

## **Written evidence from Bren Prendergast**

### **Executive Summary**

- I. I am submitting evidence as a self-employed Specialist Teacher and an EHC plan Adviser. In short, I seek to identify strengths and weakness in Needs Assessments and either identify amendments or recommend that the plan is returned to the local authority with a reminder of their legal duties. I have been trained to give legally-based advice and have been doing so since 2009. I have also conducted research into the EHCP process available here: <https://specialneedsjungle.com/ehcp-process-bren-parent-participatory-research/>

### **Main Submission**

#### **1.1 The assessment of and support for children and young people with SEND**

- 1.2 Criteria for Statutory Assessments is generally ultra vires across England
- 1.3 SEN Reg 53/schedule 2 appears not to be published on LA websites in general. The local 'SEN Support' document does not detail the support that the LA expects to be available locally.
- 1.4 Local authorities continue to ignore their duties under SEN Reg 6 (Needs Assessment). In particular, it does not pro-actively seek advice linked directly to the child or Young Person's reported SEN eg, no Speech and Language report for a student with autism, or no report regarding a student's ability to hear sounds within words where dyslexia is suspected.
- 1.5 Very few Social Care assessments. Of the few seen, non-compliant section 17 Children Act assessments, eg, no Parent Carer assessment, no Young Carer assessments.
- 1.6 With inadequate assessments, it cannot be known if a child requires an EHC plan or not. Where a plan is written, it is not done so based on quality evidence. Lack of quality evidence was also reported by the Lamb Inquiry.
- 1.7 Schools are not fully-informed of the child or Young Person's needs, so do not know how to support them. Teachers have come to me and specifically asked if, where I do an assessment, could I be explicit with strategies? Parents do likewise. The point of requesting external specialist advice is that this advice is above that which can be provided by the school/college in-house. Permanent exclusions are rising in my LA.
- 1.8 Children are arriving at schools without specified and quantified EHC plans. Most plans I have reviewed contain nothing more than Quality First

Teaching. There may be multiple needs identified, but they are not being noted so provision is not included.

1.9 My experiences of mediation have not assisted; LAs refuse to accept that they are required to undertake a Needs Assessment in accordance with SEN Reg 6. The local mediation company were telling parents that a) they were not allowed to take in a legal advocate or solicitor and b) mediation was not legally binding.

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

2.2 I have failed to identify any situations where a new Needs Assessment has been conducted. Parents have been told that the LA does not need to conduct assessments in accordance with SEN Reg 6

2.3 All of the above re: assessments applies here.

2.4 LDAs were allowed to lapse with no pro-active approach to ensure they were no longer required.

2.5 Most (LA) letters viewed demonstrated a lack of understanding regarding the need to conduct a Needs Assessment before deciding if an EHCP was required.

2.6 A recent complaint to the Director of Children's Services concerning 'tipping' a 9yr old statement into an EHC plan resulted in the Director being satisfied that due process had been followed.

2.7 This is not an isolated incident of 'tipping'. I have viewed EP reports that are 15 years old and considered 'sufficient'.

### **3.1 The level and distribution of funding for SEND provision**

3.2 A postcode lottery remains, with no clear funding route from any LAs I have reviewed.

3.3 'Banding' has resurfaced to try to replace staffing hours with an indicative monetary amount.

3.4 Non-ring fencing means that money is often not spent on training staff and direct support for learners.

3.5 A plethora of myths exist in regards to funding in general, with schools generally being told that there are 'cuts'.

3.6 Provision must be written up without consideration of costs, so LAs are under-quantifying support. The LA has the duty to ensure provision is made, yet schools are being told that there is no funding available. Low

specification & quantification makes it difficult for schools to make a case for inadequate funding. Placements become 'at risk'

3.7TA roles are being cut locally, and I suspect nationally, particularly in the secondary sector due to 'financial constraints'

3.8Creeping funding issue for FE placements, with LAs not deciding on funding until after the student has progressed to the following year, leaving parents and colleges not knowing if the place is available.

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

4.2Locally, very little noticed.

4.3NHS are discharging children from therapies too early, or rationing to the point of not being useful. It is known, for example, that 1:1 early SaLT support can result in significantly improved outcomes

4.4Although Education & Social Care both reside within LAs, I have not seen examples of any joined-up work. In fact, I have seen a raft of policies which are ultra vires.

4.5Continuation of CAMHS refusing to see specific groups of children, eg those with an ASD diagnosis

### **5.1 Provision for 19-25-year olds including support for independent living; transition to adult services; and access to education, apprenticeships and work**

5.2Again, inadequate or missing assessments have resulted in no transition advice appended to many EHCPs.

5.3My experience teaching in this sector demonstrated a lack of cohesion in non-accredited courses. Many 'bespoke' packages appeared to be little more than dedicated 1:1 support at all times, in a class of others on 'bespoke' packages.

5.4Students seem to have little or no say in what they would like to do. For example, a 20yr old student with ASD had an intense interest in horticulture and was fluent in the Latin names of plants. He was put on a mixed land-based course because one afternoon per week he could do gardening. However, it meant that for 2 afternoons per week he was expected to do activities he disliked.

5.5Education is only being provided across 3 days in many cases. With no Social Care assessments, no SC provision is being made for the other 2 days, so 'life skills' and not being taught unless embedded into their course. Not all post-19 students are on such courses. Eg, a 19yr old might be doing A levels, but has autism and high anxiety. S/he may need to learn independence skills despite a high level of ability.

5.6 Apprenticeships are far harder to access for students with SEND, as spaces are quickly taken by more able students.

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