

Executive summary

Case for change

1. Every child deserves a fair start in life, with the very best opportunity to succeed. Currently, life chances for the approximately two million children and young people in England who are identified as having a special educational need (SEN), or who are disabled, are disproportionately poor.
2. Disabled children and children with SEN tell us that they can feel frustrated by a lack of the right help at school or from other services. For children with the most complex support needs, this can significantly affect their quality of life. Hundreds of thousands of families have a disabled child or a child with SEN, and parents say that the system is bureaucratic, bewildering and adversarial and that it does not sufficiently reflect the needs of their child and their family life.
3. Whilst the circumstances of children, young people and their parents differ greatly; from young people requiring a few adjustments in class to children with life-limiting long-term conditions, families have many shared concerns. The system to support children and young people who are disabled or who have SEN often works against the wishes of families. Children's support needs can be identified late; families are made to put up with a culture of low expectations about what their child can achieve at school; parents don't have good information about what they can expect and have limited choices about the best schools and care for their child; and families are forced to negotiate each bit of their support separately.

Our vision

4. Our proposed reforms respond to the frustrations of children and young people, their families and the professionals who work with them. We want to put in place a radically different system to support better life outcomes for young people; give parents confidence by giving them more control; and transfer power to professionals on the front line and to local communities.
5. **To support better life outcomes for young people** from birth to adulthood we will help professionals: identify and meet children's needs early by ensuring that health services and early education and childcare are accessible to all children; work in partnership with

parents to give each child support to fulfil their potential; and join up education, health and social care to provide families with a package of support that reflects all of their needs. We propose:

- **a new approach to identifying SEN** in early years settings and schools to challenge a culture of low expectations for children with SEN and give them effective support to succeed. A new single early years setting- and school-based category of SEN will build on our fundamental reforms to education which place sharper accountability on schools to make sure that every child fulfils his or her potential; and
- **a new single assessment process and 'Education, Health and Care Plan' by 2014** to replace the statutory SEN assessment and statement, bringing together the support on which children and their families rely across education, health and social care. Services will work together with the family to agree a straightforward plan that reflects the family's ambitions for their child from the early years to adulthood, which is reviewed regularly to reflect their changing needs, and is clear about who is responsible for provision. The new 'Education, Health and Care Plan' will provide the same statutory protection to parents as the statement of SEN and will include a commitment from all parties to provide their services, with local assessment and plan pathfinders testing the best way to achieve this.

6. **To give parents confidence by giving them more control** over the support their family receives, we will introduce more transparency in the provision of services for children and young people who are disabled or who have SEN. Parents will have real choice over their child's education and the opportunity for direct control over support for their family. We propose:

- **local authorities and other services will set out a local offer of all services available** to support children who are disabled or who have SEN and their families. This easy-to-understand information for parents will set out what is normally available in schools to help children with lower-level SEN, as well as the options available to support families who need additional help to care for their child; and
- **the option of a personal budget by 2014** for all families with children with a statement of SEN or a new 'Education, Health and Care Plan', many of whom will have complex support needs. Key workers will be trained to advise families and help them navigate the range of help available across health, education and social care.

7. **To transfer power to professionals on the front line and to local**

communities we will: strip away unnecessary bureaucracy so that professionals can innovate and use their judgement; establish a clearer system so that professionals from different services and the voluntary and community sector can work together; and give parents and communities much more influence over local services. We propose to:

- **give parents a real choice of school**, either a mainstream or special school. We will remove the bias towards inclusion and propose to strengthen parental choice by improving the range and diversity of schools from which parents can choose, making sure they are aware of the options available to them and by changing statutory guidance for local authorities. Parents of children with statements of SEN will be able to express a preference for any state-funded school – including special schools, Academies and Free Schools – and have their preference met unless it would not meet the needs of the child, be incompatible with the efficient education of other children, or be an inefficient use of resources. We will also prevent the unnecessary closure of special schools by giving parents and community groups the power to take them over; and
 - **introduce greater independence to the assessment of children's needs**, testing how the voluntary and community sector could coordinate assessment and input from across education, health and social care as part of our proposals to move to a single assessment process and 'Education, Health and Care Plan'.
8. We must provide the best quality of life possible to the most vulnerable children and young people in our society. Many of the reforms we propose in this document focus on helping families with children who have the most complex support needs, including those with life-limiting long-term conditions. We know that the vast majority of these children will have their disability identified before or shortly after their birth. Here, we set out our ambition to: put early support in place for parents to help them navigate the system and influence their child's package of care; to provide ongoing respite care and short breaks for children to help families cope with their day-to-day caring responsibilities; and to help families who are worried about their child's future and independence.
9. Central government cannot achieve this ambitious programme of reform through directing and managing change itself. The vision set out in this Green Paper is informed by the views and expertise of families and national and local organisations working with them. The proposals we set out are for widespread consultation as well as practical testing in local areas. From September 2011, local pathfinders will help demonstrate the best way to achieve our key reforms. This Green Paper marks an important milestone in the

development of the Government's approach to supporting children and young people with SEN or who are disabled and their families.

10. We set out our detailed proposals and questions for consultation in five chapters: early identification and support; giving parents more control; learning and achieving; preparing for adulthood; and services working together for families. The final section of this Green Paper explains our next steps and how to respond to our consultation. Based on the feedback we receive, we will set out our detailed plans by the end of the year, and how these reforms and the ongoing testing in local areas will form part of the Government's broader agenda for public service reform.

Early identification and support

11. Identifying children's support needs early is vital if they are to thrive, and enables parents and professionals to put the right approach in place quickly. Graham Allen's review of early intervention highlighted the value of intervening as soon as possible, not just for children and their families, but also for wider society.
12. Too often, the particular support that children and their families require is put in place needlessly late. Although some impairments are normally identified at birth or soon after, other types of need emerge as children grow up. Not knowing why children are developing differently can be tremendously stressful for the child and for their parents. And even when needs have been identified, parents tell us that it can feel like a struggle to get the right support for their family from education, health and social care services. It can be slow and complicated, with different services working in isolation and each having its own approach.
13. We must put in place a system which works well for every child and every family. The proposals in this chapter are intended to ensure high quality early identification and intervention for all children where they need it, such as the health and development review for children aged between 2 and 2½ years, as well as effective integrated support for children with the most complex needs. Our proposals would mean that:
 - professionals from health services, such as health visitors, and from early years settings work with parents to assess the development of all children to clarify where they need additional support or a different approach;
 - high quality early education and childcare is accessible to all children; and

- by 2014, children and young people who would currently have a statement of SEN or learning difficulty assessment will have a single assessment process and 'Education, Health and Care Plan' for their support from birth to 25. The new plan will afford parents the same statutory protection as the statement of SEN. All the services on which the child and their family rely would work together with the family to agree an 'Education, Health and Care Plan' which reflects the family's needs and ambitions for the child's future covering education, health, employment and independence. The plan will be clear about who is responsible for which services, and will include a commitment from all parties across education, health and social care to provide their services.

14. To work towards this:

- we will test how to reform radically the statutory SEN assessment and statement. Local pathfinders will explore the best replacement, including whether the voluntary and community sector could coordinate assessment and bring greater independence to the process; and
- before introducing the new single assessment process and 'Education, Health and Care Plan', for statements of SEN, we intend to reduce the time the current statutory assessment process takes and explore how to tackle delays in the provision of advice for the statutory assessment.

Giving Parents control

15. Early intervention from all the services on which families rely is essential, but the effectiveness of this support is undermined if it doesn't reflect each family's unique circumstances. Parents know their child best. As well as giving their own love and care, parents rely on health services, early years settings, schools and other people to help look after their child and help him or her have a happy childhood and fulfil his or her potential. Disabled children and children with SEN may require a different approach in these health and education settings to their peers, or extra support from social care or specialist services. It is crucial to families that these services work well together and that parents are empowered to make decisions about their child. Unfortunately, this is not what many families experience.

16. Children, young people and their parents have a variety of different circumstances, but many families share a concern that the system can feel impenetrable, bureaucratic and inefficient, and does not sufficiently reflect their family life. Parents may feel that their choices are limited and their options don't always meet the basic needs of their child. This is particularly the case where a child relies on specialist services or equipment – such as incontinence pads, computer software and wheelchairs – to support their physical and communication needs to help improve the quality of their life. These problems may also be compounded by disadvantage, and some parents might have poor health, live in poverty, or have difficult family circumstances on top of juggling a range of support for their child.
17. Our aim is to give parents more control over support for their child and family. This will mean ending the frustration, complexity and confrontation inherent in today's system, which in itself can undermine family life. The proposals in this chapter are intended to extend parents' influence, build their confidence in the system and minimise its adversarial nature, and would mean that:
 - local authorities and other local services communicate a clear local offer for families to clarify what support is available and from whom;
 - parents have the option of personalised funding by 2014 to give them greater control over their child's support, with trained key workers helping them to navigate different services;
 - parents have access to transparent information about the funding which supports their child's needs;
 - parents of disabled children continue to have access to a short break from caring while their child enjoys activities with their peers;
 - parents have a clear choice of school; and
 - if local authorities and parents disagree, they always try mediation first, to resolve problems in a less adversarial way than having to take their case to the Tribunal.
18. As first steps towards this aim:
 - local authorities and health services will explore how to extend the scope of personalised funding;
 - we will give parents the right to express a preference for any state-funded school, including Academies and Free Schools.

Learning and achieving

19. Parents' confidence that their child's needs are being met is vital to making the system feel less adversarial. A central piece of this jigsaw is the capacity and commitment of the education system to give every child and young person the chance to succeed. Every child, whether in a mainstream or special setting, deserves a world-class education to ensure that they fulfil their potential. Everyone who works with disabled children and children with SEN should have high expectations of them and the skills to help them to learn.
20. But the system doesn't always work in the way it should for disabled children and young people and those with SEN. Too many face significant barriers to their progress and achieve less well than their peers at school and in further education. Disabled children and children with SEN are more likely to be bullied or excluded than their peers. They also tell us that they want to be educated by people who understand their impairments, without fear of being stigmatised by their peers and in an environment where poor behaviour is not tolerated.
21. To provide the best opportunities for all children and young people, we must confront the weaknesses of our education system. Children's needs should be picked up as early as possible, but teachers tell us that they have not always had training to identify children's needs, or to provide the right help. Head teachers have been overwhelmed with top-down initiatives rather than having the freedom to drive improvements.
22. Previous measures of school performance created perverse incentives to over-identify children as having SEN. There is compelling evidence that these labels of SEN have perpetuated a culture of low expectations and have not led to the right support being put in place.
23. In our Schools White Paper, *The Importance of Teaching*, we set out our vision to match the best education systems in the world. Building on that, our proposals in this Green Paper will mean that:
 - teachers and other staff in schools and colleges are well trained and confident to: identify and overcome a range of barriers to learning; manage challenging behaviour; address bullying; and intervene early when problems emerge;
 - schools will have additional flexibility to support the needs of all pupils, and will have additional funding to support disadvantaged pupils through the pupil premium;

- teachers feel able to identify effectively what a child needs to help them to learn and to plan support to help every child progress well, reflecting the specific needs of children with SEN and those who may just be struggling with learning and need school-based catch-up support which is normally available;
- parents have the information they need about how the school is supporting their child;
- schools are more clearly accountable to parents, governors and Ofsted; and
- special schools share their expertise and services to support the education, progress and development of pupils in other special and mainstream schools, leading to a greater choice of specialist provision.

24. To work towards this:

- we intend to tackle the practice of over-identification by replacing the current SEN identification levels of School Action and School Action Plus with a new single school-based SEN category for children whose needs exceed what is normally available in schools; revising statutory guidance on SEN identification to make it clearer for professionals; and supporting the best schools to share their practices. This will help teachers to spot quickly and accurately any barriers to learning and provide the right support to help each child progress;
- we will introduce an indicator in performance tables which will give parents clear information on the progress of the lowest attaining pupils;
- starting with those judged by Ofsted to be outstanding, all maintained special schools will in due course have the opportunity to become Academies; and
- parents and members of local communities will be able to establish new special Free Schools.

Preparing for adulthood

25. By 2015, all young people will continue in education or training until the age of 18. Schools and colleges play a key role in helping young people make successful transition to adulthood, but young people also need wider opportunities and support to make the most of their future and give them the best chance of a fulfilling adulthood with employment, good health and independence. However, many young people who are disabled or who have SEN can face additional challenges during their teenage years. Too often the opportunities and support available to disabled young people and young people with

SEN fall short of what they need to make a successful transition to adult life.

26. Like school-aged children, young people who are disabled or who have SEN and their parents tell us that to get the help they need they have to cope with disjointed and confusing assessment processes from their local authority, school or college and health providers. Too often, professionals working with these young people are not encouraged to focus on young people's ambitions for adulthood and how best to help them prepare. Such poor planning of support is exacerbated by a lack of choice and opportunities for young people: for example, a limited choice of entry-level courses in further education that do not build on what has gone before, or prepare young people for life and work; poor quality work experience; and a lack of supported employment opportunities to help them prepare for, find and retain work. In addition, the transition from children's to adult health services is often badly coordinated, which can lead to a deterioration in young people's health.
27. Our goal is for disabled young people and young people with SEN to have the best opportunities and support so that as far as possible they can succeed in education and their careers, live as independently and healthily as they are able to and be active members of their communities. For a small number of young people, independent living may not be possible, and their families may be anxious about their ongoing care responsibilities. For these young people, we want to ensure the best quality of life with support for them to fulfil their potential and support for their parents and carers.
28. We recognise the challenge of realising our ambitions, and we will take forward a programme of action across government and with local partners, setting out more detail by the end of this year, so that by 2015 disabled young people and young people with SEN will have:
 - early and well-integrated support for, and advice on, their future as part of the proposed birth to 25 single assessment process and 'Education, Health and Care Plan', spanning education, health, social care, and support into employment;
 - access to better quality vocational and work-related learning options to enable young people to progress in their learning post-16;
 - good opportunities and support in order to get and keep a job; and
 - a well-coordinated transition from children's to adult health services, and we will explore the feasibility of annual health checks from GPs for all disabled young people from the age of 16.

Services working together for families

29. The reforms we set out in this Green Paper aim to provide families with confidence in, and greater control over, the services that they use and receive. For too many parents, their expectations that services will provide comprehensive packages of support that are tailored to the specific needs of their child and their family are not matched by their experiences, just as frontline professionals too often are hampered and frustrated by excessively bureaucratic processes and complex funding systems.
30. Rather than directing change from Whitehall, we want to make it easier for professionals and services to work together, and we want to create the conditions that encourage innovative and collaborative ways of providing better support for children, young people and families. The proposals in this chapter would mean that:
 - by developing stronger local strategic planning and commissioning arrangements, local authorities and local health services will play a pivotal role in ensuring that children and young people with SEN or who are disabled receive high quality support, and that parents are able to make informed choices about what is right for their family;
 - frontline professionals will have the freedom to work together to develop better services for children, young people and families; and
 - the way in which services for children and young people with SEN or who are disabled are funded will facilitate integrated and collaborative approaches by local professionals, be more transparent to parents, and secure better value for money.
31. To work towards this we propose to:
 - work with the health sector and with the new Health and Wellbeing Boards to consider how the needs of children and young people with SEN or who are disabled can best be taken into account through the Joint Strategic Needs Assessment, joint health and wellbeing strategies, guidelines and standards from the National Institute for Health and Clinical Excellence (NICE), and health service outcomes frameworks;
 - work with the GP consortia pathfinders to explore the best ways of providing support for the commissioning of healthcare services for children and young people with SEN or who are disabled and their families;

- reduce bureaucratic burdens by simplifying and improving the statutory guidance for all professionals working with children and young people with SEN or who are disabled from birth to 25 so that it is clear, accessible and helpful, and withdrawing guidance that does not provide useful support to professionals;
- work with the educational psychology profession and local commissioners to review the future training arrangements for educational psychologists;
- encourage greater collaboration between local professionals and services and across local boundaries;
- extend the freedom and flexibility with which funding can be used locally;
- provide targeted funding to voluntary and community sector organisations that have a strong track record of delivering high quality services, and publish a national SEN and disabilities voluntary and community sector prospectus that will set out the key areas in which we will make further funding available to voluntary and community sector organisations;
- work with a group of local authorities to explore whether and how a national banded framework for funding provision for children and young people with SEN or who are disabled could improve transparency to parents while continuing to allow for local flexibility; and
- explore how the different funding arrangements for special educational provision pre-16 and post-16 might be aligned more effectively so as to provide a more consistent approach to support for children and young people from birth to 25.

Next Steps

32. The ambitious vision for reform set out in this Green Paper includes wide ranging proposals to improve outcomes for children and young people who are disabled or have SEN, minimise the adversarial nature of the system for families and maximise value for money.
33. This publication marks the start of a four month period of consultation and a period of testing proposals in local areas from September 2011. We will work across government and with local and national partners to set out detailed plans by the end of the year. This will form the basis for any necessary legislative changes to be taken forward from May 2012 at the earliest.