

**Governance in a changing
education system: ensuring
equity and entitlement for
disabled children and young
people and those with special
educational needs**

April 2015

Joint seminar with the Special
Education Consortium

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Chapter 1:

Governance in a changing education system: ensuring equity and entitlement for disabled children and young people and those with special educational needs.

This joint SEN Policy Research Forum and Special Education Consortium policy seminar took place on 21 January 2015 at the Directory of Social Change, 24 Stephenson Way, London NW1 2DP.

The aim of this event was for members of SEC and SEN Policy Research Forum SENPRF to address equity-entitlement issues with a view to future lobbying of policy makers.

Forty five members of the Special Educational Consortium (SEC) and SEN Policy Research Forum attended the seminar. The first presentation by Peter Gray and Brahm Norwich (Co-coordinators of SENPRF) was on the themes arising from recent SEN policy seminars / papers in terms of a quality framework. This led to the first group discussion that focussed drawing out the implications of the SENPRF presentation topics and themes for policy advocacy. In the afternoon Niki Eliot (chair of SEC) presented a summary of SEC's current agenda and priorities. This was followed by Peter Gray who built on the quality framework introduced in the morning to consider how quality could be judged, enabled and assured at different levels in the system. The second group discussions then focussed on the implications for governance and responsibility.

SEN Policy Research Forum

The SEN Policy Research Forum, which organised this seminar, incorporates the aims and work of the previous SEN Policy Options group in a new format and with some expanded aims. The Forum's website is at:

<http://www.sen-policyforum.org.uk/index.php>

The aim of the Forum is to contribute intelligent analysis, knowledge and experience to promote the development of policy and practice for children and young people with special educational needs and disabilities. The Forum will be concerned with children and young people with special educational needs and disabilities from preschool to post 16. It will cover the whole of the UK and aim to:

1. provide timely policy review and critique,
2. promote intelligent policy debate,
3. help set longer term agendas – acting like a think-tank,.
4. deliberate over and examine policy options in the field.
5. inform research and development work in the field.
6. contribute to development of more informed media coverage of SEND policy issues.

The uncertainties over what counts as 'special educational needs' and 'disabilities' in relation to a wider concept of 'additional needs' are recognised. These will be among the many issues examined through the Forum.

The Forum, which continues the work of the SEN Policy Options group has been continuing this work for over 20 years. It started as an ESRC seminar series with some initial funding from the Cadbury Trust. The Forum appreciates the generous funding from NASEN and the Pears Foundation to enable it to function, though it operates independently of these organisations.

Lead group and coordination of the Forum:

Dr Peter Gray - Policy Consultant (co-coordinator)
Professor Brahm Norwich - University of Exeter (co-cordinator)
Professor Julie Dockrell - Institute of Education, University of London
Brain Lamb - Policy consultant
Professor Geoff Lindsay - University of Warwick
Debbie Orton, Hertfordshire local authority
Dr Liz Pellicano, Institute of Education
Linda Redford - Policy Consultant
Penny Richardson - Policy Consultant
Chris Robertson, University of Birmingham
Professor Klaus Wedell - Institute of Education, University of London

Membership:

If you would like to join the Forum, go to the website and follow link to registering as a member. You will be invited to future seminars and be able to participate in discussion through the Jiscmail system. SEE SENPRF website for joining instructions.

For further information please contact the co-coordinators of the Forum, Brahm Norwich, Graduate School of Education, University of Exeter, Heavitree Road, Exeter EX1 2LU (b.norwich@exeter.ac.uk) or Peter Gray (pgray@sscyp) .

Past Policy Options Papers (see website for downloadable copies)

1. Bucking the market: Peter Housden, Chief Education Officer, Nottinghamshire LEA
2. Towards effective schools for all: Mel Ainscow, Cambridge University Institute of Education
3. Teacher education for special educational needs: Professor Peter Mittler, Manchester University
4. Resourcing for SEN: Jennifer Evans and Ingrid Lunt, Institute of Education, London University
5. Special schools and their alternatives: Max Hunt, Director of Education, Stockport LEA
6. Meeting SEN: options for partnership between health, education and social services: Tony Dessent, Senior Assistant Director, Nottinghamshire LEA
7. SEN in the 1990s: users' perspectives: Micheline Mason, Robina Mallet, Colin Low and Philippa Russell
8. Independence and dependence? Responsibilities for SEN in the Unitary and County Authorities: Roy Atkinson, Michael Peters, Derek Jones, Simon Gardner and Philippa Russell
9. Inclusion or exclusion: Educational Policy and Practice for Children and Young People with Emotional and Behavioural Difficulties: John Bangs, Peter Gray and Greg Richardson

9. Baseline Assessment and SEN: Geoff Lindsay, Max Hunt, Sheila Wolfendale, Peter Tymms
10. Future policy for SEN: Response to the Green Paper: Brahm Norwich, Ann Lewis, John Moore, Harry Daniels
11. Rethinking support for more inclusive education: Peter Gray, Clive Danks, Rik Boxer, Barbara Burke, Geoff Frank, Ruth Newbury and Joan Baxter
12. Developments in additional resource allocation to promote greater inclusion: John Moore, Cor Meijer, Klaus Wedell, Paul Croll and Diane Moses.
13. Early years and SEN: Professor Sheila Wolfendale and Philippa Russell
14. Specialist Teaching for SEN and inclusion: Annie Grant, Ann Lewis and Brahm Norwich
15. The equity dilemma: allocating resources for special educational needs: Richard Humphries, Sonia Sharpe, David Ruebain, Philippa Russell and Mike Ellis
16. Standards and effectiveness in special educational needs: questioning conceptual orthodoxy: Richard Byers, Seamus Hegarty and Carol Fitz Gibbon
17. Disability, disadvantage, inclusion and social inclusion: Professor Alan Dyson and Sandra Morrison
18. Rethinking the 14-19 curriculum: SEN perspectives and implications: Dr Lesley Dee, Christopher Robertson, Professor Geoff Lindsay, Ann Gross, and Keith Bovair
19. Examining key issues underlying the Audit Commission Reports on SEN: Chris Beek, Penny Richardson and Peter Gray
20. Future schooling that includes children with SEN / disability: Klaus Wedell, Ingrid Lunt and Brahm Norwich
- VI. Policy Options Papers from sixth seminar series
21. Taking Stock: integrated Children's Services, Improvement and Inclusion: Margaret Doran, Tony Dessent and Professor Chris Husbands
22. Special schools in the new era: how do we go beyond generalities? Chris Wells, Philippa Russell, Peter Gray and Brahm Norwich
23. Individual budgets and direct payments: issues, challenges and future implications for the strategic management of SEN
Christine Lenehan, Glenys Jones Elaine Hack and Sheila Riddell
24. Personalisation and SEN
Judy Sebba, Armando DiFinizio, Alison Peacock and Martin Johnson.
25. Choice-equity dilemma in special educational provision
John Clarke, Ann Lewis, Peter Gray
26. SEN Green Paper 2011: progress and prospects
Brian Lamb, Kate Froud and Debbie Orton
27. A school for the future - 2025: Practical Futures Thinking
Alison Black
28. The Coalition Government's policy on SEND: aspirations and challenges? P. Gray, B. Norwich, P Stobbs and S Hodgson.
29. How will accountability work in the new SEND legislative system?
Parents from Camden local authority, Penny Richardson, Jean Gross and Brian Lamb
30. Research in special needs and inclusive education: the interface with policy and practice, Brahm Norwich, Peter Blatchford, Rob Webster, Simon Ellis, Janet Tod, Geoff Lindsay and Julie Dockrell.
31. Professional training in the changing context of special educational needs disability policy and practice. Neil Smith, Dr Hazel Lawson, Dr Glenys Jones.

32. Governance in a changing education system: ensuring equity and entitlement for disabled children and young people and those with special educational needs. Peter Gray, Niki Elliot and Brahm Norwich.

Copies of most of these papers can now be downloaded from the website of the SEN Policy Research Forum <http://www.sen-policyforum.org.uk/>

Chapter 2

i. Framework for enabling, judging and ensuring quality

Peter Gray

ii. Key themes that arose from two recent SEN policy seminar papers.

Brahm Norwich

i. Framework for enabling, judging and ensuring quality

One of the recurring themes discussed in recent SEN Policy Research Forum seminars has been the balance between greater **choice and control** over services and provision for users (parents/carers and children/young people themselves) and the continuing need for some level of **regulation** (to ensure quality and ensure equity of access to funding and resources).

The arguments for choice stem partly from policy moves towards greater empowerment of disabled people and those that care for and support them, and partly from a broader political view that 'customer choice' and competition between providers will drive up quality and reduce cost. Greater choice and control is also seen as supporting greater personalisation of services and provision so that these are more responsive to individual child/family needs.

Recent Government policy on SEND has sought to increase parent/child choice and control through changes to assessment processes (person-centred planning) and national funding systems and the option of personal budgets. It has also sought to 'free up' provision through the development of a more diverse market (free schools, special school academies and a broader range of alternative providers).

There has been a tendency across all the main political parties to assume that markets and choice will determine quality and ensure better outcomes for children with SEND and their families. There has been less clarity about other mechanisms for quality assurance and accountability, or willingness to discuss these in any detail. There is a danger that 'regulation' is seen as oppositional and obstructive to the development of new consumer freedoms: part of the 'old world' that we need to move away from. However, our Policy Research Forum discussions have typically concluded that both of these elements need to work hand in hand.

One of the broader issues surrounding the education of children with SEND is that 'quality' and 'outcomes' are being defined in increasingly narrow ways, which are not always relevant or appropriate to this field. Our Policy Research Forum seminars have looked at a range of different policy areas, such as funding, research, adult learning/professional development, support, assessment, personalisation and future schooling. All of these imply broader notions of quality than some of those that are currently in use, and include outcomes at both individual and collective level. In developing a more comprehensive agenda for SEND policy advocacy, we really need to identify a broader set of dimensions of quality that help provide a clearer mechanism for evaluating progress. An example set of dimensions is provided below. These do not attempt to be exhaustive but they encompass quality at a number of different levels.

Table 1; Dimensions of quality

Dimensions of Quality				
Positive child outcomes	Evidence-based practice	Equity	Value for Money	Removing barriers

To illustrate these dimensions, I will use the example of SEND funding policy, where the DFE has recently issued a further round of consultation. We need to ask the following questions that link to each area:

- 1) *How far does the current national SEND funding approach support positive outcomes, at the individual child and broader level?*

Does the move towards a more 'pupil-led' model (linking funding to individual pupils, based on their particular profile of deficits) secure entitlement to a better education for children with SEND? Or does it promote 'bolt-on' approaches (e.g. allocation of support assistant time), the outcomes of which have more recently been questioned?

- 2) *Is there any research that gives us a clearer picture of the relative benefits and costs of different funding approaches? How far do current/proposed funding systems take account of this evidence?*

Changes to the national model for SEND funding were made relatively recently. Has there been any systematic and independent evaluation of their impact? Have they achieved the aims that were set out in the original proposals? And what have been the negative consequences (if any)?

- 3) *How far does the Government's funding approach ensure that resourcing is distributed fairly, across children, schools and local areas?*

One of the intentions of the changes to the national funding system was that a more common approach would lead to greater consistency in funding allocations and provision levels across children with similar needs, types of schools and local authority areas. There would be less of a 'postcode lottery'. How far has this been borne out in practice?

- 4) *An increasing amount of money has been spent on provision and services for children with SEND. How do the Government, Local areas, schools and parents know that they are getting good value from this?*

With increasing pressures on Government, school and Local Authority budgets, it is increasingly important that provision and services are not just effective but value for money. How is this dimension best articulated and measured?

- 5) *How far do our current SEND funding approaches support the development of more inclusive practice? Or do they encourage the opposite?*

Whatever the current status of debates on the definition and value of inclusion, there is still a reasonably powerful consensus that we should be reducing access barriers for children and young people with SEND. How far have changes to the funding system supported this agenda or have they led to more limited choices and opportunities?

Discussions of these kinds of quality dimensions have also underpinned our SEN Policy Research Forum's consideration of other policy areas. In the next section Brahm Norwich examines two of these: Continuing Professional Development/Adult Learning and Research.

ii. Key themes that arose from two recent SEN policy seminar papers

Introduction

What follows is a summary of the key conclusions that arose from the two most recent policy seminars held over the last year by the SEN Policy Research Forum. These were about current issues in professional training and development and the SEN and inclusive education research-practice interface. They represent one of the qualities discussed in the analysis above. The summaries are based on both the presentations and the themes that arose in the seminar group discussions. These are each concluded with a personal interpretation of the issues that arise and need to be addressed.

Professional training and development

The context of professional development is currently set clearly with a school improvement agenda. With the move towards school-led partnerships, however, some concerns were expressed about whether these partnerships had the capacity to support vulnerable children including those with SEN and disabilities. But, one of the presentations illustrated how a Local Authority can under some conditions co-construct a school-led improvement partnership.

There have been major changes in Initial teacher education (ITE), with more diversified routes, more school based and led ITE. There has been a similar diversification in continuing professional development (CPD) and training of SEN and Disability Coordinators (SENDCo).

Research and Ofsted reports have indicated that the quality ITE with respect to preparing teachers to teach pupils with SEN depends on what is available in the placement schools. With variability in availability of quality professional learning opportunities and reducing experience in school based courses to one placement this can weaken quality preparation.

An analysis overall suggested that there are contrary implications of the recent changes pointing to some dilution and some concentration of a SEN /Disability focus. On one hand, there are moves to dilution in the more generalised teacher standards as regards SEN/ disability, the reduced levels of SEN (from new legislation) and diversified pathways. On the other, some trainees have opportunities for special school placements and the 2014 Code of Practice emphasises teacher responsibility. In addition, concerns have been expressed about the significance of the teacher education changes for the sustainability of a university provider role, the

linking between theory and practice and the potential for enhanced practical teaching skills.

An example of a contemporary approach to professional development has been in the area of autism, though there are also other similar developments in other areas of SEN, such as communication. This initiative has been organised by a Government funded agency to promote training to increase the skills of the workforce with voluntary organisation partnership. Because the majority of pupils with ASD are in ordinary schools, there is a need to enhance practice for all staff in all schools. Standards are set for professionals in different roles and programmes are developed across various regional hubs. Designing these has to take account of some uncertainties surround research-based knowledge in the field and that the people with ASD have often not been consulted about interventions used with them.

Some of critical points that arose at this seminar were about the levels of responsibility for setting and defining the knowledge and skills required. How are competence expectations to be set was a key question arising from this seminar? Was there a role for local authorities or some other mid-tier organisation? There were also some uncertainties about what counted as a core or specialist skill, for example in the area of mental health difficulties? There were concerns about the way 'competence' was used in setting standards and expectations. Was it as much a matter of attitudes and values as knowledge/skills? How was this to be addressed? Concerns were also expressed about whether 'competence' covered the reflective side of professional development; to what extent is quality provision dependent on reflective opportunities and practice?

Ways forward:

One way of linking the conclusions from this seminar to the focus of this seminar on policy advocacy about governance is to identify some key issues.

Table 2 below shows the interaction between generalist and specialist teacher knowledge and skills. This plays out in the relationships between general and specialist teacher roles and what counts as general versus specialist knowledge and teaching strategies, which are reflected and underpinned by general versus separate teacher education.


Generalist		Specialist
General teachers		Specialist teachers
General pedagogical knowledge and strategies		Specialist knowledge/ strategies
General teacher education		Separate teacher education

Table 2: The relationship between general and specialisation in the SEN / disability professional competence

How the general relates to the specialised is important for setting competence expectations for different roles in the system. One of the well established ways to do this has been to use some variation on the tier or wave model, which starts with the general as tier / wave1 moving through successive specialisation to tier / wave 3. However, as Table 3 below shows there are different versions of the tier model. One

is about teaching programmes, another is about professional expertise or competence and a third is about training levels which relates to professional management role. The tier model has not been clearly linked to the SEN identification stages and this is even more of an issue now that the 3 stage model of School action, School action plus and Statement, is reduced to SEN Support and EHC Plan. How are the boundaries between the tiers to be defined, how do they inter-connect and are different tiers taught in different settings or in the same class setting? These are questions to be asked and answered and who is responsible for answering them?

	Levels of teaching	Professional Expertise Code of Practice / Local Offer	Autism Education Trust training levels
Tier 1	Quality first	Basic awareness	Awareness for many
Tier 2	Additional/ dedicated	Enhanced	Those directly working with (Teacher & Teaching Assistant)
Tier 3	Specialised	Specialist	Leadership roles / supporting other staff (Senior and middle leadership)

Table 3: The tier model as applied to teaching, expertise and training levels

Research-practice interface: how enhance the relationship between research and practice?

Perhaps these key questions can be answered by reference to research, which leads into the second seminar that was about the research-practice interface. What follows is a summary of the general policy recommendations that came out of this other policy seminar.

There was a strong message about the need for some kind of national agency a strategic research and development function. There are several variants of such an agency in terms of its funding, relationship with Government and other stakeholders and its brief. But, such an agency might be able to address some of the professional competence and learning issues raised above. A national agency with balanced research strategy and functions was also thought to be relevant to promoting some of the other key points summarised below.

However, other levels of development were also recommended such as Local Authority and school level schemes that would have university links. At local authority level for example, there is a role for leading edge LA groups and school clusters groups that link to university researchers. At school level there was a role for teacher groups reflecting an ethos of professional learning communities, through the use of action research and lesson study practices.

The views expressed at the policy seminar supported varied kinds of research approaches that would combine cumulative programmes, but not just controlled designs. There was also a place for the coordination of action research and practice based research networks. Both more basic and applied research were also seen as valuable. It was recognised that there are different routes to educational improvement.

Much importance was also attached to the conditions needed to stimulate and use research. These could include dialogue between researchers and practitioners and the availability of protected time for this to take place.

Communicating and using research was another key theme in the recommendations. There is a role for translators or mediators between sectors and sharing and involving parents needed to be central to building the research – practice interface. Some considered that collaborative participatory research facilitated these aims.

Both the voluntary and community sector (VCS) and Ofsted were seen to have key roles. One role for the VCS was to assist in identifying priorities and as funding partners. As for Ofsted, it could disseminate research and use it more explicitly in its thematic reviews. Ofsted could also be more transparent about its evaluation and research methods and use of research.

There were also recommendations about developing research agendas. The topics and problems to research were seen as best coming from collaboration with varied groups and sectors.

Some participants reminded the seminar of the difference between evidence based versus evidence informed practice. Education requires, it was argued, more than empirical evidence for decision-making. Connected to this the importance of reflective practice model (e.g. Pollard's formulation) as a way of enhancing the interface between research and practice. For this to be viable changes to professional education and working conditions are required (this was another link to professional training focus above).

Chapter 3:

Group discussions: Implications for SEN policy advocacy

Groups of 7-8 people which represented various perspectives and interests on the field then considered the quality framework presented earlier and selected one or more of the quality areas to address these questions:

1. What needs to be done to help judge, ensure and enable quality in this area?
2. What are the key points and issues to highlight in policy advocacy in this area and what are the best means of pursuing these with policy-makers?

The group reports of their discussions were recorded and transcribed. These were then analysed using the NVIVO software programme to identify themes related to policy advocacy in relation to the quality framework.

Quality framework

1. Several groups commented on the quality framework. For one group there is potential in the quality framework and they explored it with particular reference to aspects of training and funding. For one member of this group there was a retro aspect, because it took him back to work that John Fish in the ILEA in answering the question 'What is special education?' in 1989. Linking it back to that thinking might be useful and interesting. For another group it was useful and constructive to be required to think in this way about quality
2. For another group the quality framework does not deal with some of the challenges around the perspectives of both health and social care. The presented framework was very much an educational one. Though it was felt that this was right, there are significant challenges involved in incorporating ideas from social care and health. An example of this is how to conceptualise outcomes that are wider than educational ones. It was also pointed out that quality frameworks have a long history, both good and bad in health services. So there might be some interesting work that could be done in that regard.
3. One group was aware that there might be a missing element in the quality framework that was about the human rights dimension. It was uncertain whether this was encapsulated under the equity label or the entitlement label.
4. Another group discussed the inter-relatedness of quality measures and that once one talks about equity one is talking about changes in individual outcomes. This involved thinking about outcomes not as a linear sequence, which inclines towards thinking about outcomes as some kind of continuum. It was suggested that it might be better to think more about a prism, so that when you're looking through one dimension it is refracted out in different ways.

Evidence base to practice

1. This theme was the one most discussed across the groups.
2. One group discussed the relevance of evidence to questions about curriculum and assessment. This covered some of the difficulties around the data, and the erosion of some of the data, which will arise potentially from the loss of the School Action

level of SEN in the new legislation and from the loss of levels from the National Curriculum Assessment framework. The point was made that this loss could potentially have a disproportionate impact on children with lower level needs.

3. There was also some discussion about the frameworks that attempt to provide an evidence base about what works in relation to curriculum and assessment. Some of the difficulties around the Sutton Trust materials were about the comparability of studies. But, the main point was that there might be available evidence, but is it being used and applied?

4. Another group discussed the lack of evidence for some practices. There is sometimes a plea for particular services, e.g. CAMHS, but there is not a lot of evidence that you can call on to really demonstrate effectiveness. Or, it maybe, as another group said, that there might be the evidence, but perhaps we are not using it.

5. The previous point related to another group's discussion about whether people in the system, be it parents, schools or policy makers, had evidence about what really did impact on outcomes. There was an interesting discussion in relation to quality first teaching; what was it and would we recognise it? There is a lot of talk about it, but what does it look like. Though some can quote examples of good practice in different places, were there enough models that could be generalised? So, for instance as regards inclusion in secondary schools, there might be some good model of inclusion, but was there something that could be generalised.

6. Another group in their discussion of alternative provision examined the kinds of questions to be asked about evidence based practice: Is alternative provision actually necessary? Can practice be developed within the current or mainstream setting? Do we understand what makes effective transition? Are we making use of the existing knowledge around these areas in existing research in order to inform that?

Outcomes:

1. Several groups also discussed this theme.

2. One group focussed on the narrow outcome driven definition of schools' performance. This took away from the focus on how children are doing overall. Their view was that if you want schools to consider broader outcome measures then Ofsted is the agency for influencing schools to think differently. They talked about the extent to which schools should be judged in relation to how they served their local community. It was pointed out that this was an expectation of further education colleges. So therefore why is it not an expectation about schools?

3. Another group considered how parents were seen as evaluating outcomes. This raised the question of whether schools were evaluating outcomes in relation to criteria that were more relevant? The answer reflects the change away from 'Every Child Matters' agenda. This linked to what another group discussed in terms of whose outcomes, what outcomes and who decides what is a positive outcome. This reflects that teachers, children, parents, teaching assistants, Ofsted, are probably looking for different things, though there may be some common ground. A challenge

arises because the National Curriculum design does not include important elements of curriculum for some children under consideration. For example, it does not really reflect the development of independent skills or social skills that are going to be vital for the longer term life chances. So, and in particular, the exclusion of those elements may have an excluding effect in terms of schools as institutions, because of potential challenges to schools competence and indeed judgements by Ofsted. So, the exclusive impact of a curriculum that is not designed to address all the aspects of learning and development is problematic. The group also touched on a values based curriculum and the loss of 'Every Child Matters' as having an impact in this area. The potential for rights respecting school, the use of the Index for Inclusion or other tools might actually address some of that exclusiveness.

4. Another group examined school level outcomes and the limitations of the current outcomes. This implied the need to look at much broader outcomes. This did not mean seeing attainment and achievement as totally different; rather attainment and achievement need to be seen within a broader set of outcomes. It was felt that now there is the 0-25 age agenda, this raises questions about what it means for young people's life after school? For example, how is their resilience going to be built? The discussion was around school quality, about the limitations at the moment of not having a broader, perhaps more qualitative ways of evaluating good outcomes, and actually also broader life chances.

Value for money:

1. Three group covered value for money theme.

2. One group considered that one way to think about this was in terms of the impact of traded services. Also important was the schools' own adequacy in their interventions and the criteria for assessing progress. How progress was assessed was up for questioning. This group felt that there were some indications overall that education was getting better. But, in relation to the aspirations of the third code, we are still very much in an aspirational stage as we were before.

3. Another group concluded in relation to value for money that early investment to removal of barriers was demonstrably a good investment and there was higher cost arising from delays.

4. A third group was puzzled by value for money criteria. Could outcomes be achieved more effectively without the alternative provision? How do parents judge value for money? How do we understand the impact or progress of pupils, particularly those with significant difficulties, when we are thinking about value for money? There was also concern about the loss of the value added indicator. They also believed that the narrowing of indicators determined what counts as value for money in settings at the moment.

Parents:

1. Though not one of the qualities under discussion, parents was represented in three group's discussions.

2. One group considered that sometimes parents are coming at things from a perspective where they do not know the broader issues and that they can influence

outcomes. So, this group talked about different ways of schools organising resources. For example, do parents want their entitlement to their fifteen hours of support, because that is the only way that they can ask for it. This might be because they are not well informed; nobody is talking to them about other ways of doing things. Similarly, are the teachers in the schools, are they supported and trained to be working with parents in that way?

3. Another group also highlighted parents in relation to the presented quality framework. Their conclusion was that parents are caught in between the market ideology and the bureaucracy at the moment and that is definitely a rock and a hard place. There are a number of issues that make it very difficult for parents to be the source of quality assessment. One is the level of information and the nature of information that they receive that tends to imagine a model approach as a means of access; that not all parents are equally listened to. And, even if you are well listened to and even if you have an extremely good understanding of systems and the background, it can take a lot of courage to express criticism of an organisation that provides for your child, where you feel that that criticism might make them vulnerable.

4. Another group concluded that there is a need to move beyond this notion of parents as the arbiters of quality and being responsible for quality. So, the group moved onto discussing how to empower parents to ask questions and there were: What sort of questions might they be asking? And, who else should be asking those questions if it's not just parents?

National agency:

1. Three groups were supportive of the idea of a national agency.

2. One group was interested in the value of having a research-policy interface; having a good depository to serve practitioners and policy makers as well as researchers. Knowing what there is and how useful it might be to them would be useful, which could also determine the direction of future research. Such an agency would not just be seen as a depository but something that is pro-active and takes account of perspectives of all people who might want to engage in research.

3. A second group discussed this idea in terms of National Council of Special Education in Ireland, which was along the lines of what had been proposed. This group also considered whether there is sufficient transparency in the relationship between research findings and practice? The group considered that this issue was not being addressed. There was also mention of the proposed College of Teaching and whether it could have role in relation to using research findings.

3. The third group also agreed with the earlier National Agency proposal; that there needs to be some sort of body to mediate this knowledge base so it becomes more accessible and maybe more complete.

Alternative provision:

One group examined several of the qualities in the presented framework as they related specifically to alternative provision (defined as not mainstream provision). For instance, at fourteen a young person will suddenly find her/himself on a course

associated with bricklaying or a similar course.. As regards positive child outcomes, various questions arose: How does alternative provision contribute to these outcomes? Who asked the child if this was the outcome that they wanted? And, is there a holistic understanding of the child before the provision is decided on? And, how are children viewed and valued in terms of difference and diversity?

Equity;

One group's questions were: Is there discrimination in terms of admissions and exclusions policies associated with this alternative provision? Does funding support effective in-house support provision effectively? How strong are links across agencies in terms of how this provision is being conceptualised? How is diversity addressed in this particular setting? Or, is there just one way of thinking about learning and approaches to learning in that particular setting? To what extent do other quality measures promote or narrow provisions? So, the group then went back to what other groups had already said about the narrow way in which schools are judged and the extent to which that actually determines the sort of provision that they make, rather than the diversity of young people who are actually attending that school.

Funding:

This group applied the presented framework to funding and as a preliminary to find out about the most recent and up to date research evidence available locally. This is about looking at what is happening within different local authorities in order to have up to date comparative evidence. The Department of Education was currently undertaking a review, while also undertaking research at the same time. It was felt that it was important to make sure that that research is used appropriately.

National standards:

One group was interested in the question: Is there any concept of national standards, like having the standards that an MOT car has to go through? This group's answer was no. This was no in terms of the high needs allocations which are covered in the current consultation, no in relation to the inadequacy of Ofsted inspections and no in relation to the formulae analyses of school funding.

Professional development:

Another group had general concerns about many aspects of professional development for teachers and indeed other staff. There was a need for a much more coherent overall framework. For some, this sounded very old fashioned because these things had been discussed twenty and thirty years ago, but it was felt that they needed to be revisited. One particular concern was about trying to make sure that some of the fragmentation in the system associated with choice is moderated to some extent and subjected to closer scrutiny. This was to have more overall coherence so that teachers, and all other staff working with children and young people in a variety of contexts, got the best deal possible.

Voice – choice:

One group concluded that despite the rhetoric about making decisions in the interests of the child, the reality was that people were speaking on behalf of the child and that the child's interests were not necessarily being represented from their perspective. The issue was the extent to which children were viewed and

empowered to make informed choices and the extent to which others viewed themselves as having more information to speak on behalf of the child. Whether choice was offered to children or not was something to be evaluated in the system.

Chapter 4

i. Special Education Consortium and its strategic priorities

Niki Elliot

ii. Judging, ensuring and enabling quality in special needs and inclusive provision

Peter Gray

i. Special Education Consortium (SEC) and its strategic priorities

The Special Educational Consortium convenes to protect and promote the interests of children and young people with SEN and disabilities when there are proposals for changes in policy, legislation, regulations and guidance that may affect them.

SEC believes that:

1. Children and young people with SEN and disabilities should enjoy the same rights and opportunities as other children including the right to an education that enables them to reach their full potential;
2. All children and young people with SEN and disabilities communicate and have a right to have their views heard;
3. The views of children, young people and their families are vital to the development of an inclusive society; and
4. Children and young people with SEN and disabilities should be included in all aspects of society.

SEC's current key strategic priorities are:

1. Implementation of SEND reforms,
2. Education funding,
3. Curriculum and assessment,
4. Admissions and exclusions,
5. Governance and quality.

SEC has formulated its 'key asks' in its advocacy and lobbying about funding as follows:

1. Clarity about current funding structures, particularly in relation to how post-16 funding will mesh with the new EHC plan framework in post-16 settings
2. Equitable distribution of funding, both at local authority and education sector levels

3. Adequacy of funding, including addressing disincentives to build capacity in mainstream provision

SEC has formulated its 'key asks' in its advocacy and lobbying about 'key asks' for curriculum and assessment as follows:

1. An assessment system that allows all learners to demonstrate what they can do
2. An equitable assessment system that allows comparisons between and across settings
3. A curriculum that recognises the achievements and progress of all learners, including achievements and progress beyond the purely academic

ii. Judging, ensuring and enabling quality in special needs and inclusive provision

Having a clearer framework for defining quality is one thing. However, it is also useful to reflect on the levels at which quality can be best be judged, assured and enabled. A naïve consumer model would envisage this being achieved through a combination of personal choice and market forces. In a freer market, individual parents are more able to judge the quality of services and provision from their/their child's experience and seek alternatives if these do not deliver. Quality is maintained and extended through high consumer take-up and poor services/provision 'go to the wall'.

This model may work, at least partially, for some of the quality dimensions identified earlier. For example, parents will have a strong interest in their child's progress and learning and will generally be well-placed to judge whether services/provision are leading to positive outcomes. They may not have a systematic evidence base or comprehensive knowledge of available research, but they can make some judgements about impact at the level of their individual child. It could also be argued that, with increased financial control (through personal budgets), parents will be more able (and motivated) to ensure value for money.

On the other hand, there are quality dimensions that are less amenable to individual parent influence. In seeking the best options and outcomes for their own child, parents may be less interested in equity. They may be less aware of the potential impact of resourcing/funding decisions on provision or outcomes for others. Personal choice is also likely to be pragmatic, with individual parents having limited influence over more systemic access barriers for children with SEND. So, they can choose a different mainstream school if they encounter resistance or negative attitudes, but

this action does not necessarily impact on future child/parent experience if there are no other consequences to the school concerned.

The collective nature of some of the dimensions in the quality framework suggests that action at the individual parent level is insufficient, and there needs to be other levels of evaluation and accountability. Some of this could (and should) lie at the level of the individual institution. We would therefore expect to see schools/settings having good structures and processes for evaluating and promoting better outcomes for children with SEND (as part of their 'core business'). We would want their practice to be based on what is known to be effective and take account of relevant research, and for staff to have access to high quality and up-to-date CPD. With budgets under pressure, we would want to see a focus on value for money and equal opportunities in the use of provision and funding within individual establishments. We would also expect schools/settings to seek to identify and remove barriers to participation in learning and social activities.

These expectations would need to be clearly identified in school inspection and accountability processes. But there would also need to be recognition that effective work with children with SEND and their parents is not always easy, and that support is needed as well as challenge.

Government policy on school improvement over the last couple of decades has tended to focus on school-led developments. However, Local Authorities are expected to play a continuing role in the area of SEND (through statutory assessment and oversight of the 'local offer') and to be aware of and intervene in schools where there are significant quality concerns. There is recognition of some of the benefits of school partnerships/networks and these are an explicit feature of the Labour Party's education policy. Some of the shortcomings of the more individualistic approach to school governance have led to a call from the head of OfSTED and others for some form of 'middle tier' between schools and central government. There is debate about whether this should be undertaken by Local Authorities or by other structures or groupings (Regional; Teaching School Alliances; Academy chains etc).

Looking back at the quality framework identified earlier, some aspects could best be achieved at the middle tier level. For example, there are strong arguments for a 'communities of practice' approach (adopted for example in Wales), where schools/settings work together in partnership to drive up quality in provision for SEND. There may even be a case for some aspects of provision/ services to be commissioned or organised by a group/cluster of schools level. There are examples of this already in some areas in relation to alternative provision/provision for excluded pupils.

Individual institutions are poorly placed to ensure equity in access to funding/resources across the system as a whole. In the absence of a national formula, it is down to Local Authorities to ensure and enable quality in this area.

They are increasingly involving schools themselves (through Schools Forum and other means) in collective oversight of funding available and its distribution and use. And, in a national system that permits local variation in patterns of services and provision, there is a need for a local body that has strategic responsibility for reviewing the impact of the 'local offer' and considering and planning how this could best be developed in the light of collective experience.

Finally, there needs to be some continuing responsibility at a national government level for judging, ensuring and enabling quality across the range of dimensions indicated. Some of this could be achieved through a more developed and enabling approach to school and Local Authority inspection. However, it would be good to see a clearer link between the broader range of national policies (mainstream and specific) and the kind of quality framework proposed in this paper. Real quality for children with SEND is only likely to be achieved if all dimensions are properly addressed and relative responsibilities more clearly defined.

The quality framework therefore needs to be multi-dimensional and to relate to both of these aspects (see Table 4 below).

Table 4: Framework of dimensions of quality by levels of responsibility

		Dimensions of quality				
		Positive child outcomes	Evidence-based practice / professional learning	Equity	Value for money	Removing barriers
Levels of responsibility	Individual parent (or young person)					
	Institution/ Setting					
	Middle tier					
	National Government					

Chapter 5:

Implications for governance and responsibility: summary of group discussions

The second group discussion task was to:

- Address the limitations and opportunities for judging, ensuring and enabling quality at the different levels identified in the presentation.
- Choose one of the levels identified (individual parents; institution/ setting; middle tier; national government) and consider what can and should be done at this level to help judge, ensure and enable quality across the different dimensions discussed in the morning session. If some things can only be achieved at another level, this needs to be examined too. What might be said to policy makers about this and how?

The group reports of their discussions were recorded and transcribed. These were then analysed using the NVIVO software programme to identify considerations and 'asks' at the different levels of the presented table under the various quality areas.

General points

There were several general points made across the groups:

1. There should be an expectation that SEN and Disability interests be embedded in every aspect of national policy. Education can in some respects be marginalised and some of the key issues need to come out of the Department for Education and be represented at Cabinet level for example.
2. It was for Government to set the bottom line in terms of ensuring, but what should happen to enable at different levels is another matter. For another group it was unequivocal that the buck stops with Government with regard to standards. The Government needs to really take ownership about that more than it has done in recent years or over a longer period of time.
3. The middle tier was seen as important because without this level there is nothing between the individual institution and the national level. It was also seen that the middle tier also included non-obvious groups like NGOs.
4. Several groups reflected on how if an issue cannot be resolved at one level it might need to move up to the next level. An example was the issue of accountability and parents' reluctance to challenge inadequate provision for their child. Enabling this might require moving to a higher level.

Child outcomes

National level:

One group formulated an 'ask' in terms of inclusive indicators that went beyond current narrow performance measures. This was about parents being able to make judgements about quality.

Middle tier:

1. This was the 'ask' for a SEN and Disability Board that had some control of funding at a middle tier local level. The Board would have a duty to collaborate with schools or other people with collective expectations that were set locally about what were good provision and outcomes. It is likely to be an informed stakeholder group that is more about sensible strategic planning than just responding to pressures or demands.
2. This group discussed whether there could also be some national reference point for local strategic planning so the Boards would not make unreasonable decisions. This relates the Boards at the middle tier to the national level (above).
3. Another group considered the levels of responsibility in the existing model, especially around curriculum and standards. This related to inclusion and would pull together the work of the Communication and the other trusts as regards curriculum. This was something in which the middle tier would become involved. There was also talk about the standards of teacher qualifications and how many teachers an advisory teacher could support.
3. One question that was asked was whether the Local Offer should set minimum standards

School;

1. Based on the position that being good at special needs is sometimes still a bit of an option for schools, the question was how can it be a basic requirement and more than just being an option.

Individual:

1. One group considered the importance of performance data for parents particularly for child outcomes. There was some debate about how valid and useful the data was and whether it could be used. The counter argument was that there was still some need at some level for a set of standards or indicators.
2. These considerations led this group to think therefore that if we were going to support parents in making decisions about quality, then there was a need for not just information about attainment and about value added, but narrative information. This went beyond what was on web sites or in a prospectus, it meant some kind of face to face communication.
3. Another group considered that the middle tier was also about non-obvious people like NGOs articulating a framework to guide parents with the sorts of questions that

they might ask an institution. For example, what they might ask in relation to SENCOs and what they might ask in relation to local school offers

Evidence based/informed practice

National:

1. Several groups discussed these matters. For one they talked about the monitoring of the impact of legislation and policy and the use of evidence to inform policy and legislation. The first ask was that Government use evidence to inform policy and legislation.
2. It was important to encourage and support the use of evidence at every single level, including at the level of the individual child.
3. For another group, Government used to be much more transparent with regard to its use of independent evidence and have a robust structure for that.
4. A few groups specifically discussed the concept of a national agency. So, for one group an 'ask' was the construction of an agency that would enable the national translation of research into practice. It was seen as having the benefit that there would be continuity of ideas from one political regime to another without their abandonment. This was raised in relation to the Irish National Council of Special Education, which seems to have that kind of role. The Irish NCSE does not just have a research focus, but it does have a very clear research remit as well. Though Government appoints its membership, its work is very clearly transparent, it is independent and it reports directly to Ministers who can reject or approve the kind of evidence that is then fed into Government about research
5. For another group the idea of national action was not simply about national Government. There are a lot of other things at a national level that are important and a national agency with a statutory remit providing quality advice etc. is one example.
6. A national agency might also deal with the issue that there are a myriad of training frameworks, competencies and standards, yet there was little overall coherence with regard to their use.
7. However, there were questions about a national agency in relation to its fit with existing activities. For instance, how does the idea of a national agency fit with the review of activities and organisations done at the Evidence-based practice centre at the Institute of Education? In addition, how could a national agency tie in with the important role that Select Committees have assumed in recent years? How can a national agency develop a relationship with the Education Select Committee to get some of the key ideas presented in the right places?

Middle tier:

One group emphasised that it was important to encourage and support the use of evidence at every single level, such as the middle tier.

School:

One group took the position that schools need to be aware about the relative strength of different types of research in their decision-making. This meant that only the weaker forms were available, the more qualitative smaller scale studies. For instance, parents' experience of managing challenging behaviour, evidence in that area is more likely to be qualitative and small scale. So, there are some problems about the weight of evidence across different areas of SEN and disability because of the approaches you can use.

Individual:

The same group thought that it was also important to encourage and support the use of evidence at every single level, including at the level of the individual child.

Equity rights

National:

1. One group discussed having national standards for specialised services, for example, audiology services was used as a model.
2. For another group the current legal framework can lead to some degree of inequity. This was about the tension between the criteria for allocating additional resources in health and education.
3. For another group it was important to run policy and legislation passed a human rights filter. When there were individual consultations about legislation, Government should be asked to show how their policy meets the public sector equality duty to promote equality of opportunity.
4. Another group focussed on admission of pupils with SEN / disabilities. There was some discussion whether there was a discrepancy between admission policies and actual practices. One of the suggestions was about the need to have incentives and support for schools to admit pupils who are not expected to make good academic progress.

Middle tier:

One group considered how the social economic makeup of different areas in a local authority affects resource allocation; how the more affluent areas are likely to attract more SEN resources because parents are more articulate. One response to this trend was to cluster schools on a more rational basis, so that schools with different social economic intakes are grouped together. This may help move towards a more equitable allocation of resources.

Schools:

1. Another 'ask' was that schools develop resources that enable all pupils to understand more about disability and challenging prejudice. There was a related ask of National Government to ensure that this happens.
2. One group wanted to ask schools to consider how their policy on pupil grouping helped to meet their duties under public sector equality duty.

Accountability

National:

1. in one group they questioned whether Ofsted was looking at the right things, for example, should Ofsted be inspecting academy chains.
2. Another possible 'ask' was about the right of a third party to bring a case on behalf of a parent or child. The group thought that this might be something we could push for in the next round of legislation
3. Another group concluded that Ofsted was only doing certain things and it warrants a very careful review. Related to this kind of national review was a further need to review, reconceptualise and reconstruct what is called the middle tier. This was because so much of what was good and bad in terms of the middle tier, the local authority and local area level had been lost. The role of a national inspectorate might be to think about regional and middle tier activity. This is not a straightforward task but it certainly warrants revisiting in a serious way.
4. Another 'ask' of Government was to rethink what information collected from schools to help understand what happened at ground level to inform future policy

Middle tier:

There were no 'asks' at this level.

Individual:

One group discussed the difficulties of pushing accountability down a level, as that may result in parents being reluctant to challenge the system. It was mentioned that there are very few claims of discrimination made by parents, which may be about a reluctance to bring the claim against the school where your child is going to be on Monday morning.

Chapter 6:

Concluding comments and summary of 'asks':

This joint seminar between the SEN Policy Research Forum and the Special Education Consortium aimed to examine perspectives about governance in a changing education system. Both organisations were interested in how to ensure equity and entitlement for disabled children and young people and those with special educational needs. A set of quality dimensions was presented as a way of summarising some key themes arising from several recent SEN Policy Research Forum seminars. The participants then worked in groups to identify what needs to be done to help judge, ensure and enable quality and to identify what key points and issues could be highlighted in policy advocacy in this area. In the second part of the seminar the quality dimensions were presented as a framework to be analysed at various levels in the system. This addressed the key issue of where action was to be taken in a dimension of national action through to individual parent/school action. The participants then considered the limitations and opportunities for judging, ensuring and enabling quality at these different levels and what policy and practice would be asked for at these levels. What is presented above is an attempt to contribute to developing some new ways of thinking and clear positions from which policy advocacy can move forward.

Summary of 'asks'

Child outcomes at national level;

1. For inclusive indicators that go beyond current narrow performance measures. This is about parents being able to make judgements about quality

Child outcomes at middle tier:

2. For a SEN and Disability Board that had some control of funding at a middle tier local level. The Board would have a duty to collaborate with schools or other people with collective expectations that were set locally about what were good provision and outcomes. It is likely to be an informed stakeholder group that is more about sensible strategic planning than just responding to pressures or demands.
3. For a national reference point for local strategic planning so the Boards would not make unreasonable decisions.

Evidence based/informed practice at national level

4. For Government to use evidence to inform policy and legislation. This is for the monitoring of the impact of legislation and policy and the use of evidence to inform policy and legislation.
5. For the construction of an agency that would enable the national translation of research into practice. It was seen as having the benefit that there would be continuity of ideas from one political regime to another without their abandonment.

Equity/rights at school level:

6. For schools to develop resources that enable all pupils to understand more about disability and challenging prejudice. There was a related ask of National Government to ensure that this happens.
7. For schools to consider how their policy on pupil grouping helped to meet their duties under public sector equality duty

Accountability at national level:

8. For the right of a third party to bring a case on behalf of a parent or child. The group thought that this might be something we could push for in the next round of legislation.

9. For a rethink about what information is collected from schools to help understand what happened at ground level to inform future policy