

Written evidence from Claire Ryan

Executive Summary

- 1) I am a mother to three children and young people with SEND and we have been involved in the SEND system for over 11 years. Over the years, I have volunteered my time to give advice to parents in order to help them get their child's special educational needs met. Since the SEN reforms in 2014, the process, which was always difficult, has become much more adversarial. Challenges, complaints, pre-action for Judicial reviews and SENDIST appeals are common place and viewed as a normal part of the process now. In total, our family have been through:
 - a) 6 SENDIST appeals resulting in 4 hearings. 5th conceded by LA, 6th resolved at Mediation.
 - b) One Judicial Review and 3 pre-actions to Judicial Review. On 3 additional occasions, we have had no option but to issue LA with deadlines and inform them JR is the next stage.
 - c) One upheld LGO complaint
 - d) 3 Formal complaints via the LA's process.
 - e) An unsubstantiated referral to social services for child protection by the LA SEN Manager. This was during a SENDIST appeal and Judicial review process, and was stopped by our child's Social Worker, from the disabled children's team, who had not been consulted. Child protection referrals have been used in many cases by LA staff, who often have never met the children, nor discussed the referral with professionals involved in the case. Parents feel these are done in order to stop parents from challenging further.
- 2) Within this submission, I will refer only to two of my children who were still within the SEN system at the time of the reforms.
- 3) Child A went through the transfer from SSEN to EHCP in 2014. This was also a move from an independent specialist secondary school to a maintained mainstream 6th form.
- 4) Child B went through transfer from SSEN to EHCP in 2016 at secondary transfer stage, moving from a maintained specialist junior school to a maintained specialist secondary school.

Main Submission

The assessment of and support for children and young people with SEND

- 5) We have paid privately for all assessments and have had to appeal to Tribunal or used Solicitors in order to have this included in the SSENS and EHCP's. This is because the provision suggested either wasn't appropriate or wasn't specified or quantified. My husband and I are both public servants, therefore this has caused great financial difficulties over the years.

- 6) Support has been sporadic. When its consistent and professionals have worked with us, it has worked well. We have often been told by LA staff, that we are removing provision from other children by fighting to secure our children's.
- 7) Child A moved from an independent specialist school to an LA maintained 6th form in 2014. Child A did not receive the provision in the EHCP as we were no longer in control at annual reviews. Because everything went through our child, who was a teenager and unable to make the right choices at that time, my role at annual reviews was simply to attend.
- 8) Health professionals have praised our efforts at getting good assessment and support for our children. Service contract agreements and CCG decisions have restricted what they are able to provide and they are instructed to suggest what is available locally rather than what our child needs.
- 9) Before secondary transfer in 2016, we attempted to gain a dual placement with our local mainstream Junior school. They refused stating that it was because we had taken them to Tribunal 8 years earlier for difficulties relating to Child A.
- 10) Child B was unable to attempt integration locally, therefore went to a maintained specialist secondary provision out of the local area.

The transition from statements of special educational needs and learning disability assessments to education, health and care plans

- 11) Child A, LA did not attend the transfer review. Child A was assessed by specialist school as all the specialist staff were present, but not an Educational Psychologist and no social care assessment.
- 12) Child A's draft EHCP was issued in June after Pre-action letter sent via Solicitors. Draft plan included another child's name and needs. The final EHCP was agreed and issued with the support of a Solicitor 5 months late. LA accepted failings and reimbursed parents for cost of solicitors fees.
- 13) Child B wasn't offered a transfer review. The LA stated that, transfer reviews were offered by telephone on the SEN Managers discretion. (Upheld LGO complaint)
- 14) Child B was not offered any assessment and did not see an Educational Psychologist until parents appealed the content of the final plan and the removal of educational psychology provision. (Upheld LGO complaint)
- 15) Child B's draft plan issued weeks before deadline. Final issued on time.
- 16) SEN Barrister reviewed the draft EHCP and reported it was unlawful. Specificity and provision had been removed. It said 'N/A' in the social care section despite Child B being in receipt of direct payments.
- 17) Parents requested LA contact Social Care, CAMHS and Child B's Occupational therapist and Speech & Language therapists for up to date advice.

- 18) SEN Barrister re wrote Child B's EHCP. All amendments (approx 30) agreed by LA via appeal and mediation process.
- 19) Child B's final revised EHC plan issued 18 months after the transfer deadline date.

The level and distribution of funding for SEND provision

- 20) The introduction of social enterprises taking over NHS children's services has resulted in a competitive funding battle at Tender stages. This has resulted in a significant reduction in staff and in the capacity to implement vital services such as speech and language therapy and CAMHS.

The roles of and co-operation between education, health and social care sectors

- 21) We have not experienced any joined up working at assessment stage or annual reviews.
- 22) Child A's annual reviews consisted of parents and school only and has never had any input from Social care.
- 23) Child B's school implement advice given by medical professionals.
- 24) All of Child B's annual reviews consist of parents and school only.

Provision for 19-25-year olds including support for independent living; transition to adult

- 25) Child A's EHCP was ceased 2016 as they went to University.
- 26) Despite having a current EHCP, Child A had to be reassessed and re-diagnosed in order to access support via disabled students allowance.
- 27) Child A received good specific SEND support from Connexions to aid transition into further education. This service has now been cut and is no longer available.

Recommendations

- 28) Accountability. Without this, nothing will change. LAs fail OFSTED inspections, LGO complaints, SENDIST appeals and continue to issue countless unlawful blanket SEN policies because no one is stopping them.
- 29) Accountability will help save countless unnecessary Tribunal appeals, parent debt, broken families and wasted, precious family time.

- 30) Government need to be instrumental in training schools on SEN law and ways to recognise and challenge unlawful LA policies. Currently this is the role of parents and in many cases, causes working relationships to break down.
- 31) Use local parents to train schools and LAs on how to work in partnership. Shift the balance of power in ways like this, and partnership is possible.
- 32) Ask and work with ALL parents, not just those affiliated with PCF's. PCF's only represent a small minority of parents and often are not inclusive, nor do they always have a good understanding of the law, versus LA policy.
- 33) Look closely at what social enterprises are offering in terms of vital health services alongside the actual need in the local areas.
- 34) Reconsider allowing young people to have the final say in their care around provision in EHCP's. Teenagers, especially teenagers with SEND, are not equipped to think ahead or to look at the bigger picture.
- 35) Look at the impact on family life of navigating the SEND system.

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