



## Education Committee

### Oral evidence: [Special educational needs and disabilities](#), HC 968

Tuesday 21 May 2019

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Members present: Robert Halfon (Chair); Lucy Allan; Marion Fellows; James Frith; Emma Hardy; Ian Mearns; Thelma Walker; Mr William Wragg.

Questions 751 - 874

#### Witnesses

I: Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families, Rt Hon Nick Gibb MP, Minister of State for School Standards, and Dr André Imich, SEN and Disability Professional Adviser, Department for Education.

Written evidence from witnesses:

[Department for Education and Department for Health and Social Care](#)

[Department for Education and Department for Health and Social Care \(Annex\)](#)



## Examination of witnesses

Witnesses: Nadhim Zahawi MP, Rt Hon Nick Gibb MP and Dr André Imich.

Q751 **Chair:** Good morning and thank you all very much for coming. Children's Minister, you are almost like a permanent fixture to our Committee, part of the furniture of the Committee Room 15.

If you could just kindly give, from left to right, your names and titles for the benefit of the tape and for those watching on the internet.

**Dr Imich:** I am André Imich, SEN and Disability Professor Adviser with the Department.

**Nadhim Zahawi:** Nadhim Zahawi, Children and Families Minister.

**Nick Gibb:** I am Nick Gibb, Minister of State for School Standards.

Q752 **Chair:** Thank you. I ask you not to be too shy and to speak loudly for those watching, because the acoustics are not brilliant. This has been a year-long inquiry and you are our last session today. We have had over 700 pieces of evidence come through and, including this one, 12 sessions altogether.

We have heard from 70 witnesses. Everyone, almost to a man and woman, who has appeared in front of us, and almost everyone who has sent in evidence, thinks the system is not working. Everybody thinks that special needs is a big mess, even though the intentions of the Children and Families Act were very good ones. Most people support the Act, but they say that it is a mess. Do you agree with them, or are you very happy with how things are?

**Nadhim Zahawi:** Chairman, I think you are right to identify the Act as being what I describe as best of breed. Only yesterday, with Minister Dinenage, we had a meeting with the SEND partners and the message from Christine Lenehan to the Committee—she knew I was coming before you—is, "Please don't tinker with the reforms and the legislation. The reforms are the right reforms". They are seen, I think, as delivering the voice of the child, putting the voice of the child at the heart of the reforms, as well as much greater engagement and the levers for much greater engagement with families and the family care forums.

Q753 **Chair:** But is everything great? Is everything working, in a nutshell?

**Nadhim Zahawi:** No, absolutely not. Where I would absolutely agree with you—where we are challenged—is on how we take the reforms and make them work on the ground. You may say to me, "It has been almost five years". The reality is that since the transition from statements to EHC plans, we are only one year in. There are some very good examples of how they are working well. Unfortunately, not many of them cut through into the greater media or public consciousness. We have just had an inspection in Camden where there has been a really positive report back. I can give you a slight flavour. "Local area leaders work together



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effectively to commission services jointly in new and innovative ways. These are of great benefit to children with SEND. For example, the Alexander Centre brings together health and education”.

**Chair:** There will always be these quotes—

**Nadhim Zahawi:** But what I am saying, we are doing—you have done the legislation, the reforms are the right reforms. We are now in delivery on the ground. The way you do that, in my view—and I think we are doing the right thing—is to learn from best practice and to scale that up to all areas. Where you are right is, it is patchy around the country.

Q754 **Chair:** All of us are MPs. You probably have it yourself in your constituency: people come to see us. We have had our year-long evidence. We had many hundreds of submissions. What comes out again and again is lack of accountability; postcode lottery of provision; a treacle of bureaucracy that the parents have to wade through and struggle; cost of tribunal systems, which are usually won by the parents; lack of training; an issue over resources, where the resources match the Act; problems with post-19 provision. All those things come up again and again from every single witness, so how would you respond to that?

**Nadhim Zahawi:** I think you are right to identify the challenge. To a parent—and we were discussing this yesterday with the SEN partners—they do not see the different parts of local government or central government or the health service versus education. They see a system in front of them and we have to make sure of that system at the right period. One area that I know is dear to your heart, further education, that transition into further education is a challenge for us.

You mentioned a lot of things there, so I want to just unpack some of them. On tribunals—

**Chair:** As briefly as possible. We have a lot—

**Nadhim Zahawi:** As briefly as possible. On tribunals, you are right to say 5,000 tribunals—

Q755 **Chair:** We are going to come on to tribunals later, but what I am trying to understand from you—

**Nadhim Zahawi:** —is 5,000 too many.

**Chair:** —is that all these problems have been identified by almost every witness that we have had, every bit of evidence, and our own constituency examples. What I am trying to get a recognition from you on is that there are fundamental flaws with the way the Act has been implemented, despite it being very well-intentioned and most people agreeing with the legislation.

**Nadhim Zahawi:** I think you are right to challenge us on the implementation. I do not think it is a flaw in the Act. I go back and say it



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is the challenge around implementation, but let's take an example. You mentioned tribunals. The tribunal process is designed—

**Q756 Chair:** We will come on to tribunals. I am just trying to get the general principle before we go into specific questions.

**Nadhim Zahawi:** The general principle is—the areas that do it well have a very simple formula, I guess, which is strong leadership, both in terms of political and officers, knowing the levers to pull to make sure the provision is there, joint commissioning on the ground and having a really strong assessment of what the local needs are of the local population. If you have those three things, you get great outcomes, great results from what we are trying to deliver. Where you are right is not every area is at that place.

**Q757 Chair:** Given the collective volume of funds that are allocated to SEN support, are these requirements sufficient on their own to ensure that schools are spending SEN funding efficiently and effectively?

**Nadhim Zahawi:** Funding and funding pressure is a challenge. We have the spending review coming up, but in the meantime we did take action and increase funding by £350 million. £250 million was for last year and this year, an additional £100 million in increasing capacity. The total funding now is £6.3 billion, but there remains a pressure on the system, which is why we have put out a call for evidence as to how the funding is working in schools and whether we can iron out any perverse incentives.

**Q758 Chair:** Is there a case for Ofsted to become more involved in scrutinising how the money is being allocated to children with special educational needs?

**Nick Gibb:** Yes. What we have not touched on is the accountability system, which has changed to reflect this. What we want is every child to fulfil their potential, we want the best outcomes for every child regardless of their background, ability or special educational needs. The new Ofsted framework that comes into force this September has a greater emphasis on the progress that children with special educational needs are making. We have also had a greater emphasis on the progress pupils make in school, so that a school will be rewarded and credited for the progress children with special educational needs make, not simply those children on the threshold of a C/D or a 3/4 borderline. Whatever the child's ability, provided they make greater progress than the national average for a child with the same characteristics, the school will gain significant progress measures in the performance table. The accountability system has been reformed to ensure this for every child, regardless of ability, special educational needs or background—provided they make progress in school—and I hope that is something the Committee would welcome.

**Q759 Chair:** On accountability, Ofsted and the Care Quality Commission inspect all local authority SEN support. Eighty-two of 152 local areas have been inspected to date and 40 were asked to provide a written statement of action, which is the worst result that can flow from that inspection and



means that Ofsted/CQC have strong concerns about the support that they offered. The results show that disadvantaged areas can perform both well and badly. Variability in different local authority areas I think raises quite important questions about the role of leadership, which you have just touched on, practice and resource management. Why are some local authorities, in disadvantaged areas particularly, failing to deliver while others are performing more competently?

**Nadhim Zahawi:** If you look at the written statements of action, this isn't and was never intended to be a pass or fail system. It was about making sure that we learn and improve the service. I think we are beginning to see that. I mentioned Camden, there is Lincolnshire, Wigan, Leeds, Sandwell, lots of areas that are doing better. Surrey, with their written statement of action around the local offer, sort of first time around—

Q760 **Chair:** But why is there a lack of consistency? Why are some similar areas, some even nearby each other, doing very well and some doing incredibly badly?

**Nadhim Zahawi:** You are right, because it goes back to those three elements that I described to you at the beginning, which is, first, a strong leadership that knows which levers it needs to pull in terms of the provision for children, working with parent carers, working with the schools, as well as making sure that they understand and have a really solid handle and an assessment of what the need is in their area.

What the written statements of action are doing is effectively challenging those local authorities. When they get a written statement of action, that doesn't mean they are doing everything badly, but there are some areas that they need to improve. We have put in a revisit programme and I am asking officers in CQC to then design the next phase of inspections beyond 2021 so that we keep going on that improvement journey. It is a journey is the way I would describe it to you. You are always going to get different leaderships, even in very similar local authorities.

Q761 **Chair:** It is quite widespread.

**Nadhim Zahawi:** I do not disagree with you.

Q762 **Chair:** From the evidence we have collected so far, often schools and councils seem at odds or at loggerheads with each other regarding the appropriate division of labour when it comes to SEN retained responsibilities. Just to give you an example, East Sussex County Council said that schools' lack of effective intervention has shifted the responsibility to local authorities, which means there is not enough inclusive practice in schools. Cambridgeshire County Council says that pupils with SEN reports often do not get their needs met compared to pupils with EHC plans. Cornwall Council, "There is clear guidance for schools about the need for a graduated response for children with SEN. However, schools' response to this is not consistent" and yet heads of schools have given us evidence saying some local authorities have been



passing their responsibilities—including, for example, writing EHC plans—to schools and schools are doing SEN very well. What is the extent of either schools or local authorities passing the buck to each other when it comes to meeting their responsibilities and what is the driver of this in each case?

**Nadhim Zahawi:** In my experience, the worst place to be is the blame game, i.e. schools blaming local government, local government blaming schools. Good practice: I was in Portsmouth at the Admiral Lord Nelson School—1,100 students—and the leadership both in terms of local government and the school have come together to deliver one of the best examples of inclusion in a school, including, by the way, an AP provision onsite, which is hugely innovative. Now, it is hard work. When you talk to those leaders both at local government and at the school, they say, “What it took is us getting together”.

**Chair:** The anecdotes are important, but what I am trying—

**Nadhim Zahawi:** Yes. It describes what good practice looks like.

Q763 **Chair:** Of course, but what I am trying to find out from you is why is there the buck-passing? Why are councils blaming schools and schools blaming local councils? What is the reason for it?

**Nadhim Zahawi:** In my view, then, both are in a bad place. Any council that turns around and says, “It is the school’s fault” clearly needs to re-examine what they are doing. Let me give you an example. Kingston Borough Council got into financial difficulties. They came to see us with their Member of Parliament, Ed Davey, and one of the fixes they have been able to deliver is simply stepping back and saying, “How do we engage our schools better?” They brought all the schools in, talked to the SENCOs. They have managed to deliver an additional 150 places in mainstream education.

**Chair:** Again, anecdotes—they are very important, we can recount them. They are as important, but I am trying to get you to answer the question.

**Nadhim Zahawi:** The reason I describe those things, anecdotes, is ultimately it is about leadership. If the leadership takes responsibility both at school level, at local government level and at health provider level, the system works. If people begin to pass the buck and say, “This is a bit too difficult to deal with” a child in a mainstream school, “You know what, maybe we could just not leave them there”.

**Chair:** Will you not be able to solve problems if you have a better steer on what schools are doing to intervene early and how they are spending SEN support money well? Would that not be a very useful indicator to you as to what is going wrong?

**Nadhim Zahawi:** One of the recommendations we have accepted from the Timpson review is that we are going to review the code of practice. It has been there four and a half years, almost five years. It is right that we review it. The SEND partners yesterday thought that is a really positive



move for us to make. I do not know whether you want to add anything, André.

**Dr Imich:** The code of practice clearly spells out what schools should be doing. Chapter 6 is very extensive on their duties, how to support SEN support. Local authorities have a key role in co-ordinating that work and working with schools to make sure that is happening. We have put out a call for evidence, as you know, about the way that funding is allocated in the 6,000 threshold, whether that is supporting good practice or not. But local authorities do need to play a key role in supporting schools in understanding their duties and also what makes for good practice in supporting quite a diverse range of pupils in their schools.

Many local authorities run very effective SENCO forums, SENCO networks, and from what I hear and many I go to, they are attended by most SENCOs in the local area, including those from academies, who are part of the Children and Families Act. It is those sort of mechanisms for sharing good practice and challenging each other. Sometimes some local areas run moderation and challenge about children identified at SEN support.

Local authorities keep the level of identification of SEN support under review in their schools. We have a national figure of 11.7% of pupils on SEN support, but within any local authority there is a range across schools. Local authorities challenge at both ends of that spectrum and sometimes try to work together with their schools to challenge as a peer support.

**Nick Gibb:** Also high-quality teaching, a calm and safe environment, good behaviour, all these are characteristics that will help schools identify and to intervene early in those children. But the best thing for children with special educational needs to make progress is high-quality teaching that takes into account the special educational needs of the children.

Q764 **Chair:** Just a final question and then I am going to pass to Will and then to Thelma. If you had to identify three current things that are really wrong about the way the system is working for children with special educational needs, what would you say they were?

**Nadhim Zahawi:** I think leadership at school level needs to have a commitment that every school—as both Mr Gibb and myself and our Secretary of State have committed—is an SEND school and therefore that leadership needs to be there, but leadership also at local government and in CCG on the health side. We have a strong partnership with the Department of Health and Social Care, but we also have to have strong partnerships with NHS England, because operationally, I go back. Our focus has to be operation, operation, operation on the ground, so we need NHS England as part of that and they are very much committed to this.

**Chair:** Those are two.





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**Nadhim Zahawi:** That is one, leadership.

**Chair:** Yes. Sorry, it is about integration again.

**Nadhim Zahawi:** Then the other areas, making sure of the provision on the ground. Our investment in educational psychologists has to be there as well, because leadership needs the levers to pull to be able to deliver the best outcomes for those children.

**Nick Gibb:** I would add consistently high expectations for children with special educational needs throughout the system, whether that is in a special school setting or in mainstream.

Q765 **Mr William Wragg:** Gentlemen, good morning. You referred to a code of practice. Am I right in thinking that is a document of March 2015 entitled, "Special educational needs and disability supporting local and national accountability"? Is that the document to which you refer?

**Dr Imich:** No, we are talking about the January 2015 code of practice, statutory guidance on—

**Mr William Wragg:** That is most helpful, thank you very much indeed. Just a quick question, thank you.

**Nadhim Zahawi:** Will, you raise an important point, because when we review the code of practice, part of our consultation is with Parliament and your Committee and Parliament will play a role in that consultation when we review the code of practice.

Q766 **Thelma Walker:** A measure of success of delivering that code of practice, one indicator is that parents, children and young people get the right support at the right time and feel like they are listened to and in control. Clearly, from the evidence that we have received, that is not happening. If we look, for instance, at high needs funding for local authorities, we have been told in a past Committee meeting that high needs funding is in meltdown, that local authorities feel they do not have enough funding to deliver SEND provision and money is unaccounted for. Could you tell the Committee for what specific reasons local authorities are explicitly given discretion to spend transitional funding on something other than transition and was it a mistake to do so?

**Nadhim Zahawi:** Let me try to unpack it. There is a lot there, so the engagement with parents, the 2014 Act makes parental engagement very much at the core of everything that we do. We fund the parent carer forums. I attend their conferences, they come and see me. I have children—the FLARE group, which is fantastic—come in all the time and tell me what the challenges are, transition being one area of challenge that you quite rightly—

Q767 **Thelma Walker:** But giving local authorities the ability to spend the money basically in whichever way they felt fit is not delivering that transition. Was it a mistake to give them that opt-out when they are under such pressure to deliver?





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**Nadhim Zahawi:** Ultimately local authorities are best placed to understand the needs of their SEND children, their population.

Q768 **Thelma Walker:** But we have a large amount of money unaccounted for.

**Nadhim Zahawi:** When we introduced the extension to the age of 25, we provided even more money. I think it was £300 million we provided for that further extension. You are right to say financially high needs budgets are challenged. Local authorities have the ability to move about 0.5% of their education budget to high needs if they obviously have the backing of the Schools Forum, but ultimately it is not just about funding. Funding is important, which is why we made the additional money available. We have the spending review coming up.

Q769 **Thelma Walker:** No, I agree the policy is right, the code of practice is right, but it is where that funding is going and whether our SEND children are falling through the net because it is not being directed to the people who should be receiving it.

**Nadhim Zahawi:** Which is why we have the inspection regime, which is why we then deliver a statement of action.

Q770 **Thelma Walker:** Am I right in thinking the inspection did not start until two years after the code of—

**Nadhim Zahawi:** The legislation?

**Thelma Walker:** The legislation.

**Nadhim Zahawi:** Yes.

Q771 **Thelma Walker:** Was that a mistake also, to leave two years before there was any kind of inspection?

**Dr Imich:** It was important to enable local authorities to move into the new system and then we wanted to introduce a system that took account of how far they progressed over two years and now over five years. If we had inspected immediately, there would not have been anything to inspect because they were putting in place the new system.

Your concerns about the finances, is that about the implementation grant that went to local authorities to support implementation rather than the high needs per se?

**Thelma Walker:** Yes.

**Dr Imich:** Because the implementation grant was not designed to give direct provision to individual pupils, it was designed to enable the systems around them to be developed and implemented in line with the Act and the code of practice.

Q772 **Chair:** We have been told there has been no accountability how that £500 million was spent though.



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**Dr Imich:** But the ultimate accountability is, as the Minister says, in the outcomes from the inspections, because the intention behind that implementation grant was that they got the basic building blocks in place, they got the local offer in place, they got the new way of assessing children and creating education, health and care plans, they got new ways of working with health and social care in place and, most importantly, the transfer process of over 225,000 statements within a four-year period. That money was designed to help that process along.

Q773 **Chair:** But I cited you the inspection, 82 of 152 local areas that have been inspected to date, 40 were asked to provide a written statement of action, so clearly a lot has gone wrong with how this money has been spent.

**Dr Imich:** Clearly not everyone has everything in place in the way that it should be and that is absolutely the case.

**Chair:** Half of them—50% of those inspected.

**Dr Imich:** It is a developmental process. We introduced the biggest changes to the SEN system since really 1981. Changing that involved health, social care, schools, with their diverse accountability frameworks, colleges, who had not been part of a national SEN code of practice before, at a time of other challenges in public services.

Q774 **Thelma Walker:** When you say “other challenges”, at a time of swingeing and savage cuts to local government, so it is multifaceted.

**Dr Imich:** It is a challenging time to introduce a new agenda, new responsibilities. We would expect this to take a period of time to embed. I think we do need to take stock of the progress that has been made. We go to schools and colleges and see some excellent practice, some children being supported who otherwise would not be in mainstream schools and their parents are delighted with the service they are getting. We want that for everyone and that is not happening.

One of the things you asked about, the three things that need to improve, I think one of the most important things is we need to shout about good practice and celebrate the successes that there are, including the voice of the children and young people and the parents. There are so many very positive examples. You met a group called RIP:STARS, who are fantastic. I had the pleasure of hosting the launch of their research and promoting them, sharing their messages with other local areas. There are other groups like that across the country. That would not have happened without the Children and Families Act, which has brought in the voice of the child and the young person to inform us as masters of the system, if you like, about what their needs are and where there can be improvements.

Q775 **Thelma Walker:** I would agree with quite emphatically about the great work that is going on in our schools and the support for our special needs children and the professionals are giving of their best and always do.



Linked to that, just on a slightly different tack, in previous sessions I have mentioned the need for appropriate quality training for staff and funding to deliver that quality provision so that it is early diagnosis and intervention that is important. What is the strategic plan with regard for such quality appropriate training and its funding? What is the plan to be able to train up the workforce so that we can identify needs at an earlier stage?

**Nadhim Zahawi:** If you look at the school system, every teacher is a teacher of children and young people with SEND. In every classroom, there are around three or four children with identified SEND in England. To be awarded Qualified Teacher Status—which Nick can speak on much more eloquently, I am sure—trainees must satisfy the Teachers’ Standards, which includes understanding the needs of pupils with SEND and of course using distinctive teaching.

Q776 **Thelma Walker:** That is very broad, isn’t it, because in a class—I have been for nearly 34 years, as you know—I once had three autistic children, but on an autistic spectrum, they have all very different and varying needs. That expertise is needed. Likewise, a child with dyslexia or dyspraxia, that knowledge and understanding to be able to intervene at a very early stage to give that support at the earliest stage to prevent long-term distress, long-term perhaps regression in terms of learning could be prevented.

**Nadhim Zahawi:** You are right. You have the National Association for SEN, nasen, leading a consortium to train not just schoolteachers but staff across the teaching profession and the support staff as well in schools, as well the Autism Education Trust. I think they have trained 270,000, if I am not mistaken. I can get you the exact figure. There is a lot of investment into training as well.

One of the issues we were discussing yesterday at the SEND partnership is also training leaders as well as the whole of the teaching profession.

Q777 **Thelma Walker:** Thinking about the strategic plan, Nadhim, specifically the National Deaf Children’s Society tell me over half of teachers for the deaf are over the age of 50 and are due to retire in the next 10 to 15 years. Losing this proportion of teachers for the deaf when local authorities are already reporting difficulty in recruiting them amounts to a national crisis for deaf children. Urgent action is needed, so how are you preparing? I am talking about the strategic view. We also have some evidence from a parent where he said that there were no trained Braille teachers for his child. What is the long-term plan when we are going to be losing skilled qualified expertise to help our children?

**Nadhim Zahawi:** You are right to raise that. It was raised yesterday at the SEND partnership meeting.

**Thelma Walker:** I might be right, but what is happening?



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**Nadhim Zahawi:** As we looked at educational psychologists and made the investment there, we have the SEND Leadership board, which will look at all issues around joint commissioning. That is what I opened by saying to you, you have the leadership, you have the leadership having a good handle on what the local needs are and then practitioners on the ground that can deliver on that, so we have to make sure the whole system works together, which is why we made the investment into the educational psychologists that we have announced recently.

**Thelma Walker:** Anybody else?

**Nick Gibb:** In terms of teacher training, initial teacher training, there is no specialism for teachers of special educational needs.

Q778 **Thelma Walker:** Do you think there should be?

**Nick Gibb:** It is something the Committee might consider recommending. There used to be many years ago.

Q779 **Ian Mearns:** If we did, would you take it up?

**Nick Gibb:** I am persuadable.

Q780 **Chair:** In our alternative provision report, we recommended that there should be more training for teachers in alternative provision, so are you going to take that one up?

**Nick Gibb:** There is a difference between saying that all teachers should have training in these specialisms. The answer is that is happening, as Nadhim just said, in the Teachers' Standards that we introduced in 2011. There is a specific requirement that to obtain QTS, Qualified Teacher Status, you need to be able to identify and know how to differentiate teaching for children with special educational needs, but that is for all mainstream teachers in whatever subject. You might consider, there is an argument for saying that when we recruit graduates or undergraduates into teacher training we have different categories of physics teachers, chemistry, maths and so on. There is not a category for a special educational needs teacher. There is an argument for it. There are people who would argue against it, but that is something that I think your Committee might wish to opine on.

**Nadhim Zahawi:** On the education training and the funding for the Autism Education Trust, I think it is 207,000, Chairman, not 270,000.

**Chair:** Okay, thank you. A very quick question from James and then Will.

Q781 **James Frith:** Not only did instruction come or permission was granted to spend the money that was given for transition on other things, that was permitted, you cite local government, local authorities. The LGA say that high needs funding faces a £1.6 billion black hole by 2021, so you are not funding them enough and the money that you do give, you give them permission to spend elsewhere and then we sit wondering how and why we are where we are. That is a series of mistakes, isn't it?



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**Nadhim Zahawi:** We have to be really accurate here, because the funding for high needs is ring-fenced, so that funding is not—

Q782 **James Frith:** But a ring-fenced shortfall of £1.6 billion, according to the LGA.

**Nadhim Zahawi:** You are right to challenge us on high-needs funding.

Q783 **James Frith:** Do you agree with that figure?

**Nadhim Zahawi:** We are looking in detail with the whole sector at what the funding challenge is. We have a spending review and I will be making the case for further funding. We clearly have identified this is an issue, which is why we announced the £350 million, £250 million of which is going to revenue and then capital.

Q784 **James Frith:** Half a bridge isn't a bridge, Minister, is it? Saying, "Here is a shortfall, we will patch halfway" you are still falling.

**Nadhim Zahawi:** You are right to identify it as a challenge, but if I share with you our meeting yesterday with the SEND partners, they said, "Yes, funding is a challenge, but let's put it aside". They wanted to talk to us about workforce, because workforce and workforce are important, and the leadership around it. They wanted to talk about specialist education and commissioning of that. These were really important areas, so it is not just about funding.

Q785 **Mr William Wragg:** You talked about how you would measure success in the system and we asked the Minister kindly for his measure of where things need to be improved. Does the Department have a measure of success for the system? Does it have a measure of success?

**Nadhim Zahawi:** Yes. There are some areas of the country where there are very few cases going to tribunal, almost none. One case going to tribunal for me is far too many. I want to see that come down. The way we have structured the tribunal system and the mediation is four out of five cases do not even get to tribunal, which is good news.

Q786 **Mr William Wragg:** No, and I know what the Department's measure of success is, because you published it in 2015. What it says, it has three categories. It aims, "For a positive experience for the SEND system for children, young people and their families" and it aims, "For positive outcomes" not just experience, and it aims, "For the effective preparation for adulthood". Those are the three criteria for success.

**Nadhim Zahawi:** Correct.

**Mr William Wragg:** It also specifies, "When do we expect to see an impact?" which is setting a timeframe for the impact of those targets, as it were. The first one, "For a positive experience for the SEND system for children, young people and their families" it says, "It is a short to medium-term objective and that is measured from September 2014 to September 2017" so we are now nearly two years beyond the latter part



of that medium-term objective. Do we have a system that affords a positive experience for children, young people and their families?

**Nadhim Zahawi:** I think we do, much more so than the system that was in place before. There are very good examples. Thelma mentioned engagement with parents. The Parent Carer Forum started with 500 parents. It stands at over 90,000 today. There were three projects we call the wow projects that we can learn from and scale up. They came up with Hertfordshire creating 0-25 Together services. Let me give you the best example of that. Wiltshire: no extra money, went from short stays where parents get a bit of respite, from 100 families to 1,500 families with a satisfaction rating of 98% with the same money.

**Mr William Wragg:** Good for Wiltshire.

**Nadhim Zahawi:** Those are the success stories I want to scale up.

Q787 **Mr William Wragg:** Yes, absolutely. If only the rest of the country could be like Wiltshire, I suppose, but—

**Nadhim Zahawi:** But we are on a journey, Will.

**Mr William Wragg:** I know we are, but what I want to know is you have set—the Department has set—criteria as to how it will judge success. Its success is not judged by anecdotal selection of data from different local authorities, it is judged by aggregating that data. One of the examples for data and intelligence to judge the success or otherwise, that first criteria I stated is SEN appeals and outcomes. Is that good?

**Nadhim Zahawi:** No, but one needs to put it into perspective, in the sense that—

**Mr William Wragg:** No, I am—

**Nadhim Zahawi:** No, but it is important, Will, because 340,000 children that have the right outcomes, of which 1.5%, 5,000, go to tribunal, it is still 5,000 too many.

Q788 **Mr William Wragg:** In that case, rather than disagreeing with me, that you are saying no, you should have said yes in that case.

What about EHCPs completed?

**Nadhim Zahawi:** No, because it is 5,000 too many, in my book.

Q789 **Mr William Wragg:** What about EHCPs completed on time? That is the second of the, "How are you going to judge it"? How are many are completed on time?

**Dr Imich:** 64.9% were completed on time last time we published data, which was an improvement on the previous year.

Q790 **Mr William Wragg:** I am going through each of these five points to get the answers as to how you are judging success. Local authority and parent survey data, how is that looking?





**Dr Imich:** We have not done a national survey since 2016, but we encourage local authorities to survey parents when they complete the statutory assessment process and they publish on the local offer. It is not a requirement to do so.

Q791 **Mr William Wragg:** When is the next national survey then so that you, as a Department, can judge your own criteria?

**Dr Imich:** We do not have a plan for that at the moment.

**Nadhim Zahawi:** No, not yet.

Q792 **Ian Mearns:** So you do not have a plan to measure your own criteria that you have set out?

**Dr Imich:** We have many measures to monitor how we are doing and evaluate that.

Q793 **Mr William Wragg:** What about the fourth one, which is the children and young people's Personal Outcomes Evaluation Tool pilot"? How has that gone?

**Dr Imich:** The POET system—

**Mr William Wragg:** Indeed.

**Dr Imich:** —that is in use by a number of local areas. Again, it is something that we have facilitated and encouraged them to do.

Q794 **Mr William Wragg:** But if you have just facilitated and encouraged and they have not taken it up, how can you judge that as the success rate?

**Dr Imich:** One of the other developments we have, we have announced a couple of months ago a major—

**Chair:** Could you answer the specific question, one of you?

**Dr Imich:** This is about the evaluation, it is about the SEN futures research we are doing, which is a longitudinal study about parental satisfaction, what makes a difference to children and young people.

Q795 **Mr William Wragg:** This is your guidance that you sent out to local authorities as to how you would be judging the system. If you are not even keeping track of how you intend to judge a system, how can they have confidence that you have effective oversight of it? The fifth one is feedback from independent supporters. What goes into that?

**Dr Imich:** We had a lot of feedback from our independent supporter programme, which as you probably are aware, that was completed after two or three years and has now been built into the SENDIASS work that goes on in local areas.

Q796 **Mr William Wragg:** So that is looking okay. I am trying to make the point, Mr Chairman, that if the Department for Education sets criteria by which it intends to judge the success or otherwise of the Act, it should





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itself surely be keeping an eye on it.

**Nick Gibb:** Can I just talk about outcomes?

**Mr William Wragg:** Outcomes are fine.

**Nick Gibb:** That is one of your objectives that you listed and we do monitor those very carefully. We now publish the attainment levels and the progress levels of children identified with special educational needs and I could give the figures, the current figures, in each of the categories.

Q797 **Mr William Wragg:** I know you can give me the figures and that is wonderful, but that is not the question that I am asking. I am asking about the guidance that you sent out—not the code of practice—in March 2015, which is why I almost teed it up for you earlier on by mentioning the thing, “Special educational needs and disability supporting local and national accountability”. This is an accountability session. You are wanting to hold local authorities to account. The measures by which you intend to hold them to account are listed in the document and yet with some of them it seems you are not following them.

**Nadhim Zahawi:** It is important to point out that local authorities are required as part of their local offer to consult the local population, including children and young people. That is a requirement of them.

Q798 **Ian Mearns:** But in order to measure success, Minister, what you then have to do is collate all of those data from local authorities and make some judgments on it, which doesn’t seem to be happening, does it?

**Nadhim Zahawi:** You are right to challenge us on that, which is why we are running a longitudinal study to make sure that we centrally have a good handle on the outcomes and the satisfaction of children in the system. That is the reason for the longitudinal study.

Q799 **Mr William Wragg:** Is this document of any value at all now from March 2015? Has it been superseded by something else by which you are measuring the success or otherwise of the system?

**Nadhim Zahawi:** Much of what you have pointed out is in practice happening on the ground. You asked us about whether we are doing any survey work centrally and we have a longitudinal study, the SEN Futures study, that we are effectively doing that evidence gathering. That is central versus local evidence gathering, which is required. It is a requirement that locally those consultations take place. Plus then you have the inspection regime, so there are several layers of accountability.

Q800 **Mr William Wragg:** But the inspection regime came in two years afterwards, didn’t it? I understand the need for things to bed in, absolutely—

**Nadhim Zahawi:** But we had to transition from statements to EHC plans before you can begin to inspect as to how well they are doing.

Q801 **Mr William Wragg:** Listen, all I am saying is that if you issue a



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document from the Department for Education, one would anticipate that the Department itself would at least follow that document.

**Nadhim Zahawi:** I think we do.

Q802 **Chair:** You have told me that you don't. You publish this document, as my colleague has pointed out, in September 2014, September 2017, the medium indicators, and half of these things he has asked you, you are not even following them.

**Mr William Wragg:** Or indeed able to follow if you are alluding to the discretion of local authorities.

**Nadhim Zahawi:** It is not discretion.

**Nick Gibb:** This is the whole point, which I think—

**Mr William Wragg:** No, on one of those things, it was said that it was you were encouraging or facilitating. You were not requiring.

**Dr Imich:** We have a number of measures in place, for example, on the parental satisfaction. You would derive evidence about that from the appeals to the tribunal, the mediation data that we collect nationally, the performance on 20 weeks. You talked about outcomes. We do monitor very closely PFA outcomes in terms of the number of children on support and young people on supported internships, which is growing and growing, the number of young people getting into employment through Project Search initiatives.

Q803 **Mr William Wragg:** I accept that. I am just saying that you are seeking to hold local authorities to account for how the Act is working and yet on those measures by which you wish to hold them to account, you are not able to tell me that you are necessarily getting those data or are indeed able to get those data. Now, if I was being less than charitable, I could then move on to the medium to long-term objectives. As the measure is three to five years, which would come just about in scope, one of the key ones for positive outcomes for children, young people and their families is school absence and exclusion rates. How is that looking?

**Nadhim Zahawi:** It is why we commissioned the Timpson exclusion review.

Q804 **Mr William Wragg:** Indeed, yes. Well, no, it is not, because you should surely be gathering those data.

**Nadhim Zahawi:** We gather those data.

**Dr Imich:** Those data are gathered every year.

Q805 **Mr William Wragg:** That is fine, but do you not take the point though that if you are going to set—surely the Department for Education should have at its fingertips this information and it does not.



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**Nadhim Zahawi:** Why do you assume it does not? I am saying to you we gather the data on exclusion rates. We gather the—

Q806 **Mr William Wragg:** You have on that one because you have talked about the Timpson review there, but I am going through these, by which you were judging it.

**Nadhim Zahawi:** No. I said both things. Will, forgive me. Do not conflate the two. I said we gathered the data, but I said we are also challenging ourselves, which is why we had the Timpson review.

Q807 **Mr William Wragg:** Yes, on the exclusion thing, which I brought in, but we are going back to the first half an hour of this questioning, it seems. You were not able to give me definitive answers on those.

**Nadhim Zahawi:** The answer I gave you is that local government has a requirement to consult with parents as part of the local offer. That is one part of a system of accountability that includes inspections as well, which was one of your questions, "Are you conducting any of your own survey work to look at parental satisfaction?" We have our longitudinal study in SEN futures. Forgive me if we were not as clear in answer to your question.

Q808 **Mr William Wragg:** Could I ask then perhaps, to draw this to a close, that you go back to that document and provide the Committee with the data that satisfy the examples of data and intelligence for each of those criteria?

**Nadhim Zahawi:** Delighted to.

**Mr William Wragg:** Marvellous, thank you.

Q809 **Chair:** On the key stage 4 and key stage 5 attainment data, if I could ask the Schools Minister on that document, what is the data on that that you have?

**Nick Gibb:** At key stage 4 we know that in 2017-18 73,000 young children were identified with SEN and they had an average attainment 8 score of 27.2, and that compares to pupils with no identified SEN with an attainment 8 score of 49.8, so it is lower. It is only relatively recently that this has been included in performance tables. We have it also for key stage 2 and key stage 1. For example, in key stage 1, there are more pupils—

Q810 **Chair:** Key stage 5?

**Nick Gibb:** Key stage 5, attainment at A-level by age 19, 28.1% of pupils with SEN achieved two or more A-levels or equivalent by age 19 in 2017, compared with 64.7% for pupils without SEN.

Q811 **Chair:** On both of those key stages that we have just talked about, has that gone up or down since the Children Act was—

**Nick Gibb:** I do not have the comparative data here.



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Q812 **Chair:** If you let us know, because that is the crucial point.

**Nick Gibb:** Yes, but the crucial point is that we now publish this data.

Q813 **Chair:** The crucial point is whether the outcomes are better.

**Nick Gibb:** Yes, but we live in a school-led system. In a new framework that comes into force in September this year there is a greater emphasis on the outcomes for children with special education needs and that is an innovation and a reform. Of course the data that will drive that will be the data that I have just cited.

Q814 **Lucy Allan:** I would like to move on to the assessment process. During the course of this inquiry we have heard from local authorities that the statutory assessment threshold is too low and draws in too many children, which creates capacity issues. I wonder if I could ask you, Minister Zahawi, how you would respond to that.

**Nadhim Zahawi:** We made a significant change in the Act in 2014. The threshold for decisions about whether to assess are lower than under the previous legislation and that was a deliberate move.

Q815 **Lucy Allan:** They are now too low, so you have gone too far.

**Nadhim Zahawi:** I have not had evidence—and I will look at your report very closely—from any stakeholder that the threshold is too low. I think that what I am seeing on the ground in good local authorities, in good joint commissioning, is that things are working.

Q816 **Lucy Allan:** Can I just put a statement to you from Stuart Gallimore, the Director of Children's Services in Sussex? It was him that said, "We are in danger of bringing far too many children into a system that they do not need to be in, and then tying up resource in terms of simply assessing the need, and that is down to the threshold being too low." There is another council that also expressed the same view during evidence.

**Dr Imich:** There are two very important decision points around the assessment process, but just in terms of the change of threshold for decisions about whether to assess or not, that was something that was carefully considered as part of the 2013 preparation for the Act. It was an issue that many families felt very strongly about and many SEN advocates on their behalf lobbied hard about because they felt that the threshold was much too high.

We changed the entry from a "probably" to a "maybe", which did allow more young people and children into the system. That is the first part, into the assessment system, but there is a second decision point that local authorities have to undertake, which is after they have collected all the evidence and prepared they need to decide whether to issue a plan or not. 96.4% of assessments ended up with an education, health and care plan, suggesting that for most of those who had started an assessment it was the right thing to do because they did need access to an education,



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health and care plan. There are two points of important decisions in that process around entry into the system.

Q817 **Lucy Allan:** I think his point was that funds were being misdirected simply to the process of assessment, rather than being directed straight at those most in need. I think that is a potential danger.

**Nadhim Zahawi:** Then the 96.4%, if that were true, would have been a much lower number that resulted in a plan, which is why I was saying to you I think we are in the right place.

Q818 **Lucy Allan:** You are both satisfied with where the threshold currently lies then?

**Nadhim Zahawi:** Yes. In 2017 we had a record number of children and young people who were assessed: 42,205. A decision was taken as to whether there should be an EHC plan or otherwise. That same figure in 2016 was 36,094 and in 2015 it was 29,000. I think we did the right thing in this case.

Q819 **James Frith:** Chair, I refer members to my register of interests. I am a found of a careers education company.

Good morning, Ministers. Two weeks ago we challenged two local authorities about how they were operating the process of applications for EHCP assessments. Local authorities have needs assessment policies based on restrictive criteria, not the statutory test. That is not right, is it?

**Nadhim Zahawi:** The code of practice encourages the local authorities to develop the criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment, and following on of course from that assessment to decide whether they need an EHC plan or otherwise. However, what they must do is be prepared to depart from those criteria where there is compelling evidence for them to do so.

Q820 **James Frith:** Envisage a scenario, because I think there is a real problem—and Timpson acknowledged it in the labelling issue—in the system about what is an application for an EHCP and the subsequent assessment and what that assessment concludes in the plan. The plan can be in varying forms. If application criteria are being applied, that is inconsistent and unlawful in my interpretation of the guidance from the Department for Education. Do you agree?

**Nadhim Zahawi:** If it is unlawful? Of course I do.

Q821 **James Frith:** I will just question the Minister if I may, please. I will gladly come on to you. How then, at application stage, is an assessment being undertaken without an assessment of need?

**Nadhim Zahawi:** Let us start with the process with the parent and a child, where the parent comes home from a medical appointment with a diagnosis. The first stage is working with the SENCO at school to see what are the needs of that child. If those needs can be met, then I think you are in a good place. If they cannot, then obviously the parents want



to go further and have an assessment to see whether they need an EHC plan. That is the process.

**Q822 James Frith:** For the local authorities we have spoken to, 20% in one case—and I know it to be true of local authorities around the country—of the applications were being refused. How can a judgment of requirement of need be made without an assessment at application stage? I compared it to any of us attending A&E and being judged by the receptionist and not the triage. My point is, if you present, you should be assessed. The conclusion and the quality and the content of that plan is what is assessed and by no means is it universal. 20% of applications are refused, which is not at point of consideration. This is very often through a frame of struggle, through years of being in the system, through a SEND plan of some form not being up to scratch and yet 20% are being refused. Where is the intervention at Department level to cease that unlawful practice?

**Nadhim Zahawi:** This area is why I described to you what happens with the SENCO and the support that can be put in place. In Portsmouth I heard from the parent carer leader there that lots of parents, because of the relationship with the local authority and the school, are more confident that their child does not need an EHC plan, so they are not challenging the issue because a trusted voice, another parent with a similar set of circumstances, is saying to them, "This school can deliver for you, and you do not need to go through that—"

**Q823 James Frith:** I quite agree that that will breed confidence in the system.

**Nadhim Zahawi:** There are a number where I do agree with you, because we still have 50,000 going to tribunal, where clearly we may not be getting this exactly right.

**Q824 James Frith:** What is the national figure of tribunals being found in favour of the parent?

**Nadhim Zahawi:** I think it is 89%, but sometimes, if you look at the detail of the tribunal, the tribunal will change the assessment. It is not a binary decision.

**Q825 James Frith:** Sure, but that is a pretty high rate found in favour of the applicant.

**Nadhim Zahawi:** I do not disagree with you.

**Q826 James Frith:** When you have a system where 96% that go through get a plan, there is a fear being adopted here I think by local authorities that, "Hold on, if we let them have an assessment, they will need a plan and we cannot afford that plan". In earlier questions I mentioned the black hole in the high-needs funding. We are at risk—you are at risk—of presiding over a system that in school language might be deemed as "halfway there"; "keep going" a teacher might write on this legislation. The 2014 legislation is a commendable piece of intent and the Act itself





puts into sharp focus the entitlements and the voice of the child.

I put it to you that having raised those entitlements, the Government have moved on to something else, walked away. We are seeing this all too often, that there is not the resource to match. It is not just funding. As I have said in front of the Minister Gibb before, if there was intervention from Government to encourage local authorities to spend on SEND, the example you have just referred to in Portsmouth, then the confidence in the system would be bred upstream. We know this to be true and yet you are not doing anything about that intervention. It is in your gift to intervene in that, but there is no example of that intervention happening in routine measure, whether it is on funding, whether it is on capacity, whether it is on the leadership issue and accountability that I think you are absolutely right to have cited in some of your answers. When will that intervention come from this Government on this issue?

**Nadhim Zahawi:** You have identified all the right things. The slight unfairness is to say we are not doing anything about it. I think we are doing lots about this, whether it is on the funding. It is £350 million and £350 million, taking us to £6.3 billion. We have an SR coming up on the issue around how we learn from best practice. It is the reason I go around the country and see schools like the Admiral Lord Nelson School in Portsmouth and see how they do this, how they deliver this. They are not doing it in a vacuum. They are doing it in partnership.

Q827 **James Frith:** That is great and I absolutely agree with you, but it is not enough to "Generation Game" style point at things in observation. What we need is a system transformation.

To just build on my colleague's excellent line of questioning before on the examples of data and intelligence, positive outcomes for children and young people and their families, according to your measuring success of the SEND system, as a measure of success, destination after key stages 4 and 5, huge discrepancy, but no benchmarks to compare it to. I suspect it is not going to improve by having the benchmark, but please, I look forward to those figures.

School absence and exclusion rate: we know from Timpson that of all excluded pupils 70% are SEND and that is a rising figure. By your own criteria, this is a failure and half a job. The Act is great but you have not done anything to cement it, to systematically implement it.

**Nadhim Zahawi:** You just said it yourself. By the way, the figure is not 70%. It is 78% that are excluded who are SEND children. You said it yourself: when you cite things like Timpson, we are challenging ourselves all the time to do better, to go further, to learn from best practice. This is difficult stuff to deliver on the ground.

Q828 **James Frith:** I put it to you that Timpson was instigated because of the race disparity audit from the Prime Minister. It subsequently had a whole host of other stuff put into it, including the exclusions. I would also put it to you that the delay in reporting was because of this emergent pattern





around SEND featuring so prominently within the exclusion figures.

**Nick Gibb:** What Timpson identified was that after identifying for other factors of deprivation and so on for a given SEN category, students with an EHC plan or a statement were typically less likely to be permanently excluded than non-SEN children. However, those that do have SEN but do not have an EHC plan were generally more likely to be permanently excluded. You go through some of the categories of special educational needs. For example, children with a severe learning disability or a physical disability or profound, multiple learning difficulties were less likely to be excluded than the average.

Q829 **James Frith:** I would say in some respects there is some encouragement to that, because the minute we label and direct appropriate resource, not just funding, but leadership and capacity and expertise, and celebrate the term “special”—in every other walk of life, “special” means something different to the experiences for many kids with special educational needs in this system. If we identify SEND in the mainstream better and appoint resources to that, the requirement for EHCPs, which has gone up because it becomes a magnet, parents think, “The Shangri-La in all of this is the pursuit of an EHCP” because they are being failed at SEND mainstream level. If we correct that balance we will start to turn the figure around, but I hear nothing of how that is happening. We have high-needs funding, a black hole or shortfall, the transition money being spent elsewhere, tribunals going through the roof found in favour of the parent and the child, not of the system.

**Nick Gibb:** Can I just come in on the funding issue you talk about? We do understand the pressures on the high needs budget. We have increased it since 2013 by £1 billion, so it is now £6.3 billion. In just a few years it has gone up by £1 billion. The Secretary of State particularly understands this pressure and that is why we used the available headroom money in December. We allocated that headroom funding not to the school system as a whole but to special needs particularly, £125 million in the last financial year and £125 million in this financial year, plus an extra £100 million for capital to try to improve and increase the number of special units in mainstream schools or special schools.

Going into the next spending review—we are working extremely hard in the Department in preparing for that spending review—there are two key priorities for that spending review. One is post-16 funding, an issue for another discussion. Secondly, special and high needs funding. They are key priorities. We understand the pressure.

The other thing that is happening: Nadhim mentioned the fact that local authorities can transfer up to 0.5% from the schools block into the high needs block funding, provided they have permission from the Schools Forum. If they go above that, they have to ask permission of the Secretary of State for a disapplication. We are receiving a large number of disapplication requests from local authorities to move 0.5% or slightly more than 0.5% from schools to high needs. We absolutely understand



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the detail of the pressures that every local authority is under and that will feed into the spending review.

**Q830 Emma Hardy:** Thank you. One of the issues that has come up consistently in all the evidence we have had, and in fact everybody who has come and given oral evidence as well, is around SEN support of the children. You have just mentioned them, Minister, and said that they are more likely to be excluded, children who receive SEN support but do not have an EHC plan. Some of the other evidence that we have had is that it is difficult for parents to hold local authorities and schools to account for what they are getting in terms of SEN support, that it is not very well resourced, that in fact the resources, because they are so rationed, are diverted towards the EHC plans because they are accountable, and therefore not towards the children who have SEN support.

One of the more almost ludicrous examples was one we had that said that because of the time and effort needed for the EHC plans, all the energy was going into the plans. Therefore, they did not have any time to support the children with SEN support. This perfect storm of lack of time to support them, lack of resources to support them and lack of accountability, when they do get something written down in terms of what support they can have, is leading to overwhelming evidence that children are being failed at the level of SEN support.

Do you think this is partly because of the lack of guidance that comes from Government on SEN support, Minister?

**Nadhim Zahawi:** We have already announced that we are going to review the code of practice but let us put that aside. We have discussed that.

In terms of the local offer, which I think you have referred to, you talked about the exclusions. The 78%, by the way, that I referred to is SEN or children in need or children with free school meals.

**Emma Hardy:** The children at SEN support, yes.

**Nadhim Zahawi:** The children on SEN support. The local offer, in my view, has forced local authorities to work with parents to deliver the local offer. That is a good thing, in my view. Again, you see good examples of that in Enfield, where the local offer is informative and helpful—

**Q831 Emma Hardy:** Sorry, Minister. I am aware of time as well. We have, as I say, overwhelming evidence that children at SEN support are not getting the support they need. Many parents have explained to us this is driving—their words—their fight, their desperation for an EHC plan, which is further putting strain on a system that is already under strain. Surely the logical, obvious and most time-effective and resource-effective solution would be to put the money, time and investment into SEN support, which would decrease the number of parents so desperately needing an EHCP in the first place. What I am asking you to do, Minister, is something that politicians do not always do: acknowledge there is a



problem and tell me what you are going to do to fix it.

**Nadhim Zahawi:** I have acknowledged all the way through this evidence session that we have challenges around implementation. There is some evidence of good practice and I think James was referring to this. If you can do this well, where the local authority, with the CCG, can work together with the school system, with—really important—parent carer forums, for most parents, if faced with a similar challenge with their child, who are the trusted voices? It will be other parents, I would put to you, who you would trust the most.

Q832 **Emma Hardy:** I want to tie you down to a promise, Minister.

**Nadhim Zahawi:** I am going to get to the point.

**Emma Hardy:** What are you going to do to improve support for children who are on SEN support?

**Nadhim Zahawi:** My point is the best practice is in areas where they have been able to deliver that, so parents do not think, “The only hope for my child is an EHC plan, because otherwise there is no support for me”. That is not good practice because it does not deliver for children or for the local authorities.

Q833 **Emma Hardy:** I agree with that, but you have to understand the motivation that parents have for the desperation towards getting an EHC plan, because they are not getting supported.

Just to go back to the point I made, we talked about the lack of accountability for children on SEN support, the lack of resources and the lack of time to support them. On those three things, what are you, Minister, and the Department for Education going to do to resolve those problems, to help the children on SEN support so they do not feel driven towards having to get an EHCP?

**Nick Gibb:** Can I just talk about accountability again? I do not want to make the same point again. The new framework that Ofsted is implementing in September does include a greater emphasis on the outcomes of children with special educational needs and that will have a galvanising effect on schools. Ofsted does drive behaviour in schools.

**Emma Hardy:** I accept that.

**Nick Gibb:** On top of that, we are now publishing the outcomes of children with special educational needs. Again, in performance tables, these data do matter and it does drive behaviour of schools.

Q834 **Ian Mearns:** Is that going to include youngsters with EHCPs as well as youngsters without EHCPs?

**Nick Gibb:** I think so. That is what I am just double-checking. Hopefully those figures I gave you are both SEN support and EHCP. If they are not, I will correct them.



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Q835 **Emma Hardy:** What are you going to do to resolve the issue around time and resource for children with SEN support? We have had evidence here from Justin Cooke, who told the Committee on 23 October, "If that money is not being spent on them and is not being spent on SEN support, they take longer to get help, usually via a more expensive route with an EHC plan or special school. If we had SEN support right and spent that SEN notional budget in the right place on children early, we would save money in the system".

**Nadhim Zahawi:** We have a call for evidence in terms of how the money is being spent in schools for SEN children to make sure that there are no perverse incentives in the system. Again, I go back and say to you that you learn from local authorities and teams that are doing it well.

Q836 **Emma Hardy:** What have you learned and what is the Department going to do then to help children with SEN support?

**Nadhim Zahawi:** We try to spread good practice. We have an inspection regime and a revisiting regime. We try to share good practice. It is good for the children and also good for the local authority. I gave you the example of Kingston-upon-Thames earlier. Just by coming together with their schools, they managed to find an additional 150 places, they told me when they came to see me, just by applying all the good practice that we see in other parts of the country.

Q837 **Emma Hardy:** Minister, you do accept though that the children on SEN support are being failed by the system and they are not getting the support they need, and the parents who are able therefore are fighting hard, using resources they probably do not have, to try to get them an EHC plan to resolve this? You still have not come up with an answer as to what are you going to do in terms of accountability, time and resources to help children who have SEN support in our schools?

**Dr Imich:** I think that is a generalisation to say that SEN support is not working for all parents and children.

Q838 **Emma Hardy:** We have overwhelmingly had evidence to this Committee, consistently, over a 12—

**Dr Imich:** What we also have is a range of other evidence.

Q839 **Emma Hardy:** Sorry, with respect, over 12 months of evidence, over 12 Committee sessions, over 800 pieces of evidence, we have heard overwhelmingly that children with SEN support consistently are not getting the support that they need. My answer is what are you going to do about it?

**Dr Imich:** The inspections show a slightly different picture and probably a more balanced picture. For example, in Swindon parents have confidence in the work of the school SENCos.

Q840 **Chair:** We know that the inspections, as I said before, have said virtually half have not been—



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**Dr Imich:** What I am trying to say is we cannot say SEN support is not working across the country. It is. It is working in many places and there are many examples I have here, which I am happy to send you, of parents and others who are very satisfied with the support their children are getting. Again, there is a message about trying to spread good practice. Yes, there are some issues—we have not said there are not—but we need to understand it is working well in many places and we need to build on that.

As the Minister said, we went to a school. I go to many, many schools that have very dedicated SENCOs, teachers, teacher assistants, working and making an impact.

Q841 **Emma Hardy:** With respect, it is working despite the system, not because of it, and because of the professionalism of the teachers and the SENCOs out there.

**Dr Imich:** It is working because of the system, because they are following the code of practice. They are getting support from local authorities.

Q842 **Chair:** Excuse me, could we just not have you talk over my colleague?

**Dr Imich:** Apologies.

**Chair:** Thank you.

Q843 **Emma Hardy:** I just want to move on to a concrete example of the confusion that is out there. This is a situation I am going to be writing to the Ministers about. There is a situation where it is a special school in my area, which is a special school for children with profound difficulties. It is a very intensive, supportive special school out there. There is a huge question—it comes into EHCPs—around school nurses. At the moment there are two conflicting documents from Government on this issue, which could result in children not being supported in the best way possible. You have a document from Public Health England, which is called “Healthy Child Programme 0-19, revised in March 2018”, which suggests that the commissioning of general school nursing is the responsibility of the local authorities. Then you have a document called “Supporting pupils at school with medical conditions” from 2015, which says, “Children in special schools in particular may need care which falls outside the remit of local authority commissioned school nurses”, which seems to imply that the commissioning of school nurses comes from schools.

This is just one example of the confusion that is out there in terms of supporting our children with SEND. You have a document from the Department of Health saying school nurse provision for special schools is the responsibility of the health budget and you have a document from the Department for Education saying school nurses are the responsibility of and should be commissioned by Education. In between this, you have children with SEND who do not care who funds it. They just want it



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funded.

Do you accept there is an awful lot of confusion out there over the commissioning of support for children with SEND?

**Nadhim Zahawi:** Yes, I do, is the simple answer, and I tell you fully why, because the issue is that we have to work much more closely together. The Department of Education with Public Health England has a whole programme to enable the early years workforce to identify very early support for children with early speech and language and communication needs. We work very closely, but in some areas—we were discussing it yesterday in the SEND partnership—for the parent, they just see the system. They do not even just see Government. They see the system in front of them. They do not see this is NHS England or Department of Health and Social Care or Department for Education. We have to make sure we get this right.

One of the issues we were discussing yesterday with Christine Lenehan and the partners is how we make sure that there is no confusion in the system or the least possible confusion. Ultimately, both of us, whether it is myself or Caroline Dinenege, want to deliver the best outcomes for that child.

Q844 **Emma Hardy:** As I say, I am going to write to you with all the details on this particular case, but in terms of resolving these problems where there is this confusion over who is funding—

**Nadhim Zahawi:** We have a workstream. Yesterday, one of the issues in the meeting was that we would take this away, because it was a challenge to us from the partners, and look at how we make sure there is real clarity.

The other area I was challenged on I know is something the Chairman cares deeply about, around the transition into further education. Again, there are issues around how that transition works.

Q845 **Emma Hardy:** Just moving on to when children get their EHC plans, some of the quality of these EHC plans has been heavily criticised. Talking about issues about plans that have been copied and pasted from existing statements, new advice being disregarded, no quality assurance, badly written, unachievable, non-specific outcomes, and provision not related to need. You can understand from a parent's perspective, when they have had to fight very hard to get their EHC plan, how disappointed and upset they are going to be when they find it is for some of them not worth the paper it is written on.

Minister, you told "BBC Breakfast" that no one had said to you that EHC plans are not worth the paper they are written on. Do you stand by this statement?

**Nadhim Zahawi:** I do stand by it. No one said they are not worth the paper they are written on. Like I have said before to this Committee, they





engage with and consult with parents and children. The FLARE group comes to see me regularly.

We conducted a survey in 2015 I think of 13,000 parents and carers. Two-thirds said that they were satisfied with the overall process of getting an EHC plan and 62% agreed that the help and support described in their plan would achieve the outcomes agreed. I still think 62% means that 38% are not satisfied, which is where you are getting, clearly, that evidence. We have to do better, hence why we have the inspection regime and the revisit regime and then I have asked CQC and Ofsted to look at the plan for beyond 2021 for how we carry on challenging ourselves through inspections.

You are right to challenge us on this, but I still think that an EHC plan is the right thing to do. We just have to make sure that the quality goes up from 62% satisfaction to hopefully high—80%, 90%—satisfaction rates. It is a journey, as I said at the outset of this evidence session.

**Q846 Emma Hardy:** I am genuinely pleased that you acknowledge that there is a high rate of dissatisfaction on the plans out there and that is certainly, I am sure, going to be in our report. In acknowledging that—you have briefly mentioned what you can do about it—what more can you do to ensure that when parents finally get their EHC plans, they are worth the paper they are written on? Going back to the point I made previously, there is a lot more clarity over who funds the different parts of that plan.

**Nadhim Zahawi:** One of the things I want the SEN leadership report to focus on, I said to them that in my mind I see it as a taskforce around how we can do joint commissioning much better. Ultimately, where this falls down is joint commissioning and this silo thinking.

When you look at some of the written statements of action that have come back, sometimes the criticism is about two different individuals in the same local authority. They just sit in different places and they are just not communicating between one another. We just have to get much better at doing this and make sure that the joint commissioning is working properly.

**Q847 Mr William Wragg:** Just briefly, do you think that the arbitrary deadline of 1 April 2018 reduced the quality of those plans or exacerbated the pressures local authorities were facing?

**Nadhim Zahawi:** I came into this Department in January 2018 and when talking to the practitioners on the ground, I felt that this was a stretching target but it was not an unachievable target. Ultimately, with anything—Will, you will know this better than most—you have to set yourself a target and aim for it, otherwise these things just—

**Dr Imich:** It had started as being 31 August 2017 and was changed in the light of review and progress and feedback. It was not quite arbitrary. It was calculated.





**Mr William Wragg:** That is fair enough and I am glad that the Department is holding itself to those targets. Thank you.

Q848 **James Frith:** Just continuing the challenge about only half a job on the Act, the Act of course extended the right to EHCPs to age 25, but the Department chose not to fund it. Is this a costly mistake and do you see the impact across the sector for such a decision?

**Nadhim Zahawi:** I thought we did provide the additional funding at the time for the extension, which I think was £252 million.

Q849 **James Frith:** The transition fund?

**Nadhim Zahawi:** I will write to you with the exact figure.

Q850 **James Frith:** Do you see, if that transition fund was essentially discretionary, the impact then of that not being applied? I think probably my reference to the question is to suggest that the proportion of funding for transition was not extended by the same level of the extension of age, essentially proportionate to that. Would you agree?

**Nadhim Zahawi:** I certainly think some of the funding pressures have come from us going further to 25. That is undeniable. That is what we are looking at for the spending review.

**Dr Imich:** Also, learning difficulty assessments that went on beyond 19 did include young people with SEN and were funded, so some of that funding was already in the system through the LDA process.

Q851 **James Frith:** Could you expand a bit on that?

**Dr Imich:** Young people with LDAs were not part of the statementing system, so local authorities did have funding for LDA placements in the independent sector, for example. When the LDAs finished in 2016 and those young people became entitled to education, health and care plans, the funding that was attached to the LDA process became part of the high needs block. Everyone who is now 19 to 25, it is not brand new population. Some of it will have been there through the LDA process, so there have always been some 19 to 25 year-olds who have received funding through education departments.

Q852 **James Frith:** Was the estimation equal to the numbers in post-19?

**Dr Imich:** That is something we are going to come back to you on.

**James Frith:** You are going to come back to us on that?

**Dr Imich:** In terms of the £252 million that the Minister—

Q853 **Chair:** On post-19, I do not know if you were going to quote this, but Christine Lenehan says, "There is huge variability in it, and a number of court judgments have muddied it. The whole issue about what an educational outcome looks like for a 22 year-old is not clear. The code of practice on this is not clear. As we have discussed earlier, the intent is the right intent, but there have been a number of interpretations in the



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law that have further muddied it. I think that holding on to the principle of going on to 25 is right, but it is not working". She says there are clearly problems in the way that this is being applied and it is very inconsistent.

**Nadhim Zahawi:** I think there is certainly inconsistency, but there are some good examples of what is working and those are the assisted internships. I have seen them operating in Hammersmith College, in Derwent College, where businesses like Premier Inn, Hilton, Heathrow, even L'Oréal have invested in working with our FE sector. We are providing almost £10 million for local authorities to help grow the number of supported internships. If you look at the number, we had 715 supported internships I think in 2015. It is over 1,200 now.

Q854 **James Frith:** Just on that, the report issued by the Education Policy Institute last week gives some colour to the extension and the estimation of that impact of the extension to then what the impacts are. For example, in 2017, 3,256 new EHCPs were created for young people post-16, compared to 262 new plans for the same age group in 2014. The estimation, that half a job point, is that again to be commended, we extend the entitlement, we recognise the additional requirement and the attention level to those students and young people, young adults, but then a dereliction of that duty by not then supporting it with appropriate resources? That is a huge leap, isn't it, from 262 to 3,256?

**Chair:** We have been told time and time again, and I could quote you for the next two hours from our evidence saying that post-19 is confused, inconsistent and not funded properly.

**Dr Imich:** The post-19 area is very complex and probably touches upon the challenges of the three agencies and the various legislations that apply to health, social care and education for those above 19. It is testing lots of very complex issues. It is challenging and it does need greater clarification. One of the opportunities we have coming up is the revision to the code of practice. It does need a lot of work to bring together the various agencies and their responsibilities and the level of support and provision they are making for—

Q855 **Chair:** When Act was brought through, Robert Buckland and Caroline Nokes warned about the potential of these kinds of problems in the Committee. Clearly they have come to fruition because there is a lot of inconsistency there. We know that individuals with learning disabilities have the lowest employment rates in the country. I think it is 5.8%, despite that 65% of these individuals want to work. The post-19 side of it is incredibly important. From your answers, I do not get that impression that this is a priority for you to sort out.

**Nadhim Zahawi:** It certainly is a priority.

Q856 **Chair:** What are you doing to sort it out?

**Nadhim Zahawi:** I think what André was referring to as well is the post-19 funding from the Education and Skills Agency. You are right to say



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that it is a challenging landscape of how the funding is delivered and we are looking at this both in terms of the code of practice and of course SR. I would put it to you that it is a success story. This is not something to be thought of as a negative. I think it is a positive and it is how we then react to it and improve it and do better.

Q857 **Chair:** I am not convinced that post-19 provision is a success story, given the evidence we have received.

**Nadhim Zahawi:** I went to several places, Hammersmith College being one, Derwent College being another. You are seeing brilliant work in Devon, in Camden. There are some good examples.

Q858 **Chair:** Do the Government and schools have sufficient understanding of supported internships, for example, that work well? I know you have mentioned that in your evidence, but do they have a serious, detailed understanding in order to deal with the low employment rate of those with learning disabilities?

**Nadhim Zahawi:** The evidence that I have seen—because I wanted to get out there and have a look at how this is working—is there is real engagement from the businesses that are working with our colleagues to deliver this. L'Oréal has been doing this for a number of years with Hammersmith College.

Q859 **Chair:** Are you looking at organisations like Project SEARCH that do an enormous amount in terms of providing these supported internships successfully?

**Nadhim Zahawi:** Absolutely.

**Dr Imich:** We have a few examples where Project SEARCH has been very effective. Just one example is Waltham Forest, who, through Project SEARCH, managed to use supported internships and a number of young people on them ended up with jobs in the Barts NHS Trusts around that area. Project SEARCH is alive and well and is being used by many local areas as part of their supported internship programmes.

Q860 **Chair:** What studies are you making to see how proactive the schools and the colleges are in ensuring that pupils or students with special educational needs are doing these supported internships?

**Dr Imich:** We are collecting the data on it and we know that it doubled last year. We are obviously waiting for this year's data to see whether that continues, but certainly when I visit local areas they talk more and more about more supported internships.

Q861 **James Frith:** Minister, I absolutely celebrate your ability to refer to good practice and you have a role to evangelise with that good practice, but can I ask that you ask your Department to take you to the places that are failing and that you spend time there and understand that? Our job is not just to find the failings, but to extoll the virtues of what works and is successful. I will just finish my comment, if I may. I think the success of



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this is your ability to articulate what is failing, not what is working. Just in the same way you celebrate identification being an important thing, it is only half the job. Identifying and then resolving is the full job. This is a cross-party effort. I think we are all believers in what is needed. I would just ask that your—

**Chair:** You can just say, “Point well made”.

**Nadhim Zahawi:** Point very well made. All I would say, a tiny intervention, is of course I look at where failure is at all the time. Social media is full of it. The positives never get much hearing.

Q862 **Ian Mearns:** We mentioned the local offer earlier on, but the way in which the local offer has developed is obviously a patchwork quilt. What the local offer comprises of is different in different parts of the country. Different local authorities have a different local offer to others. Of course the development of the local offer has always been a judgment on behalf of the local offer based on what they think they can afford, as well as what they are trying to provide for young people.

Time and time again in this inquiry we have heard evidence that in my mind says that rationing is systemic within the system. Even before children are referred for assessment, head teachers are making judgments about which children to prioritise to send for assessment as a priority against others and then the system works in that way. There is an awful lot of hidden need out there. Even when it comes to the provision of an education, health and care plan, quite often in the judgment of parents and some other advisory professionals, the plans themselves are resource-led as opposed to needs-led. We have heard evidence to that extent time and time again.

Putting that in combination with the local offer, what we have heard is that the local offer suggests it is not doing what it was intended to do. Some parents are going to more generic systems for finding information because quite often they are not happy with the local offer in their own patch, but they want to find out how the local offer compares to somewhere else, so they go to Google or whatever.

Where do you think we are at with the local offer and what are you doing about it? I know that you have said earlier on that it is part of the process to try to upgrade and update the local offer, but where are we with that now?

**Nadhim Zahawi:** I think you are right to point out that it is variable around the country. What are the positives of it? The positives of it are that it compelled local authorities to engage with parents and engage with the health providers to make sure that they work together. The evidence that the Chairman provided us initially, where people were just saying, “That is not my problem, it is the school’s problem” or vice versa is where it is not done well. Where it is done well, it does deliver much better outcomes. Why? Because if it is taken seriously and looked at as part of the assessment of that local authority, they can take advantage, for example, of our free special schools programme to build additional



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capacity if they need it. Also, if parents feel confident that their schools, their local authorities and their health professionals are all engaging, then they will feel that their children are getting what they need, not otherwise.

You are right to say that we need to do better. We survey local authorities to look at—

**Chair:** We have it.

Q863 **Ian Mearns:** Again, like James, you are right to celebrate areas of good practice, but stuff you have seen personally does not compensate for systemic failure that covers swathes of the country. We have seen that in terms of the inspection reports that we have. You are quite right to celebrate the success that you have seen, but from my perspective, as someone who is going to try to write the report that is going to be reflected in Government policy, we hope taking anecdotal evidence is not the same as looking at systemic evidence across the whole of the country. We have to counterbalance that in terms of the weighting that we give to that evidence.

**Nadhim Zahawi:** Just on that systemic bit, the Ofsted and CQC inspection regime does look at the quality of the local offer. That is the lever that we have at a system level.

Q864 **Ian Mearns:** You have mentioned the CQC and we are coming on to the health issue here. I have asked the question of professionals around the table when drawing up education, health and care plans or health, and that answer uniformly has been, “Unfortunately not”. That has been across the country with many different people that we have asked. Do you think you have worked well enough with the Department of Health and Social Care to ensure that there is sufficient ownership of the legislation by them as well as by the DfE?

**Nadhim Zahawi:** You are right to challenge us on this. It is a mixed picture. We know from the inspection regime that when this works well—Wigan, Wiltshire—where we work to make the improvements, it does do well. We are working with NHS England. I have mentioned it a number of times, Chairman. Joint working is about operations and we need NHS England really engaged in this and it is more and more so. The NHS assurance framework used to hold CCGs to account. It contains a number of measures on SEND, but we can do better. We are working with CCGs to improve the social care input into EHC plans as well.

Q865 **Ian Mearns:** Moving that on, we have just seen reports published this morning and the Children’s Commissioner report about the number of children with special educational needs ending up in long-term mental health units. What are we going to do to stop that? That is something that has to be seen as a matter of urgency. Also, by the way, the number of youngsters with special educational needs ending up on the wrong side of the criminal justice system. These are both things that if we get the interventions right at an early stage and do the identifying of the special



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educational needs, an awful lot of that real, deep-seated misfortune for these kids is preventable.

**Nadhim Zahawi:** You are absolutely right. That is why we are working with Public Health England to enable the early years workforce to identify and support children with early speech and language communication needs. That work will include developing, training and an early language assessment tool as well, but you are right. I have shadowed a social worker where adolescents are moving from childhood into adolescence with learning difficulties and get involved with criminals and drug dealers. Four police officers are searching for her all night. It is a terrible set of circumstances, the stars aligning in a bad way, where that particular young person is not getting the support that she needs to be able to break out of that cycle.

Q866 **Ian Mearns:** You have touched on it there. If we do not put in the correct support, stemming from the DfE through schools and through local authorities at the correct stages, it then has a cost for society as well. If Police and Crime Commissioners started sending a bill to the DfE every time police were called out to search for a youngster with special educational needs that goes missing, that might sharpen some focus. It might do. We need to think about that so that the silos that we have in Government are thinking about what they can do to prevent costs down the line for other departments and other silos.

**Nadhim Zahawi:** That is where we are consulting on children being out of school as well and we work really closely with the Department of Health and Social Care on transforming care programmes so that more young people are out of inpatient settings. It is more about making sure that we do not work in silos and we work together.

Q867 **Ian Mearns:** It also goes back to Emma's earlier point about the youngsters who do not have an education, health and care plan but they are on SEN support. If we can move some of that funding that we have in the whole system upstream to support those youngsters at the correct stage, we can prevent first of all more EHCPs but also the youngsters falling out of the system before they get the proper assessment and ending up on the wrong side of the criminal justice system and employment problems and all the rest of it.

**Nick Gibb:** We share that objective as well. Earlier I cited the fact that we published the academic outcomes of children on SEN and I can confirm it does include children on SEN support as well as EHC plans.

Q868 **Ian Mearns:** We did a report on this when I was in this Local Government Association quite a long time ago, Ministers. For some youngsters who are difficult to educate and are struggling to thrive in the current school system, we have to think about developing a system for those youngsters where they can succeed in something as opposed to failing in everything.





**Nick Gibb:** I agree, but they also do need to acquire those basics of particularly reading and mathematics. They are fundamental building blocks for their later progress, whether it is an apprenticeship, a supported internship, work, as well as allowing them time to build other interests and specialisms.

Q869 **Lucy Allan:** I just want to move on quickly to tribunals. During the course of this inquiry it has become apparent that there is a really adversarial system where parents have to fight local authorities to get their child's needs met. That surely must be wrong, but what I would like to ask you, Minister Zahawi, is what caused that, and is it right that people with savings or people having to remortgage their homes are the people who will access what their children need and others will probably just say, "I can't go through that. I can't afford a barrister"? We should not have taxpayer-funded resource for people in need being controlled by whether or not the parent has the means to access it. It just seems bizarre.

**Nadhim Zahawi:** Lucy, you hit the nail on the head. The tribunal system was designed to be accessible. There should not be a need for parents or local authorities to have legal and other professional representation.

Q870 **Lucy Allan:** What caused it? What caused that level of adversity?

**Nadhim Zahawi:** Many cases are heard without the legal representation. We introduced a mediation process in 2014 and four out of five cases that go to mediation do not go to tribunal. I mentioned earlier the 5,000 tribunal cases in 2015. I may have inadvertently said 50,000. It is actually 5,000, but it is 5,000 too many still in the system. We need to learn from that.

By the way, in many of the cases, 89% of the cases, the tribunal also found that the local authority in part of the case was correct, so the tribunal may order changes to the description of the child's special educational needs and the provision required for that child. There are areas like Shropshire and Enfield where there are hardly any tribunals. Why? Why can't we learn from that?

Q871 **Lucy Allan:** Yes. I think that is the point. Whether or not the tribunal found in favour of the parent still does not solve the issue of money being spent on fighting each other when actually it should be spent on meeting needs. Let us try to look at what works.

**Nadhim Zahawi:** Absolutely right.

Q872 **Chair:** Just a final summing-up. I think the ending of the tribunal system is a good illustration on what is going wrong. You have the first sentence, first-tier tribunals. The figures we have been given: 20% up on last year, the largest number ever recorded. SENDIST saw 5,000 appeals through to completion in 2017-18, 14% up on last year. Since the SENDIST reforms became law in 2014, the figures we have been given are that local authorities have spent £1 million of their resources on SENDIST





appeals and they lost nine times in every 10. You talk about resources a lot. We highlighted the £500 million in terms of the transition, but this is £100 million that could be spent on the front line, on the students, and the local authorities are losing nine times in every 10.

My feeling about this whole issue is that if what has gone wrong is that if you are somebody who knows how to advocate, who knows how to lobby their MP or their council and is prepared to spend hours and hours for their child, then maybe they can navigate their way through this bureaucratic maze, the long delays in EHCPs, or whether or not they are needing an EHCP, and they might get a good service. Of course there are examples of best practice and we will highlight some of those in our report, absolutely, but if you are not an advocate, if you are not somebody going to go to see the MP in their constituency surgery, my feeling—and I suspect that of many of my colleagues from all sides of the political divide—is that the system is failing them. The tribunal situation I think is a huge example of that.

As I said at the beginning, they have to struggle through the bureaucracy. They rely on a postcode lottery, depending on the council, because there is inconsistency across the country. They do not know whether they are going to get consistent post-19 provision if their child is that age. It is a real mix and match. That is what is wrong with the system. It is not helping those who are not advocates or know how to navigate their way through. That is what we are trying to get you to bear in mind and it will be the content of a lot of our report.

**Nadhim Zahawi:** If you are a siloed thinker as a leader, who is reactive, you would not be delivering for children with special educational needs and disabilities. If you are a leader in education in local government, in health, who worked together—back to James’s point—you deliver better outcomes, happier children who are doing well, delivering on their potential and parents who feel confident that the system and the people in the system are on their side, because when they talk to parent carer forums and so on you get that. It is better management of money. Why? You deliver better outcomes without every parent thinking, “My only way out of this is to advocate, is to go and hire expensive lawyers so I can get an EHC plan because that is my golden ticket. That is the only way I can do that for my child”. That is my challenge and you set that challenge out.

Q873 **Chair:** To the Schools Minister, I asked you about key stages 4 and 5 and about improvements in attainment. You are absolutely a Rolls-Royce in terms of School Standards. This is your passion. You would have come into this Committee in other areas and said, “We have improved X pupils. Progress has gone up by X, Y and Z”. On this, you did not have the information. I know you are going to write to us on this and I know they are difficult questions, but what I am trying to say is that I believe as much emphasis should be placed on children with special educational needs, that they should be able to climb the educational ladder of opportunity and do all the things that you want the system to do, and we



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do not just focus on survival of the strongest, that we have a relentless focus on the most vulnerable children and pupils, whether it is special educational needs or other difficulties they may face in their lives.

**Nick Gibb:** I can tell you, for example, that more pupils with special educational needs met the expected standard in writing and maths in 2017 compared to 2016-17 at key stage 1. These are the foundations of their education. We will come back to you with the comparative figures for the other key stages.

**Chair:** That is good news.

**Nadhim Zahawi:** All I would say, Chairman, is for any educational leader you cannot call yourself world-class as a leader if you are not inclusive.

**Chair:** This is the whole point. Thank you very much. It has been a tough session, but I very much appreciate all your evidence. Thank you.