

**Commission on Special
Needs in Education
The Second Report**

The Second Report of the Commission on Special Education Needs

The Commission on Special Needs in Education was set up under the Chairmanship of Sir Robert Balchin by the Rt Hon David Cameron MP, Leader of the Opposition. In December 2005 it made its First Report.

Its Recommendations concerning the Statementing process were widely welcomed. Since the First Report it has received much evidence, both oral and written, from a large number of sources. These include heads independent and from mainstream schools, educational psychologists and other professionals in this vital field, local authority representatives, many parents whose children have been through the Statementing process and many organisations and experts in various special needs areas. The Commission, the membership of which is detailed in the Appendix, owes them all a very great debt of gratitude.

Introduction

by Sir Robert Balchin

There can be few more devastating experiences for families than realising, perhaps soon after their child is born, that he or she will require very special, often life-long, care. The extraordinary advances in medicine of the last decades mean that children, often with the most serious multiple disabilities, not only survive birth but can find much contentment in their lives with the proper attention, therapy, medication and supervision and, hugely importantly, appropriate education.

The mark of a civilised society is the way in which it cares for its most vulnerable dependants; children with special educational needs epitomise these. In *Built to Last*, the Conservative Party's statement of aims and values published last year, David Cameron pledged his Party to 'help the most disadvantaged' and promised to achieve part of that end by 'supporting special schools and reforming the statementing system to *put parents in the driving seat*'.¹

To extend the analogy a little: too many parents of children with special needs feel that they are unwitting passengers on a journey over which they have little or no control, and that the state is firmly at the wheel. Conservatives believe that government is most effective when it works in harmony with those that it supports, and thus it is of vital importance for parents to feel that they share the ownership of the processes of their child's education and social care.

Conservatives want to help parents to be able make their own decisions instead of being forced to be powerless onlookers; we want them to be involved, instead of being, too often, dismayed bystanders of a state-controlled process.

The view that informs this Report is that it is the role of government, not to direct state systems from the centre, but to establish means of support and incentive which enable citizens to become active participants in the provision of services.

It is now over a quarter of a century since the Warnock Report triggered far-reaching changes in the way that the state education service deals with children with disabilities.² In the course of our work we have listened to a large number of dedicated professionals and devoted parents whose work on behalf of children with special needs is both heartening and humbling. However, virtually every correspondent who has written to the Commission and every witness from whom it has taken evidence now believes that radical revision of Special Needs Education in this country is overdue.

This Second Report of the Commission on Special Education Needs sets out policy directions which, we hope, will make such vital reform possible.

¹ *Built To Last*, (The Conservative Party; 2006)

² The Warnock Report, by the Committee of Enquiry into the Education of Handicapped Children and Young People (Department of Education and Science; 1978)

Chapter One: redefining special educational needs

The term *Special Educational Needs* has come in the last decades to refer to the perceived requirements not just of those with educational disabilities to which they were predisposed by physical, medical, or psychological conditions present at birth or developing in early years, but also of those with impairments acquired adventitiously during childhood. Some are profound, complex and often lifelong disabilities but there is also a large variety of other problems, some sadly irremediable, some eminently solvable, some needing permanent intervention, others requiring timely short-term assistance.

According to the latest Government figures, there are 1,562,500 school-age children in England who are recognised as having special educational needs.³ This term spans a wide variety of learning difficulties such as SpLD (dyslexia), ADHD (attention deficit and hyperactivity disorder), speech, language and social communication disorders (e.g. Autistic spectrum), physical and neurological impairment, medical conditions such as epilepsy and global development delay, BESD (behavioural, emotional and social difficulties). These might be described as ‘inherent’ or ‘acquired’ difficulties that are diagnosed using professionally-agreed criteria.

The common denominator of all those described as having special education needs is the genuine problem they face in accessing learning. Though the term SEN covers a diverse variety of conditions, for official purposes these are divided into three categories according to the level of specialist provision that they necessitate:

1) School Action

Those diagnosed with educational difficulties are catered for in mainstream schools under a type of provision named ‘School Action’ (there is also ‘Nursery Action’): if a child needs more help than can be reasonably expected from class teachers, he or she is placed on the school’s School Action register, which identifies those needing extra assistance. At this stage that help might involve, for example, being regularly withdrawn for additional reading practice with an assistant. These activities are covered, depending on the local authority, by an estimated additional allocation in the school’s own budget.

2) School Action Plus

If a child’s needs are greater, he or she can be moved by the mainstream school onto ‘School Action Plus’ (there is also ‘Nursery Action Plus’). This can involve the importing of professional help (e.g. speech therapist) or the child’s attendance at an outside centre. Depending on the local authority’s practice, the school receives a budget for this, or the authority pays directly for the help.

3) Statement of Special Needs

If the child’s learning difficulties are thought to be severe, either the school or parents can request a statutory assessment of needs. This requires reports to be secured from an educational psychologist employed by the local authority to advise on the learning needs of the child, together with other professionals from the NHS or social services. The authority considers this advice before deciding whether or not to give the child a Statement of Special Educational Needs which legally must detail the more specialist support and the greater level of funding which the child needs. It also gives parents the right to choose provision in a mainstream or special school.

³ Department for Education and Skills: Special Educational Needs in England, January 2007

There is substantial evidence that parents can be informally discouraged by local authority officers from triggering the Statement process and that the advice of schools is often ignored.

So, in summary, all children with special educational needs are placed in one of three boxes; '*School Action*', '*School Action Plus*', or . Having taken evidence from a large number of professionals and parents over the course of this Commission we have come to believe that dividing 1,530,000 children with hugely varied needs into two large groups and one very small one is too crude a method of categorisation.

Chapter Two: Clearer Categories of Special Need

Given that the term SEN exists to define those whose education must be modified or particularised to suit their requirements and to allow the authorities to decide on appropriate funding for this provision, it follows that its sub-categories should more clearly define how a child's education should be tailored to its needs. The funding of SEN support should then be more finely graded in correlation with this.

An examination of practice in other countries (most notably the USA, Canada and most of Europe) suggests that England/Wales is one of very few with a system which does not categorise. However, in England special education needs support categories do exist for post-19 year-olds and are designated by the Learning and Skills Council (in five bands).

We believe that, in order to reflect the increasingly complex and wide-ranging needs of children, consideration should be given to redefining the SEN spectrum with a greater number of distinct support categories that match more closely the different types of need and the level and nature of specialist provision or intervention they require.

These support categories would attract clearly defined funding (See Chapter Eight). The pupil would carry these funds with him or her to a mainstream or special school. Parents or guardians would negotiate for a place at the mainstream or special schools of their choice, irrespective of local authority area. Schools would have considerable professional autonomy as to how these support funds were spent.

The Commission's First Recommendation (Categories of Support)

therefore is that:

- i) *Statements should be replaced by Special Needs Profiles (SNP) drawn up by Profile Assessors, who would be educational psychologists and others, possibly operating in consortia. (We discuss later our view that these Assessors should be independent of local authorities.) These Profiles would be cumulative and subject to regular review to ensure that the continued provision is as dynamic as the child's needs. As early intervention is crucially important, Special Needs Profiles should be created as early in a child's life as possible.*
- ii) *Special Needs Profiles (SNP) would allocate the child to one of a number of Support Categories* (as in the other countries mentioned above). We expect there to be approximately a dozen such categories, the first two or three of which would cover those pupils not currently 'Statemented' but receiving special provision in mainstream schools.*
- iii) *Each level of support would legally attract a certain amount of funding which the pupil would then carry to a mainstream or special school. Parents would be able to negotiate with any mainstream or special school for a place, irrespective of the local authority area in which they live.*

* It is too early for us to propose the details for what will be about a dozen Support Categories as our research is continuing. Our next Report, however, will go further in its recommendations.

Chapter Three: System-Generated Needs

Some children (such as those with Down's Syndrome) have special educational needs which can be largely predicted from birth, while others' difficulties may surface only once they struggle in an educational environment. However, many children on schools' special educational needs registers are not subject to easy diagnosis. These young people may have started life with the innate ability to benefit from mainstream schooling and with no apparent inherent problems to harm their educational prospects; but over the course of their schooling their potential has been ignored by a frequently flawed and failing education system.

Evidence suggests that these children fall behind in class and find themselves in the special needs bracket because inadequate teaching, inappropriate methods and lack of discipline at primary level have left them struggling to grasp the basics of reading, writing and maths. As the keys to education in any subject at every level, these skills are fundamental to school and career success.

The Government's own statistics reveal a startling paucity of these basic skills at late primary and early secondary level. Just under half of all 11 year-olds (43 per cent) cannot read, write and add up properly when they leave primary school.⁴

This worrying statistical snapshot serves to explain why many children without apparent disabilities of any kind end up requiring SEN provision. In one secondary school from which we took evidence 30% of pupils were on the register of special needs (3% with Statements). The Special Education Needs Co-ordinator (SENCo) there estimated that half of the register (i.e. 15%) had simply not been taught

properly to read and write at an earlier stage. (It is interesting to note that English is the first language of 98% of these pupils.) Bleakly she added that the school for many of them was simply a holding area before involvement with the Youth Justice system and then a possible life of crime.

We heard much evidence linking poor reading ability with bad behaviour, disaffection and crime. Conversely, where a child's literacy level is radically ameliorated there is a corresponding and often dramatic improvement in conduct also.

The impact of this all this is best viewed from an international perspective. According to data from the Organisation for Economic Co-operation and Development most comparator countries – the US, Canada, France, Spain, Mexico, the Netherlands – register about 5-7% of their state school children as needing extra educational support.⁵ In England, 19.2% of school children are on SEN registers.⁶ This is surprising in itself.

⁴ Department for Education and Skills: National Curriculum Assessments at Key Stage 2, 2004-05, published June 2006

⁵ Organisation for Economic Co-operation and Development: Students with Disabilities, Learning Difficulties and Disadvantages, 2005

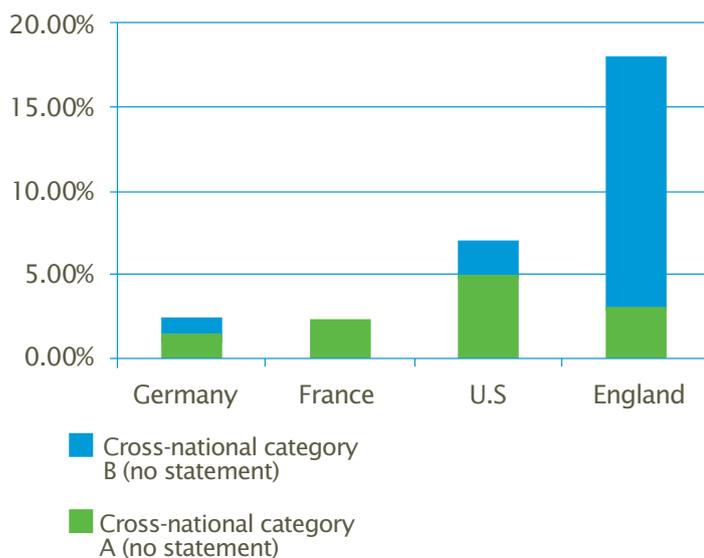
⁶ Department for Education and Skills: Special Educational Needs in England, January 2007

This figure becomes more shocking when we look at the proportion of our SEN cohort, relative to other OECD countries, that has been issued a Statement of need: in England 2.8% of children are ‘Statemented’; in other OECD countries the figure for similarly serious categories (described as ‘cross-national category A’) is around 3% on average. This reveals an enormous disparity between the number of those children without Statements in England who are described as SEN (16.4% of all school pupils) and those of other leading countries, as the graph illustrates:⁷

It is important to state here that the problems they face as a result of this failure are certainly genuine and they need the state’s support; indeed they deserve it because they have been let down by the very education service that ought to have nurtured them.

Because this proportion is so high and its impact on special needs and their funding therefore so important, we shall, in a later Report, examine ways of remedying the injustice to these children.

Percentage of pupils classified as SEN; with or without statements



⁷Data from the Organisation for Economic Co-operation and Development, 2001

Chapter Four: The Reform of the Statementing Process

Amongst the submissions that we have received there is a clear consensus that the processes and consequences of Statementing give rise to the most serious concerns amongst parents and educators.

The procedure leading to a Statement is considered by most respondents to be too long, too adversarial and too costly and there is the greatest amount of unease about the fact that local authorities are concomitantly:

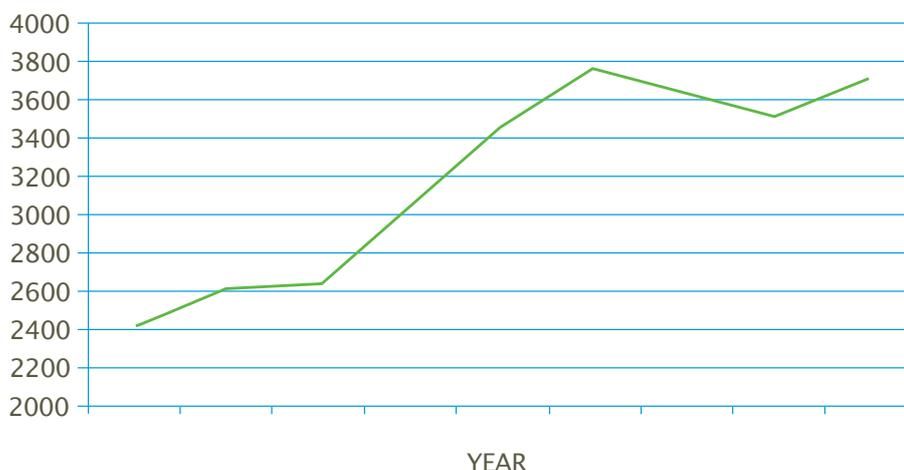
- 1) the assessors of children's needs
- 2) paymasters of the funding
- 3) the suppliers often of the special needs provision and schools

It is clear that, rightly or wrongly, many parents consider that the Statement is often made to fit the cash available. They feel that the decision to award a Statement should not be made by the body that holds the budget for SEN provision as it creates a conflict of interest.

Many respondents feel that parents have to be articulate and well-versed in legal procedure to achieve successful outcomes for their children. There is evidence that poor and ill-educated parents are often those who fail to make any headway in fighting the system for a professional objective assessment of their child's need. This seems to us to be indefensible. We take the view that government funding should be available to assist the growth of more of those charities, usually themselves created and run by volunteer parents of special needs children, which advise and assist parents through the process.

Our concerns were further compounded by the dramatic drop in the number of new Statements of SEN being issued each year which, according to the Government's own statistics, fell from 36,200 in 1998 to 24,000 in 2005.⁸ However at the same time the number of SENDIST appeals has risen by 55%.⁹ Given the expense of SEN provision, it is hard for observers not to assume that funding considerations have been allowed to colour Statementing decisions.

Number of SENDIST appeals received in the last ten years



⁸ Department for Education and Skills: Special Educational Needs in England, January 2006

⁹ In 1997/98, 2421 SENDIST appeals were received and 2191 were registered; in 2005/06, 3717 were received and 3410 registered (Annual Report; Tribunals Service, 2006)

There is considerable evidence that most parents who enter the Statement process are advised by support groups not to settle at an early stage on the grounds that their child's best interests will be served by going on to a SENDIST (Special Education Needs and Disability Tribunal). Hence this often causes a vicious circle of delay and confrontation because local authorities are obliged to keep back large sums of money pending tribunal outcomes, funds which might have been available earlier.

Thus the appeals system, devised for the best of reasons, is now thought, by almost all with whom we have engaged, to be unnecessarily adversarial, expensive and long drawn out. It is our view that Tribunals should be considered the very last resort and that a Special Needs Mediation Scheme (SNMS) should be in place to try to resolve difficulties long before court activity becomes necessary.

Parents and teachers have made clear to us their frustration at the lack of co-ordination and information-sharing amongst the various agencies involved in 'Statementing' and special needs provision.

There is also concern that arbitrarily drawn boundaries (i.e. their local authority's home area) often pressurise parents into making a choice for their children that is inappropriate when there is a more suitable school not far away but in another LA's area.

The Commission's view is that, if children with special needs are to be served, (following an objective analysis) by the correct provision, adequately funded, the time has come to remove the conflict of interest created by local authorities' tangle of duties.

In its 2006 report on Special Education Needs, the Education and Skills Select Committee also identified this problem and made the same recommendation: *'There is an inbuilt conflict of interest in that it is the duty of the local authority both to assess the needs of the child and to arrange provision to meet those needs, and all within a limited resource. The link must be broken between assessment and funding of provision.'*¹⁰

In April 2007 the same Committee sought written advice on how best this might be achieved given the need to maintain 'local accountability'.

The Commission has recommended in Chapter 1 of this Report that, in the light of these concerns, new objective **Support Categories** for special needs are necessary. We went on to recommend that that children should be assessed for them by independent **Profile Assessors**, operating possibly in voluntary consortia. We now examine the view that they should not be employed by local authorities.

In our view a new system might work as follows:

The process of assessment would be triggered by a professional from education, health or social services (or by a parent with the agreement of one of the above). Contracted educational psychologists (working with other experts) *independent* of the local authority would make an objective assessment and create a comprehensive **Special Needs Profile (SNP)** for each child, based on clearly-defined **Support Categories**. The SNP would guarantee a defined amount of funding support for their provision.

It is our hope that this change would lead to much needed earlier diagnosis and intervention than is possible under the current arrangements.

The major argument against such a proposal is that to remove local authorities from the assessment process would open the floodgates to unprecedented levels of funding requests. Critics have conjectured that if **Profile Assessors** were to be liberated from local authority control and a responsibility to check budgets, they would allocate more and more children to the higher spending brackets.

This criticism can be dismissed on three counts. First, these experts, detached from the funding mechanism and not in local authority employ, would have no vested interest in making any diagnoses that were not correct since they had analysed them and their professional integrity would be implicit in their decisions. Secondly, they would, of course, be subject to proper scrutiny, through both peer review and

¹⁰ Education & Skills Select Committee Report on Special Educational Needs, 2006: Paragraph 99

external audits. Any anomalous patterns of diagnoses or inappropriate rulings would soon be discovered and dealt with. Thirdly, the objective criteria of the new **Support Categories** would not be conducive to many such misjudgements.

Though we are confident in this view because evidence suggests to us that the professionals involved in this field would be impartial, we are persuaded that it would be premature to remove the assessment function from local authorities without first conducting some pilot schemes to give us guidance on future impact on funding.

We propose this option should be explored initially through voluntary trials in two or three local authorities. These would be government grant-aided to allow local independent educational psychologists and their teams to conduct assessments and provide objective **Special Needs Profiles** in their areas, independent of the local authorities' influence.

This would test the theory that independent assessment would result in more frequent diagnoses of severe types of special needs leading to huge increases in SEN expenditure.

After, say, two years we would be able to see whether the independence of the system, and the new **Support Categories** within it, represented a reasonable expenditure from the public purse.

The current cost of the Statementing process is huge and the change to a new system (independent **Profile Assessors** and discrete **Support Categories**) would add new short-term costs. However, in our judgement, this money would be well spent if it helped to remove the injustices which are all too apparent in the present Statementing arrangements, injustices which particularly affect those parents and children least able to battle against them.

We have seen much evidence which suggests that complex packages of provision for children with the most serious special needs lead to much inter-agency complication as funding streams from education, health and social service budgets are involved. **Special Needs Profiles** would make clear where these responsibilities lie.

We recognise that, currently, there is a great shortage of educational psychologists and other experts working in this area; we realise that our proposals will mean that the cost of training more will have to be paid for. Representations have been made to us that the current educational psychologists' training and funding systems are in crisis and also need urgent review. We will examine this further in our next report.

The Commission's Second Recommendation (Profile Assessors Independent of local authorities):

- i) **Special Needs Profiles (SNPs)** should be drawn up by **Profile Assessors** who would be independent of local authorities and who would work to objective criteria relating to a number of **Categories of Support** as discussed in Chapter 1. The work of **Profile Assessors** would be subject to peer review and financial scrutiny.
- ii) **Government-funded trials** should be conducted in a number of local authority areas in order to discover the potential effects on resourcing for Special Education Needs.
- iii) **A Special Needs Mediation Scheme** should be created to avoid the current adversarial context of Appeals. A Tribunal should be the very last resort.
- iv) Government funding should assist the growth of more of those **charities which help and advise parents** through special needs processes.

Chapter Five: Inclusion: A Failed Ideology

The policy of including children with SEN in the mainstream education system was born of good intentions. Indeed, in a few areas of disability it has proved a success: many blind children, for instance, have benefited greatly from integration as, of course, physical impairments need not be a barrier to academic success. One school brought to our attention took, with admitted reluctance, one partially sighted child some ten years ago. Now it has a fine unit with some eight pupils who gain greatly from being in a mainstream school. The normally sighted children, when playing and studying side-by-side with those who suffer from developmental difficulties or physical disabilities, learn that difference is not to be feared and, indeed, should be celebrated. These lessons in kindness and compassion are extremely valuable.

However these benefits are, in our judgement, far outweighed by the grievous damage that this policy has caused, not just to children with SEN but to their peers in mainstream education, their teachers, and their parents.

Inclusion started as a commonsense view that those who were capable of participating in mainstream education should be able to do so regardless of their disability. This moderate and sensible belief was seized upon in the late nineties and skewed into a hard-line ideology that was to wreak great harm upon the SEN system. Baroness Warnock, whose 1978 Report on Special Educational Needs caused the enshrining of the policy of *Inclusion* in legislation (The 1981 Education Act) has herself recently denounced *Inclusion* as going too far. She has recognised that it has condemned many children with highly complex and sensitive needs to the straitjacket of mainstream schooling.¹¹

We have seen many mainstream schools that have conscientiously struggled to accommodate the time and energy consuming needs of the SEN minority while still paying due attention to the majority of children. To our knowledge there are no courses of initial teacher training which deal specifically with special needs. Many PGCE courses spend but a few hours on SEN and, therefore, most teachers will be quite untrained to deal with specialist cases. The recently appointed SENCOs (Special Needs Co-ordinators) are welcome additions to mainstream schools, but many work extremely hard under almost overwhelmingly adverse conditions. They too are largely untrained and, in too many areas, there are few in-service courses to assist them.

If the ideology of *Inclusion* has often damaged the learning of the pupil majority and stressed and exhausted their teachers, it has also dramatically failed many of the special needs pupils placed, often against parental wishes, in mainstream schools. Much evidence has reached us concerning cases in which such children have suffered greatly from their exposure to the difficulties of a conventional classroom. In our view much unnecessary distress and dismay has been caused to them and their parents by a policy which has gone seriously wrong.

Time and time again parents have reported the benefits of a transfer to a special school in which their child's needs can be properly catered for. There is clear evidence that many of these children make far greater progress and are much happier in the sheltered and expert environment of a special school.

We were struck by the words of Lord Low of Dalston, who has been blind from birth. He used his maiden speech in the Lords to offer up a more moderate view on inclusion.

¹¹ In the foreword to 'Included Or Excluded?' (Routledge, 2007), Baroness Warnock writes that pupils with special needs forced to attend mainstream secondary schools faced a "horror", the tragic result of which might be trauma and even regression. She adds that parents were left "terrified and exhausted" in their efforts to get proper provision for their children.

*'We have to recognize that one size does not necessarily fit all. The loudest advocates of mainstream provision are usually the vocal and articulate elite who can cope best with it. We need a continuum of provision, including some specialist provision, especially in education and employment opportunities, attuned to the diverse needs of those who find disability more debilitating.'*¹²

The Commission takes the view that some special needs children can clearly cope in mainstream schools which are properly resourced to look after them. For them the experience can be developing and wholly positive, but for many others it will in no way be so. The needs, it seems to us, of the individual child should be paramount and not subservient to an ideology conceived on spurious egalitarian grounds.

NB The Commission will in a later Report review examples of successful and unsuccessful *Inclusion*.

¹² Hansard; 21st November 2006

Chapter Six: Special Schools and SEN Provision

The saddest and most serious result of the present Government's Inclusion policy has been the closure in the last decade of special schools and the concomitant destruction of special school places. Nearly 9,000 special school places have been lost since 1997 and there are 146 fewer maintained special schools.¹³

Though there has been a net gain of 73 special schools established in that period, this is due to the independent sector's enterprise and farsightedness rather than Government action, for over 219 independent special schools have opened in the last ten years to fill the gaps created by the closure of state special schools.¹⁴ But, as the graph shows, the increase in non-maintained special schools has not prevented a decline in special school places:

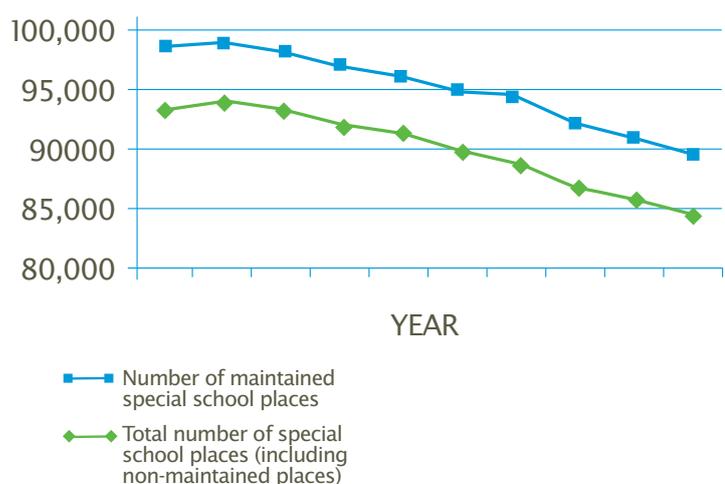
This important shift of responsibility for SEN provision from the public sector to the private, and the 9,000 lost places, demand not just a moratorium on the closure of special schools, but also an active exploration of how we might recreate the number of places that have been destroyed.

It would be regressive simply to plan a reopening of traditional local authority special schools in similar settings. In our view now is the time to stimulate a rich mix of provision that gives parents of children with SEN a genuine choice about the kind of environment that would suit them best.

The Commission believes firmly that the first step to such a variety is to allow all state special schools the right to what we would call '**Special Academy Status**'. It is already Conservative Party policy that the current City Academy programme should be further developed and that the controversial requirement for wealthy sponsors to provide a £2m capital incentive should be dropped. The 1993 Education Act provides a model for this future development for it allowed clusters of schools to be formed sharing governance and with a common bursary and certain communal services. Schools with '**Special Academy Status**' would not, however, like City Academies, be funded from Whitehall (See Chapter Eight).

City Academies have many freedoms which allow them to develop in ways which are unavailable to special schools today. It seems to us to be offensive that such advantages should be confined to an elite number (currently a few dozen) of expensive institutions and not be available to the schools which cater for the most vulnerable in a sector which, imperatively, must expand again quickly.

Decline of special school places since 1997



¹³ From parliamentary answers given by Jim Knight MP to David Willetts MP on 4th December 2006 and 29th January 2007

¹⁴ From a parliamentary answer given by Parmjit Dhanda to David Willetts MP on 6th December 2006

Many current state special schools tell us that, given the freedom to expand their place numbers and add to their services, they would do so. Obviously, special education needs are constantly evolving and it is right that schools should have the ability to adapt by making appropriate changes. We would gradually allow them, if they wished, whilst continuing to offer free education within the state sector, to change to be autonomous incorporated charitable bodies in legal ownership of their premises, exempt from National Curriculum requirements, fully able to allocate their funds amongst budget headings, and to be the employers of their own staff (and to decide on their qualifications) and the arbiters of their own educational initiatives. We believe that many special schools would indubitably use these freedoms to respond to the urgent need for new places.

At the moment there is a clear need for the collection and systematic publication of country-wide data on special needs provision and funding in order to inform debate better. Comparisons of state and independent special school costs often do not take into account the fact the latter receive no capital grants and their fees have to reflect this. Additionally independent schools have no access to local authority systems or services.

NB The Commission notes that training for teachers in Special Schools is too often unavailable or uneven and intends to undertake a Review of initial and in-service training opportunities.

The Commission's Third Recommendation: (The Expansion of the SEN Sector)

Special schools should, under a rolling programme, be given 'Special Academy Status' (i.e considerable freedom to develop as their professional requirements suggest and to expand pupil numbers).

Chapter Seven: Funding Special Needs

We have recommended so far that a new, objective assessment system involving **Support Categories** should be trialled and that these pilot schemes should involve the use of **Profile Assessors** outside the influence of local authorities. We have also recommended that special schools should be granted, if they wish, the freedoms of ‘**Special Academy Status**’.

As well as assessing SEN children and controlling much of the provision for them, local authorities also dispense funding for special education needs (having received it by grant from central government). The evidence received by the Commission clearly shows that some local authorities discharge their SEN duties, (in what we believe to be an inefficient and outdated system), diligently. Some, however, obviously do not.

The Commission has no objection in principle to the duty of funding special needs **Support Categories** remaining with local authorities. However, in order to satisfy many of those from whom we have taken testimony, the funding structure would have to be made entirely transparent and we anticipate that a new system would operate as follows:

Profile Assessors would, using agreed objective criteria, allocate a child to one of about a dozen **Support Categories**. Each of these categories would legally attract a sum of money which would be paid to the special or mainstream school with which the parent had negotiated a place. The actual amount allocated to each category could in principle differ from authority to authority and would depend upon the council’s attitude towards special education and its determination or otherwise to add funds from local resources. In practice, we would anticipate that these sums would vary very little. We could, we believe, rely on parents’ groups to keep a close eye

on the funding of **Support Categories** and to publish regular local authority league tables.

It is important to realise that, once such a system had settled down (and our suggested pilot projects would provide guidance in this process), local authorities would know how much money they would have to expend on current requirements (plus any figure for inflation) and would also be able to make an actuarial assessment concerning children to be newly admitted to **Support Categories** in the next financial year.

Importantly, it should be a matter of clear public record how much local authorities spend on their own SEN administration. At the moment given the length of the assessment process, it is not surprising that some LEAs are reported to spend up to £14,000 per child purely on the administrative costs of a Statement.

All special schools would be revenue-funded by the above category process. Our next Report will deal with capital funding issues.

The Commission sees the following advantages in a new transparent system. Firstly, at the moment there is a disparity of provision and performance across the patchwork of the country’s local authorities and local policies and practices often have a greater impact than they properly should. Under our Recommendations, once parents had an objective measure of their child’s needs, they would be entitled to a level of funding and speciality of provision which is likely to be almost the same across the country, thus doing away with many of the problems caused by the postcode lottery. Secondly and most importantly, funding would follow the child. Thirdly, money from Health and Social Services budgets could in principle be included with Education funds allocated in each **Support Category**.

Conclusions

The Commission believes that the current state of Special Needs Education in this country is seriously in need of radical reform.

We believe that the separation of the assessment and funding processes of SEN is much overdue and our Recommendations are for several pilot projects aimed at the reform of the Statement system.

Most parents whose children have undergone the difficulties of being 'Statemented' testify that the current system is needlessly lengthy, costly, adversarial and especially difficult for those who are themselves poorly educated and not articulate and persistent in the defence of their children's needs.

Evidence suggests also that the system militates against the early and swift intervention that is frequently needed in order that SEN children's needs may be properly met.

Our Recommendation, therefore, is for a change to the creation, in place of Statements, of **Special Needs Profiles (SNPs)** by independent **Profile Assessors** working to objective criteria and allocating SEN children to about a dozen **Categories of Support**. We also advocate a **Special Needs Mediation Scheme** to help parents and to make SENDISTs (Special Education Needs and Disability Tribunals) a matter of last resort.

Special Needs Profiles could be created swiftly and at less cost and the proposed **Categories of Support** would enable money, from Education, Health and Social Services budgets, to follow the child and thus give parents the ability to negotiate for places at both special and mainstream schools of their choice.

The Commission is clear in its view that *Inclusion* has come to be, in the last decade, an ideology which has spectacularly failed a generation of special needs children and put spurious conceptions of equality before the needs of individuals. We believe that an urgent review of best practice (ie of those limited cases where *Inclusion* has conferred advantages) is necessary and we hope to undertake this task in our next Report.

It is our view that special schools should be offered the opportunity to change to '**Special Academy Status**' and that the freedoms thus conferred would enable them to innovate and develop and to respond to the challenge of repairing the damage done since 1997 in the abolition of almost 9,000 special school places. Gradually local authority boundaries would become less and less important for special needs purposes.

Finally

It is clear that the remarkable advances in medical science of the last decade will continue to allow more children with the most serious and multiple disabilities not only to survive birth and live longer, but also to gain a great deal more peace and contentment in their lives. Thus the resource requirement for complex special needs must inevitably grow.

Additionally, those children whose special education needs are less complicated and sometimes temporary, sometimes permanent, also deserve our utmost care and concern whether educated in special or mainstream schools.

Of all those meriting generosity from the state's resources, such children must come high on the list. No one could for one moment suggest that their misfortunes were brought on by themselves. They are the truly vulnerable and unquestionably deserving of public funding and protection.

The Commission trusts that a Conservative government will frame a new system which will enable the parents of future generations of SEN children to feel consulted and enabled to help shape their existence in a truly positive way.

David Cameron, speaking of his hopes for the future, pledges 'the richest possible experience for our children'.

The Commission's ambition is that this should particularly apply to those children with special education needs.

Appendix 1

Membership of the Commission:

Sir Robert Balchin

(Pro-Chancellor of Brunel University) Chairman

Professor John Marks OBE Secretary

Mr Hugo Gerrard

(Lawyer and parent of child with special needs)

Mrs Katie Ivens (Literacy Consultant)

Mr Brian Jones (lately Headmaster of Archbishop
Tenison's School, Kennington)

Mr John McIntosh OBE (lately Headmaster of the
London Oratory School)

Dr Andrew Povey (Surrey County Councillor)

Mr Martin Turner (Educational Psychologist)

(Available for consultation: Mr Niels Chapman, Head
of Whitefield Schools and Centre)

Your views on the recommendations of the second report are welcomed and should be sent to:
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