN areas.

The implementation of school choice in Sweden led to concerns that independent schools might reject pupils with special needs but evidence suggests that is not the case. A study examining the effect of competition in Swedish schools found that children with special needs actually gained more from increased competition than

other students in terms of academic performance.³⁵ Furthermore, a government committee investigation found no evidence that independent schools took on fewer children with special needs. A number of other studies looking at voucher experiments in the US and elsewhere show parents of SEN children not only taking advantage of the opportunity to choose a school, but doing so often at a higher rate than parents of non-SEN pupils.³⁶

The Danish school model has been held up as an example by the OECD for the positive results it achieves with SEN children. In Denmark, as in Sweden, funding follows the child and parents have the final say over which school their SEN child attends. Supplemental resources can be made available through grants on a case by case basis. Research shows that far from increasing segregation, with SEN pupils abandoned to inferior schooling, choice has actually improved the quality of special needs teaching throughout Denmark. Experts attribute this to the inclusion, within the state system, of a number of independent schools with the freedom to experiment with innovative teaching techniques.³⁷

The New Zealand experience is also instructive, not least because through a process of trial and error, important lessons were learnt about system design. The original school choice legislation provided additional funding to every public and private school accepting SEN students, but the amount was not proportional to the actual number of SEN students admitted. This led to some schools rejecting students for cost reasons. However, the government subsequently remedied the legislation with two changes: the creation of a supplemental funding formula for schools based on the number of special needs students admitted, and another that provided more funding for those with the most severe disabilities. Heads are free to spend the funding on what they and the child's parents decide. Educationalists have since observed significant advances in the education of SEN children.³⁸

AN END TO SELECTION

In the UK, parents of SEN children do not yet have genuine choice. Many parents feel schools are biased against SEN students and use covert methods to refuse entry to pupils with learning difficulties.

The biggest barrier to choice is the current school admissions procedures. More than half of England's schools select some or all of their pupils by ability, aptitude or religious belief. There are good reasons to believe that these selection criteria are widely being used to exclude disadvantaged and deprived children whose educational prospects are, on average, less good. For parents of children with special educational needs, choice is especially restricted. For instance, the number of children with SEN in faith schools is below the national average. The same is true for children poor enough to qualify for free school meals (FSM). Indeed, the Sutton Trust found that only six of the top 200 secondary state schools (190 of which were selective) had FSM rates equal to or above the national average. Given the overlap between SEN and poverty, children with learning disabilities are particularly likely to find themselves shut out of the best schools.

The correlation between learning difficulties and deprivation also makes SEN children more likely to be disadvantaged when schools select pupils by geographical catchment areas – a system that pushes up house prices near good schools to the detriment of low income families.

Parents trying to get their SEN children into good schools are further hampered by the 'surplus places' rule which prevents good schools from expanding, or new schools being set up, when there is spare capacity in neighboring schools. What is more, it is in these poorly performing, undersubscribed schools that many children with learning difficulties find themselves once they have been transferred or excluded from other local schools.³⁹

Conscious that the system tends to disadvantage the most deprived and vulnerable, the government has attempted to strengthen the admissions code, but with limited effect. Jim Knight, the Minister for Schools, recently admitted that covert selection techniques are still being employed and that some local authorities and schools are not complying with the law.⁴⁰ Consequently, nothing short of a fundamental overhaul of the admissions system is likely to meet the government's stated goal of equalising educational opportunities.

There are three main ways of allocating school places so as to make covert social selection impossible: by lottery, by 'banding' or on a 'first come, first served' basis.

In a lottery system, places are allocated randomly by ballot. In a 'banding' system, children are divided by ability, with an equal number of children admitted from each ability band. Both systems are deemed to be 'fair' as they are almost impossible for parents and schools to influence.

Whether liberals should be satisfied with this definition of fairness is moot, however. An ideal admissions system is not one that is hostile, or even indifferent to parent initiative. Rather, it is one that rewards parent initiative, but, crucially, which rewards the initiative of poor parents every bit as much as rich parents.

For this reason, all school places, including academies, should be awarded on a 'first come, first served' basis. Under such a system, applications would open on a certain day and parents would be free to put their child's name down for any school of their choice, regardless of where they live. Applications should open two years before the child is eligible to attend the school and parents could register online, by phone or in person.

This is the system used in Sweden, in parts of Canada and in American Charter schools. In each case, it is the most active parents who are most likely to secure a place in a successful and popular school, although interestingly, not all such parents are part of the affluent middle classes as is often assumed. In Sweden, for example, the system has worked to the advantage of immigrant groups seeking to escape the deprivation in their community. This system will enable parents of children with learning difficulties to much more easily access schools best suited to their needs, rather than being trapped in low quality schools. While no system is perfect in every respect, this system distinguishes itself from the current admissions system by benefiting good parents, rather than rich parents.

Critics might also argue that the abolition of selection reduces the ability of schools to develop specialisms. However, a non-selective admissions policy does not mean schools cannot define

themselves in terms of ethos, faith or specialism. It simply means they cannot discriminate on that basis.

SEN pupils should also be able to take advantage of the Greenwich ruling, which allows children to be educated across local authority borders but which does not currently apply to children with learning difficulties. In combination with the effective abolition of catchment areas, this reform would open up a vast number of additional options to the parents of SEN children who, for the first time, would be able to 'vote with their feet' if they were dissatisfied with the standard of their local schools.

LIBERALISING SUPPLY

If choice is to have real meaning it is necessary to increase the number and diversity of good schools. There is a significant minority of parents who wish to have their children educated in special schools but cannot, while those in mainstream schools often cannot access the specialist support their children need. Similarly, because of the limited availability of good school places for SEN pupils, those schools which develop a reputation for excellent SEN provision often become 'magnet' schools, attracting more SEN applicants and can struggle to cope with the additional burden.

The government's main supply side reform in recent years has been the introduction of academies which, like US Charter schools and Swedish 'Free schools', are independently run but state funded. The government should encourage academy sponsors to establish new special schools or mainstream schools with specialist SEN units attached, if necessary by promoting partnership between sponsors and third sector organisations with SEN expertise. A number of charities interviewed for this report stated they would be willing to work in partnership with academy sponsors to assist with developing and providing specialist SEN units in academies. So as to stimulate such provision the government should waive the £2 million sponsorship fee for all academies establishing SEN units, as it does for private schools wishing to sponsor an academy.

The government should also place less emphasis on the need for new schools to be based in new school buildings. One of the most

significant factors hindering the entry of new providers into the education market is that – although technically not required by the legislation – the government demands academies are built from scratch or that they replace failing schools. The establishment of new schools is further constrained by rigorous building and design guidelines which allow little creativity in establishing new schools. One potential independent school provider described the government's obsession with expensive capital projects as a "mindset problem – there is no flexibility or creativity in how schools should look".

In other countries that have opened up their education systems to independent providers, expensive, architect designed facilities have not been a feature as they have here. For example, many American Charter schools have opened in former retail or industrial parks, office buildings or, in one case, in a cinema.⁴¹ Similarly, in Sweden, there is no expectation that a school need be set up in a purpose built site. The Swedish independent school 'chain' Kunskapsskolan, which runs around 30 schools, typically looks around for any building of the right size in the right area – a factory, a shopping centre, an observatory – and converts it into a school. Sports take place on municipal park land nearby. A typical conversion or renovation costs around £1 million, considerably less than the average £25 million capital costs of academies, and can take only one year to complete.⁴² The ease with which this is done (and with which planning consent is obtained to allow it to be done) explains how Kunskapsskolan was able to establish 17 new schools in Sweden in five years from 2001. Furthermore, there is no question of the state deciding where a provider can and cannot set up a school, nor are local authorities there able to prevent schools being established.

The current UK guidelines must be relaxed to make it easier to set up new schools. Academies should be given the freedom to set up in any location so long as they comply with basic health and safety standards. There should be no insistence that academies should be newly built or that they should take over from existing, failing schools. These measures would enable some academies to set up without using government capital reserves, and smaller organisations and charities could respond more easily to local need and parental demand.

PROVIDING INFORMATION FOR PARENTS

Choice is only useful if those being invited to choose have the information they need to do so. Yet information about SEN provision is so difficult to access and understand that it is only the most determined parents, supported by strong lobby groups, who are likely to be able to secure the best services for their children.⁴³

To its credit, in 2001 the government set out requirements for councils to publish information on their websites describing local SEN policies.⁴⁴ But local authorities are manifestly failing to adhere to their legal duties in this regard. A survey of all 150 English and Welsh local authorities carried out in 2003 found that only ten published all the information required by law.⁴⁵ A follow up survey conducted for this report of a third of all authorities found only limited improvement in the intervening four years (see Appendix). Authorities fell down most when it came to describing school provision. For instance, only 27 per cent gave information about the funding of help available to children in the School Action and School Action Plus categories. Perhaps most concerning was the finding that only 39 per cent of authorities explained how they monitored the allocation and effectiveness of SEN spending – another legal requirement.

LOCAL MAPS OF PROVISION

Local authorities and schools should inform parents about the funding and delivery of SEN services on a consistent and easily intelligible basis. Every council in conjunction with its schools should draw up a document or 'map' describing the help each child can expect to receive, depending on their impairment and learning level. Each map would vary according to the level of resources and the availability of specialist help available in each authority. The information should be available on each council and school website and in school prospectuses.

Those local authorities that already adopt such an approach report a marked improvement in practice and in parental confidence levels. According to a senior officer in Wiltshire County Council, the detailing of the precise provision parents can expect,

depending on their child's needs, has helped make the system fairer and improved the quality of provision. The details of the map were negotiated by the authority with its schools. The local authority found this process helped to engage the schools and goes some way to ensuring that they commit to making the needed provision. Similarly, Birmingham and Torbay councils also cite their maps as a key tool for enhancing accountability and boosting parental confidence. They have also noted a reduction in the number of statements.

HOLDING SCHOOLS AND LOCAL AUTHORITIES TO ACCOUNT

An additional problem faced by parents is the reliability of performance tables as a guide to the quality of SEN provision. This stems from the fact that schools seeking to climb the league tables tend naturally to focus their energies on those pupils who are able to attain the relevant standards, with particular attention paid to borderline pupils. This can lead to those with more severe learning difficulties receiving less support than they need. To overcome this problem, existing data on pupil attainment and progress should be disaggregated so that two sets of performance tables are published, both for Standard Achievement Tests (SATs) and GCSE results. One set should include SEN pupils, the other exclude them, so that parents can get a clear picture of how their SEN children can expect to perform. This will also help Ofsted and local authorities hold schools to account – something that all too often is left to parents, voluntary groups and charities.

Ofsted inspectors should be required to inspect local authorities' compliance with their legal duties to SEN children, for instance by providing accurate information about their SEN policies and provision. Additionally, inspections should be triggered where the secretary of state, the local government ombudsman or SENDIST note that either a single very serious breach of SEN law has occurred or a critical number of SEN appeals or complaints are received about a particular authority. If no significant improvement results, a thorough investigation should be conducted with the power to require staff training and changes of policy. Continued non-compliance by a local authority should

be grounds for government intervention and possible privatisation of some education services, as is already occurring for example in Islington, Hackney, Leeds and Bradford.

■ 4. Giving control to parents

Statements

Children with statements make up 2 to 3 per cent of all pupils with learning difficulties. A statutory assessment is made if a school is unable to meet a child's needs within its budget. The local authority conducts the assessment and issues a statement describing the child's learning difficulties and how they are to be addressed. The local authority is legally obliged to provide these resources.

Parents of children with particularly severe or complex learning impairments often face especial difficulties in ensuring their child is educated in the environment most suitable for them. Statements – a local authority's assessment of the extra resources needed to educate children with complex and severe needs (see box) – are an especially problematic area of policy. The process is often antagonistic, time consuming and costly for both parents and providers. This chapter looks at ways of enhancing parent confidence in the statementing process and giving them greater control over how and where their child is educated.

Many parents believe the costs of statementing discourage local authorities from responding adequately to the needs of the child.⁴⁶ Appeals about statementing form the largest group of complaints to the SEN and Disabilities Tribunal (SENDIST). Approximately 70 per cent of these are upheld.

Local authorities can discourage statementing in a number of ways. Recent research uncovered examples of councils adopting overly restrictive or misleading criteria, by stating, for example,

that to be eligible, children have to be four years behind their literacy age or have “severe” or “permanent” difficulties.⁴⁷ The 1996 Education Act merely states that local authorities must identify children whose learning difficulties require help to be determined by the authority.

Schools, in contrast to some councils, are often keen for SEN pupils to receive statements as this provides them with extra resources. Accordingly, parents can be ‘bounced’ between a school claiming it can do no more on current budgets and a local authority insisting the child’s needs do not warrant a statement.⁴⁸ Furthermore, there are frequent complaints that even when a statement is issued, its quality is low and the recommendations poor or too vague. Appeals specifically regarding the content of the statement represent nearly half of all complaints to SENDIST.

Case study: the challenge of statementing

Student A was born prematurely and developmental delay meant she needed extra help with her learning. Reports produced during statutory assessment identified she needed speech and language therapy because her language was delayed by 18 months. The educational psychologist recommended teaching strategies to encourage her social interactions and a behaviour programme. The proposed statement included none of these and “could have applied to almost any child” according to Student A’s nursery teacher. Only when the pupil’s parents received legal advice from a voluntary organisation did the council concede that the statement should be more detailed and include the specific requirements of the speech and language assistance needed.⁴⁹

SEPARATING ASSESSMENT AND PROVISION OF STATEMENTS

The current statementing system is bedevilled by a lack of parental confidence in the objectivity of the assessment. This stems from the fact that the local authority responsible for assessing the child’s needs is also responsible for paying for the support recommended in the assessment. Consequently, councils have a clear incentive to understate a child’s needs or to evade the

statementing process altogether, as they seek to balance their budgets or to free up resources for use elsewhere.

As a result, some have argued that the assessment and funding roles should be separated to make the process more transparent, and thus increase parental confidence.

By contrast, a number of SEN charities fear that separating funding from assessment would weaken local authorities' duty to provide for children's needs. Since funds will never be unlimited, they argue, local authorities cannot be held legally responsible for implementing each and every recommendation in an independently drawn up statement, regardless of cost. This is true.

But the benefits are sufficient to justify the reform nonetheless. Whether founded on fact or not, the belief that the statementing process is financially driven undermines parental confidence in the system. Separating the two functions would enhance confidence that the child's needs are being examined impartially.

Furthermore, there are ways of ensuring that the assessment process does not become entirely severed from budgetary reality, by allowing local authorities, or the local Children's Trust, to commission a statutory assessment, as recommended by the House of Commons select committee report. Under this system, the authority or Trust would set a specification and then invite tenders for the proposal. This would help to ensure the assessment was conducted with a realistic acknowledgement of budgetary constraints.

PERSONAL BUDGETS

The statementing process in the UK should also seek to give parents more control over how and where their child is educated. If the parents wish it, the recommendations in the statement should be translated into an individualised budget for which they, rather than the local authority, have responsibility. Furthermore, the statement should be transferable across local authority borders.

If the parent requests a personal budget, the funding allocated should be devolved to the parent who, based on the recommendations of the statement, would discuss with the school how to spend it.

This reform would prompt some administrative difficulties but the benefits, in terms of the control and confidence it would give parents, would greatly outweigh the costs. The statement also addresses non-educational provision. The health and social care recommendations – for example, disability equipment, carers, access to therapy – should also be translated into direct payments. This would give a vital sense of empowerment to users, assist with long term planning and better prepare the child for transition into adult life. The scheme should be piloted, but early evaluations of the use of personal budgets in health and social care are positive. The Department of Health notes direct payments and individual budgets are particularly beneficial to individuals marginalised from the current system and who need help from a variety of organisations and income streams. Results have been positive for all income groups from a range of localities including the most disadvantaged.⁵⁰

Finally, it is important to note that the default position for arranging provision would remain with the local authority. Many parents of children with learning difficulties have special needs themselves and may be unable to cope with arranging their provision. For those parents who wish to have greater autonomy however, the government should begin piloting this scheme.

A similar scheme exists in the Netherlands where teams made up of psychologists, physicians, social workers and experienced special needs teachers undertake assessments. These teams decide on the support needed and then allocate the child a personal budget. This is known as the ‘back pack’ policy: pupils take the funding with them to the school of their parents’ choice, be it a special or a mainstream school.⁵¹ The school then drafts an education plan, which must, by law, be approved by the parents before the school receives any funds.⁵² While parents’ discretion over how the budget should be spent is limited to a certain degree, there is no question that families value the control they are given: surveys show that parents wish the ‘back pack’ funds were more flexible to allow them *total* control over their child’s education.⁵³ The system not only firmly links funding to outcomes and compels the school to account to the parent, it also gives parents considerable control over where and how their child should be educated.

BACK PAYMENTS

A persistent criticism of the statutory process is its length. The SEN Code of Practice prescribes that the entire process must be undertaken within 26 weeks, while appeals (if, for instance, the local authority refuses to assess) can typically take another four or five months. During this period the child loses vital learning time, while the school is often using unbudgeted extra resources. Many families understandably decide they simply cannot wait that long. As one parent explained: “We originally had to pay for the extra staff member at my son’s mainstream nursery...It will now be funded by his statement, so if we hadn’t funded this, my son would have missed a year’s valuable learning in a social group.”⁵⁴ Many parents of course cannot afford to pay and have no alternative but to wait for the bureaucratic process to run its course.

To ensure that parents are not placed in this position, this paper proposes that when a statement is issued, the local authority should refund the school for all expenses incurred during the assessment period. These ‘back payments’ would cover the additional costs the school spent during this period and would remove any incentive for local authorities to delay the process. Of course, if no statement is issued, then no back payment would be due.

The costs of these back payments could be significant. But these same costs are currently falling on parents and schools with no prospect of a refund. One small survey of autistic children found that 95 per cent of parents paid for their chosen provision while at tribunal and that costs varied from £2,000 to £45,000, with a third paying more than £10,000.⁵⁵ Moreover, 10 per cent of local authorities hire solicitors to represent them in SENDIST appeal cases at an average cost of £4,300 – money that could have been used to support children, schools and families.⁵⁶

5. Reducing incidence and improving outcomes

Much of the increase in the incidence of special needs is explained by the growth of less severe types of learning difficulty, known as 'high incidence, low severity' SEN. Thousands of children acquire the SEN label simply because they are unable to read and write, while many struggle because they are not taught by teachers with sufficient understanding of their difficulties. Addressing these two factors would significantly improve outcomes and reduce the severity and incidence of learning difficulties.

RAISING ASPIRATIONS

Special needs education is characterised by chronically low aspirations. Low attainment is disproportionately correlated with SEN – only around 10 per cent of non-statemented children with SEN achieve five good GCSEs including English and maths.⁵⁷ This correlation should not be regarded as inevitable. Many children with SEN have average or above average intelligence levels. Children with behavioural problems and dyslexia, for example, often have normal intelligence, while 50 per cent of those with autistic spectrum disorders have normal or above normal intelligence levels.⁵⁸ Furthermore, those with below average IQs still underperform relative to their potential. The risk of low achievement is higher for non-statemented than for statemented pupils, demonstrating that low attainment may be reflective of inadequate support rather than severity of learning need.⁵⁹ Thus while children with learning difficulties but with average (or above) intelligence levels may need more help in the learning

process, their results should be no different to their non-SEN peers. The ultimate goal for an effective SEN policy should be to ensure there is no correlation between learning difficulties and attainment, once intelligence is taken into account.

Case study: Newham, full inclusion and high standards

The local authority of Newham, which adopted a full inclusion policy in 1986, demonstrates that high attainment and a high SEN intake is possible. All its SEN children now attend classes in mainstream schools and Newham is one of a few authorities where A*-C grades have risen every single year since the inception of league tables. It is now close to the national average despite being one of the most deprived boroughs in the country, while achieving the highest 'value added' scores (measures of pupil progress) for key stage 3.⁶⁰

Low attainment is also closely linked to poor behaviour. Research is inconclusive as to whether behavioural problems are a cause or a consequence of academic failure, but studies consistently demonstrate that improving attainment correlates with improving behaviour.⁶¹

WHAT WORKS?

Although some children with learning problems need specialist resources and expertise, the majority of SEN children simply need to be taught more effectively.

Two instruction models clearly illustrate the benefit of effective teaching strategies. The first, 'Success for all', originated in the US but is implemented in over 90 schools in the UK. It fully integrates SEN pupils in lessons and has received widespread acclaim for raising attainment among low achievers. The approach is characterised by early and intensive intervention especially in literacy, the use of phonics, continuous and rigorous teacher training and for those students with more serious disabilities, in-class assistance from trained aides or special educational teachers. The second, the 'Accelerated Schools Project' uses similar strategies. It uses a curriculum tailored to the student intake, intensive instruction and continuous teacher training. The model has been adopted by over 1,000 primary and

middle schools in 41 American states and is used extensively in schools with high levels of SEN and deprivation. Evaluations of the programme show substantial gains in student attendance and achievement, and a reduction in suspensions.⁶² Both these programmes emphasise the importance of a positive ethos and high aspirations.

Successful provision for children with learning difficulties elsewhere reveals similar strategies. A comprehensive study of European countries emphasised the importance of teacher training, a 'whole school' approach and the transformation of special schools into resource centres.⁶³ According to an Ofsted report on SEN provision, 70 per cent of schools saw clear benefits from developing literacy strategies for SEN pupils with pupil achievement at six times the expected gain in some cases.⁶⁴

Case study: high SEN intake, high performance

Some 80 per cent of pupils at Hackney's Mossbourne Community Academy are from minority ethnic groups, 40 per cent are entitled to FSM, and the proportion with SEN is well above average – with 12 per cent on School Action Plus or a statement. Yet the school received an "outstanding" and "exceptional" verdict in all categories from Ofsted, is six times over subscribed, and their recent SAT results for Key Stage 3 saw 90 per cent attain the required levels or above in English and 92.3 per cent in maths and science. The school's success is down to a number of factors including the introduction of a 30 hour week (instead of the average 25 hours), the use of Saturday morning classes, more time spent on numeracy and literacy, and a strong emphasis on differentiated learning. Children are divided into different sets according to ability and nurture classes are provided for those who are falling dangerously behind. This is accompanied by a culture of high aspiration and good quality teacher training.⁶⁵

IMPROVING LITERACY

Above all it is raising literacy levels that is critical for improving outcomes. Literacy is the foundation upon which all learning depends. As noted in chapter one, thousands of children have been labelled with SEN simply because they have failed to learn to read properly. The same is true in the US, where one expert

described the SEN label as “a sociological sponge that attempts to wipe up general education’s spills and cleanse its ills”.⁶⁶ In the UK, the correlation between poor literacy and SEN is clear: the largest group of pupils with SEN are those with literacy difficulties, while children leaving key stage 1 (aged seven) unable to read will in almost all cases be identified as having SEN.⁶⁷

Early prevention programmes can significantly reduce the number of children who are identified as having special needs and who then require intensive and often costly, long term special education programmes. However, there is little evidence that literacy is improving in the UK. The government’s £500 million national literacy programme has recently faced criticism for achieving little discernible improvement in reading levels. Overall, the level of literacy in primary schools remains largely unchanged since the 1950s.⁶⁸

Early screening for literacy problems can pick up a wide variety of learning difficulties which, if undetected, would likely spiral out of control. One study found that 55 per cent of those failing their reading and writing Standard Achievement Tests at the ages of seven and eleven had undiagnosed dyslexia. The evidence suggests not only that children with reading difficulties can be identified in the earliest years of primary school, but that those whose difficulties are not identified until after the age of eight rarely catch up with their peers.⁶⁹

Effective, early screening for literacy problems should be available in all primary schools to identify early learning difficulties and ameliorate problems. According to Dyslexia Action, a group that provides just these sorts of screening programmes, it would cost around £1,400 per school and take just two days to screen years two to five for dyslexia and other reading difficulties.⁷⁰

Schools must follow the identification of literacy difficulties and the learning problems that stem from them with rigorous intervention strategies. A phonics based approach to teaching literacy, especially for those with SEN, is particularly effective. It is also relatively cheap. For just £15 million, every one of the 150,000 SEN pupils currently failing to reach the required level of literacy at key stages 1 and 3, or who have been permanently

excluded from school, could be given an extra two hours' phonics each week in small group sessions.⁷¹ This money could easily be found within the government's £1.8 billion 'personalised learning fund' established to meet the costs of tailored teaching for all pupils from those with learning difficulties to the gifted and talented.

Finally, and perhaps most crucially, mainstream schools must have the curriculum flexibility that academies were originally given to enable them to spend more time on the basics. The government must allow schools to, if necessary, suspend part of the key stage 3 curriculum temporarily jettisoning some of the non-core subjects in favour of literacy and numeracy.

EQUIPPING THE WORKFORCE

The role of the teacher is probably the most critical factor in identifying and addressing SEN. Research consistently demonstrates the importance of a properly trained teaching profession with a sophisticated understanding of different, complex learning needs in the effort to improve behaviour and achievement and reduce exclusions. Furthermore, the acquisition of the skills needed to support children with SEN improves teaching across the board, to the benefit of *all* pupils.

An effective teacher can have a significant effect on achievement – one study found that pupils taught by a good teacher can learn a full grade level more than students with an ineffective teacher.⁷² Given the complex demands of children with learning difficulties, it is especially important that they are exposed to good quality teaching. A lack of understanding of children with SEN often means that teaching attention is focused on a child's outward behaviour. Teachers may attempt mainly to contain disruptive children while learning difficulties remain unaddressed, sometimes leading to exclusion. A number of large, cross-national studies consistently highlight the importance of teacher training in equipping teachers with the specialist knowledge to adapt the curriculum for a diverse range of needs.⁷³

Despite the government's promise of personalised education, the 2006 Education Select Committee claimed that 96 per cent of

teachers do not have the training to teach children with specific learning difficulties. Another report found that teachers are sometimes 'trained' by parents due to the absence of professional development, placing teachers at risk of complaint or litigation.⁷⁴ Likewise, the role of SEN co-ordinators, rather than providing remedial tuition, is often largely administrative and to offer advice, support and training to colleagues. They are not usually drawn from teaching staff, and it is only recently that they are required to have specific training for the post.

The government has belatedly recognised the importance of high quality teacher training for SEN and has commissioned the Training and Development Agency for Schools to develop suitable packages. However, these packages are currently only designed for the three year undergraduate teacher training course, despite 80 per cent of trainee teachers now entering through the one year postgraduate course. Moreover, it will be 2011 before the first teachers with SEN training enter the school system, and many years before there is a critical mass of fully trained teachers.

CONTINUOUS PROFESSIONAL DEVELOPMENT AND A GREATER FOCUS ON SPECIALISMS

Professional development programmes can play a vital role in developing SEN expertise as studies show it has a positive effect on teacher quality. However, the amount of in-service training teachers receive varies depending on the school and local authority, and there is no guarantee that SEN will be a significant component. The government should make greater efforts to encourage teachers to undertake professional development. This needs to be supported by stronger emphasis on training teachers in specific areas of specialist SEN knowledge. Specifically, one of the five days dedicated to professional development should focus on developing special educational needs knowledge.

Case study: special teaching, not special schools

Lyndhurst school in south London is a mainstream school that specialises in dyslexia. The school's expert staff work with children with complex reading difficulties, including those struggling more generally with literacy as well as dyslexia.

It offers access to specialist therapies, in particular speech and language therapy, and provides an outreach service for other schools in Southwark.

Despite a very disadvantaged intake it achieves excellent results. Nearly a quarter of its pupils have SEN and over 30 per cent of pupils are on FSM.⁷⁵ Lyndhurst's 2007 Key Stage 2 results – for which 22 per cent are on School Action and 18 per cent on School Action Plus or have a statement – show 89 per cent of its pupils achieving the required level or above in English, 75 per cent in maths and 89 per cent in science. A teacher at the school says that children with specific learning disabilities need specific teaching methods, but all learners will benefit from them. Kate Griggs of the dyslexia charity Xtraordinary People pointed out that success “isn't about specialist schools, it's about getting specialist teachers in mainstream schools so they can identify and help these children early.”⁷⁶

Unfortunately, few teachers are adequately trained in such specialist areas – it is estimated that only 4 per cent of teachers have sufficient training to be pronounced qualified to teach children with specific learning difficulties.⁷⁷ There has been a 169 per cent increase in the number of learning support assistants employed in the maintained sector since 1997.⁷⁸ But these additional resources are less important than the supply of well trained, specialist teachers. Ofsted has reported that within mainstream schools, SEN pupils receiving support from teaching assistants are less likely to make good academic progress than those who have access to specialist teaching in those schools.⁷⁹

Nor will the initial teacher training adequately address this deficit in specialist knowledge. The emphasis is on developing a relatively limited skills set and there is a lack of practical training. Studies on the value of peer learning and collaborative professional development programmes among teachers indicate that if every school had at least one specialist there could be significant improvements in outcomes.⁸⁰ This is a realistic ambition at secondary level. At primary level, specialist teachers could be allocated to clusters of schools. Each school or cluster should decide the specialism of their trained teachers, those with an understanding of speech, language and communication impairment will have a particularly important role to play.

Not only does this category include 14 per cent of all SEN children, but 60 to 90 per cent of children with behavioural and emotional disorders also experience communication problems.

The estimated cost of training a specialist teacher is £2,000. It would cost £6.7 million to fund one specialist teacher for every secondary school and a further £11.5 million to provide one to clusters of three primary schools. This cost could be mostly met by reducing the number of new learning support assistants by 10 per cent.⁸¹

Further funding could be found for these measures through the 'pupil premium', as previously recommended by both CentreForum and Policy Exchange.⁸² For schools with high numbers of pupils from deprived backgrounds, a 'pupil premium' would provide additional per pupil funding. This premium would allocate additional funding based on the level of deprivation so that the more disadvantaged the child, the greater the funds they would bring to that school. Given the high correlation between deprivation and learning difficulties this would mean many children with SEN would bring additional funding, thus providing more support for schools struggling with particularly challenging intakes.

■ Conclusion

Parents of children with special educational needs are some of the most disenfranchised in the education system, with little control over how and where their child is taught. This paper argues that the inclusion debate is redundant and that it is not the role of politicians, pressure groups or bureaucrats to dictate where a child should be educated, but must be the decision of the parent.

International experience shows that increasing choice and stimulating competition between schools will lead to a raising of standards across the board, particularly for the most vulnerable and disadvantaged in society. Genuine choice for parents of children with learning difficulties can be achieved through three key policies. First, by ending schools' ability to select pupils, second by expanding the supply of good school places for SEN children, and third by ensuring parents have easy access to information about local SEN provision. In addition, implementing direct budgets for parents of children with statements would give them greater control over the education of children with very severe needs.

Finally, a greater emphasis on improving literacy skills and enhancing teacher quality by ensuring schools have access to trained specialists is vital. These measures will, in the long term, reduce the incidence and severity of learning difficulties so that funds and strategies can focus on more severe, unpreventable disabilities.

APPENDIX: RESULTS OF SURVEY CONDUCTED ON A THIRD OF ALL LOCAL AUTHORITY WEBSITES IN ENGLAND AND WALES

It is a legal requirement that local authorities (LA) provide explanations of the following criteria:	Percentage of authorities that comply with requirement
Overall provision	
The help that children on School Action and School Action Plus can expect from maintained schools	54%
The help that LA can provide for SEN children from its funds	47%
Training for teachers in SEN issues	22%
How the LA identifies children with SEN	61%
Provision and monitoring	
How the LA audits, plans, monitors and reviews provision	39%
How the LA secures training and support for SEN staff	18%
Statements	
How the LA organises statutory assessment	70%
How the LA organises making of statements	65%
How the LA organises maintenance of statements	52%
School Action and School Action Plus	
Examples of provision at School Action and School Action Plus	47%
The triggers for receiving extra help at School Action and School Action Plus	45%
The funding of School Action and School Action Plus	27%

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Learning the hard way: a strategy for special educational needs

How best to educate children with learning difficulties is disputed. Some make the case for teaching them in special schools, others for integrating them in mainstream schools.

This report argues that this so called 'inclusion' debate misses the fundamental point: that it is parents, rather than politicians or officials, who are best placed to decide where their children should go to school. It sets out a strategy to ensure that parental choice, rather than 'expert' opinion, will drive policy in the future. This includes:

- Supply side liberalisation to increase the number, and the diversity, of good school places for children with special educational needs (SEN)
- A switch from 'catchment areas' to a 'first come, first served' system for allocating places at oversubscribed schools
- The provision of detailed SEN information for parents to help them choose the best school for their child
- The translation of 'statements' into individual SEN budgets for parents to manage together with schools
- A greater emphasis on early screening, literacy and access to specially trained teachers

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