

BEST PRACTICE IN THE DEVELOPMENT OF STATEMENTS OF SPECIAL EDUCATIONAL NEEDS AND DELIVERY BY SCHOOLS OF THE ACTION AGREED



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A Hyfforddiant yng Nghymru
Her Majesty's Inspectorate
For Education and Training in Wales



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

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1. Introduction

1.1 Purpose

The purpose of this report is to provide advice in accordance with Estyn's remit from the Welsh Assembly Government. The advice contributes to raising standards and quality in education and training and supports the Welsh Assembly Government's commitment to social inclusion and equal opportunities as set out in 'The Learning Country' in August 2001.

The report:

- identifies best practice in the ways in which local education authorities (LEAs) in Wales are working with schools to improve provision for pupils with special educational needs (SEN);
- considers the implications of the distinction in the current statutory framework between pupils with and without statements of SEN; and
- makes recommendations for improving SEN provision in Wales.

1.2 Key questions

The report answers the following key questions:

- What factors underlie the variation between LEAs in the number and percentage of pupils for whom they make and maintain a statement of SEN?
- What is the quality of provision that schools and LEAs make for pupils with SEN?
- How are LEAs planning to improve the quality of provision for pupils with SEN?
- What strategies are effective in improving SEN provision in LEAs and schools?
- What challenges do schools and LEAs face in delivering effective SEN provision?

The report also contributes information to the debate about the role that statutory assessments and statements should play in the delivery of future provision for all pupils with SEN in Wales.

1.3 Evidence base

This advice is based on information drawn from the following sources:

- Estyn and Audit Commission inspections of SEN services in 15 LEAs in Wales;
- Estyn's report to the National Assembly for Wales on provision for pupils with special educational needs in the six unitary authorities of north Wales;
- Estyn inspections of mainstream and special schools in Wales;

- statistical information on all British LEAs;
- annual reports of the SEN and Disability Tribunal for England and Wales;
- Welsh LEAs' Supplementary Education Strategic Plans for 2003-2004;
- the views expressed by LEA officers at a conference convened by the Assembly in October 2003;
- the work of the Wales Advisory Group on SEN; and
- visits by inspectors during Autumn 2003 to six authorities that represent a cross-section of current practice in Wales in the provision of statements of SEN.

2. Main findings

- There is considerable variation between LEAs across Great Britain and within Wales in the percentage of pupils with a statement of special educational needs.
- All authorities in north-west, north-east and mid Wales have a higher than average percentage of statements.
- All authorities that have a low percentage of statements, compared with the Welsh average, are in south-east and south-west Wales.
- There is no clear link between the social and economic characteristics of local authority areas in Wales and the percentage of pupils with statements.
- There is no clear link between the amount of money that Welsh LEAs spend on pupils with special educational needs and the percentage of pupils with statements.
- Authorities that have the lowest percentage of pupils with statements generally reserve them for pupils who need special school placement. They provide additional resources to pupils in mainstream schools, without requiring a statement. These authorities have discontinued the statements of some pupils whose needs can be met by other means.
- Authorities with a higher percentage of pupils with statements deliver much of their additional mainstream school support through a statement. Also, they do not often discontinue existing statements.
- Most LEAs have achieved some success over the past three years in reducing the number of new statements that they issue, some from a high starting point.
- Most LEAs state in their Strategic Plans that they aim to reduce statements. However, very few LEAs have specified a corresponding target as a percentage of pupils with statements.

- Almost all LEAs' plans show clear links between strategies to promote inclusive education and strategies to reduce statements. Most emphasise the importance of developing the capacity of mainstream schools to make high quality provision for pupils with special educational needs.
- LEAs do not save money by reducing statements, but they do use their available resources more effectively by redirecting the time of officers, specialist teachers and educational psychologists towards school improvement work and earlier intervention with pupils with special educational needs.
- LEAs and schools still have much work to do to monitor and evaluate the effectiveness and value for money of SEN provision that they make with or without a statement.
- Many LEAs have not succeeded in persuading parents and some of their schools that they can guarantee pupil's entitlement to provision without the statutory protection of a statement.
- LEAs face challenges to provide statements for pupils in order to secure scarce services from other agencies, particularly speech and language therapy.
- A minority of LEAs would like the Assembly to provide guidance on a suitable target for the percentage of pupils with statements. More would prefer to have clear guidance on the type and degree of SEN for which a statement is required, and on the quality and standard of provision that is appropriate for meeting the various types and degrees of SEN.

3. Recommendations

The Welsh Assembly Government should:

- work with local authorities and health trusts, early years providers, schools and the voluntary sector to define the standards and quality of provision for all types of SEN;
- provide guidance to local authorities and schools about the threshold of special educational need at which statutory assessment and provision of a statement is appropriate;
- review the SEN Code of Practice in order to clarify whether LEAs are required to provide statements for pupils for whom they make special provision in mainstream schools;
- consult more widely with parents, carers and pupils when planning and evaluating educational provision and additional support for pupils with SEN;

- use the opportunity of the current review of the curriculum and assessment arrangements in Wales to strengthen the entitlement of all pupils to a broad and balanced curriculum, and to remove the link between statements and National Curriculum disapplication;
- improve the clarity of information for LEAs and schools about funding of SEN provision;
- work with LEAs and schools to develop a system to determine the value for money of all additional provision; and
- work with local authorities and health trusts to develop a more systematic approach to the joint planning and funding of services for children and young people with special needs.

Local Education Authorities should:

- work closely with schools and partner agencies to improve the monitoring and evaluation of the impact on pupils' achievements of all additional provision and funding; and
- consult more widely with parents, carers and pupils when planning and evaluating educational provision and additional support for pupils with SEN.

Schools should:

- improve the monitoring and evaluation of the impact on pupils' achievements of all additional provision and funding;
- consult more widely with parents, carers and pupils in order to evaluate the impact of provision and additional support for pupils with SEN; and
- make better use of the flexibility within the National Curriculum orders to improve the breadth and balance of the curriculum for pupils with special educational needs, particularly in key stages 3 and 4.

4. Background information

4.1 Statutory framework for special educational needs

In making provision for pupils with SEN, LEAs and schools must meet statutory requirements. They must follow the SEN Code of Practice for Wales, 2002 which provides guidance in relation to the statutory duties and rights contained in:

- Part IV of the Education Act, 1996; and
- The Special Educational Needs and Disability Act (SENDA) 2001.

The SEN Code of Practice provides clear guidance on making a graduated response to pupils' needs, including the statutory requirement to assess needs and to make and maintain statements of SEN for some pupils.

The graduated response recognises that there is a continuum of need through:

- early years or school action, where provision is made by early years providers or schools;
- early years or school action plus, where provision is made by early years providers or schools, with additional advice and support from LEA support services and partner agencies; and
- statutory assessment and provision made jointly by early years providers or schools, the LEA and, in some cases, partner agencies.

Although the legislation and SEN Code of Practice describe the statutory duties of LEAs and schools, they do not define precisely which pupils should have their needs met by each of these degrees of response.

The draft document entitled *SEN Thresholds*, published by the National Assembly for Wales in September 2000, identified common thresholds for intervention according to the type and degree of pupils' special needs. However, this work was not incorporated into the final revision of the Code.

Section 324(1) of the Education Act, 1996, states:

- Where, in the light of a section 323 assessment, it is necessary for the LEA to determine the special educational provision which the child's learning difficulty calls for, the LEA shall make and maintain a statement of his or her special educational needs.

The Code advises, in paragraph 8.13, that:

- where the LEA concludes that a child needs a place in a day or residential special school, they should draw up a statement; and

- if the child needs a change of placement from a mainstream school to a specialist resource at the same school, or to another mainstream school, the LEA should consider drawing up a statement.

There is, therefore, a clear statutory requirement for pupils who transfer to a special school to have a statement of SEN. However, it is not clear whether LEAs are required to provide statements for pupils for whom they intend to make provision in mainstream schools. In practice, there is considerable variation between LEAs in the extent and nature of the provision that they make for pupils in mainstream schools, and in whether they provide statements that name mainstream provision.

The statutory framework requires LEAs and schools to plan to increase access for disabled pupils and to develop inclusive education for all children and young people.

The Assembly has produced guidance for schools and LEAs entitled:

- *Planning to Increase Access to Schools for Disabled Pupils; and*
- *Inclusive Education (draft).*

The duty to increase accessibility applies to all disabled pupils and does not depend on whether they have a statement of SEN. The draft guidance on inclusive education applies to all pupils, irrespective of the degree of their SEN.

4.2 Challenges to the current statutory framework

A number of studies have challenged the current statutory framework and suggested that it needs revision in order to:

- improve the educational outcomes for individual children and young people;
- support the development of inclusive education;
- improve the help provided for parents and carers; and
- ensure that the system is fair to all children and young people.

4.2.1 Audit Commission

In recent years, several reports from the Audit Commission have raised fundamental questions about the impact of the current statutory framework on pupils, parents, schools and LEAs.

The Audit Commission has conducted extensive research in England and Wales, leading to the publication of three key papers in 2002. These are:

- *Statutory assessment and statements of SEN: in need of review;*
- *Special educational needs: a mainstream issue;* and

- *Managing special educational needs: a self-review handbook for local education authorities.*

The first of these papers identifies the shortcomings and strengths of the current statutory framework and asks whether it should be subject to a fundamental review. The second report emphasises the need to develop better and more inclusive provision for pupils with SEN in schools, whilst the third provides guidance for LEAs to help them to improve the management of SEN.

In *Statutory assessment and statements of SEN: in need of review?* (page 13, table 2) the Audit Commission summarises the key concerns and strengths of the current framework. These are:

Key concerns	Key strengths
Assessment	
<p>Statutory assessment is a costly, bureaucratic and unresponsive process ... which may add little value in helping to meet a child's needs.</p> <p>Many parents find the process stressful and alienating.</p>	<p>Parents value the formal recognition of their child's needs and schools value the external advice they receive – although often this is provided before statutory assessment even begins...</p> <p>... and parents value the support offered to them through LEA parent-partnership services.</p>
Assurance	
<p>A lack of monitoring by both schools and LEAs and the fact that LEAs have no control over services provided for children with SEN by other agencies mean that statements often provide little assurance to parents.</p>	<p>Statements can provide added rigour to planning for children with SEN. This is particularly valuable for vulnerable children and those with complex needs, requiring support from many agencies...</p> <p>...and parents know what support should be provided – even if it is not forthcoming. Parents also have a mechanism for redress, through appeal to an independent tribunal.</p>
Resource allocation	
<p>Statements are leading to an inequitable distribution of resources...</p> <p>...and may provide funding to schools in a way that is inconsistent with early intervention and inclusive practice.</p>	<p>Statements provide a means of targeting resources for children requiring very high levels of support.</p>

4.2.2 Special Educational Needs and Disability Tribunal

Writing in the annual report of SENDIST, December 2003, the President draws on the experience of nine years of the Tribunal's work to express these views:

It may now be time to consider changes to the Tribunal's approach.

Some educationalists feel that, in deciding appeals exclusively in terms of the individual child's needs, the Tribunal gives insufficient weight to national policy on such matters as inclusion of pupils with special needs within mainstream schools and the delegation of funds from local education authorities to schools. The Tribunal has been accused of not understanding that education budgets should not be burdened with costs of support which should come from social services and health authorities.

Tribunal members understand these factors, but they must decide appeals in accordance with the law. Policy thinking inevitably runs ahead of legislation. Justice demands that parents can rely on their appeals being decided in accordance with the law enacted by Parliament. However, the law can be changed.

With educational provision increasingly coming directly from schools, it may be time to abandon the sharp distinction between the legal position of a child with a statement of special educational needs, (who has a right to the precise provision spelled out in the statement) and that of a child whose support comes exclusively from the school's resources. The Tribunal could be directed to consider other matters: the effect of appeal decisions on other children, from whom resources may be diverted; how far varying local policies should influence appeal decisions; what involvement other agencies should have. There is also the broad question whether our education legislation should continue to be framed in terms of parental rights, when the United Nations Convention on the Rights of the Child confers the rights on the child.

With all this in mind, I echo the words of Baroness Warnock, the report of whose committee in 1978 led to the establishment of the present system. She recently wrote, "it is now high time to re-examine the whole SEN structure".

4.2.3 Educational Psychology Services

The report of the review of educational psychology services commissioned by the National Assembly for Wales in 2002, entitled '*Psychology for the Learning Community*', highlights concerns that the time educational psychologists spend on assessment, reporting and review work (statutory or otherwise) reduces the time available to work with teachers, carers and local authority personnel to promote learning in the community.

The report makes 17 recommendations that are intended to make better use of the relatively scarce expertise of educational psychologists. The first recommendation advises the National Assembly for Wales to:

Initiate a brief focused cross Wales working group that defines:

- *how financial models of delegation can support more special educational needs activity at school action plus stage and reduce pressure on statutory assessment; and*
- *what constitutes a 'severe and complex' need, so that only those cases are considered for statutory assessment.*

The Welsh Assembly Government has responded to the recommendations of this review in its consultation document: Educational Psychology in Wales, January 2004. In section 2.2, it proposes that the most important of the key roles of educational psychologists within LEAs are:

- supporting children's education and development;
- assisting with school improvement;
- contributing to LEAs in a strategic role;
- contributing to early identification and intervention; and
- contributing to statutory assessment.

In section 2.12, it states that 'a relatively small number of children have severe and complex learning difficulties that require a statutory assessment of their SEN to be undertaken'.

4.2.4 SEN Parent Partnership

In 2001, the National Assembly for Wales and the National Association for Special Educational Needs commissioned an evaluation of the effectiveness of SEN Parent Partnership services in Wales. The report makes recommendations to help to improve the quality, consistency and availability of SEN Parent Partnership services.

The report is based on a wealth of detailed evidence from interviews with parents in several areas of Wales about parent partnership services. At the same time, parents clearly described their experiences of the SEN provision made by schools and LEAs. These experiences match closely the concerns of parents as reported by the Audit Commission.

The executive summary states that:

Parents' experiences of the support they received from the LEA when their children are identified as having SEN can be stressful and demoralising. The variable ways in which parents receive information about available support services, as well as the variable quality of written documentation, emerges as a major issue.

SNAP Cymru is perceived to offer sympathetic and informed support, although a small number of LEAs are of the view that SNAP's advocacy role can at times exacerbate conflict between parents and LEAs. Likewise, Citizen's Advice Bureau (CAB) involvement whilst perceived as positive by parents, could perpetuate a parent-LEA divide. On the whole, however, LEAs using the services of SNAP Cymru welcomed its involvement and those LEAs using CAB also endorsed its involvement.

Schools are perceived as having a key role to play in being the first port of call for parents who are concerned and anxious over their children's progress.

5. What factors underlie the variation between LEAs in the number and percentage of pupils for whom they make and maintain a statement of SEN?

5.1 Variation across Great Britain

Table 1 shows the extent of the variation across Great Britain in the percentage of the school population that has a statement of special educational needs, and also in the balance between mainstream and special school provision for pupils with statements.

The figures for Wales, England and Northern Ireland are taken from the January 2003 survey. The figures for Scotland are from September 2002. They include all pupils with statements, expressed as a percentage of all pupils who attend nursery, primary, secondary and special schools.

Wales has a higher percentage of pupils with statements, and a greater variation across LEAs, than England, Scotland and Northern Ireland. Within Wales, a higher proportion of pupils with statements receive their provision in mainstream schools than is the case elsewhere in Great Britain.

	% school pupils with statements (or records of need in Scotland)	Lowest % authority	Highest % authority	% in mainstream schools	% in special schools, PRUs or other provision
Wales	3.4	1.6	5.1	74.6	25.4
England	3.0	1.0	4.4	60.0	40.0
Scotland	2.1	0.8	3.6	58.9	41.1
N.Ireland	3.1	2.6	4.4	54.5	45.5

Table 1: Pupils with statements of SEN and school placements in Great Britain

5.2 Variation within Wales

There is considerable variation between Local Education Authorities (LEAs) across Wales in the percentage of the school population that has a statement of special educational needs.

The current position is shown in Table 2: Pupils with statements of SEN in Wales. The information is drawn from statistical briefs SDR 25/2002 and SDR 35/2003 published by the National Assembly for Wales. It is based on the information that LEAs provide to the Assembly each January on form STATS 2 about the pupils for whom they are responsible. The figures include

all pupils who live within an LEA, whether provision is made within or outside their home LEA.

LEA	% of total school population with SEN statements at January 2003	% of total school population with SEN statements at January 2002	Pupils with new statements		
			2000	2001	2002
Wrexham	5.1	5.2	101	95	80
Isle of Anglesey	4.5	4.3	80	51	73
Newport	4.4	4.0	138	138	173
Flintshire	4.4	4.5	130	191	98
Conwy	4.3	4.6	150	83	90
Powys	4.0	4.2	146	130	91
Gwynedd	4.0	4.2	145	92	92
Ceredigion	3.9	3.8	64	50	63
Neath Port Talbot	3.9	3.8	119	98	87
Denbighshire	3.9	3.0	66	52	118
Blaenau Gwent	3.8	3.9	23	56	55
Carmarthenshire	3.7	4.1	93	124	69
Caerphilly	3.7	3.5	113	120	125
Cardiff	3.4	3.3	269	225	241
Pembrokeshire	3.4	3.4	60	51	48
Torfaen	3.1	3.3	81	47	40
Swansea	3.0	2.8	124	106	148
Monmouthshire	2.9	3.3	42	42	23
Merthyr Tydfil	2.2	2.2	30	26	33
The Vale of Glamorgan	2.0	2.1	48	45	47
Rhondda, Cynon, Taff	1.6	1.6	88	111	86
Bridgend	1.6	1.4	44	37	73
ALL WALES	3.4	3.4	2154	1970	1953

Table 2: Pupils with statements of SEN in Wales

During the period 1996 to 2000, there was a steady increase in the total number of pupils with statements in Wales. This trend has been reversed since 2000 in Wales as a whole and in most LEAs within Wales.

There is a clear geographical difference in the provision of statements by LEAs. All authorities in north-west, north-east and mid-Wales have a higher than average percentage of pupils with statements. The authorities that have a below average percentage of statements are all in south-east and south-west Wales. There are four authorities in south Wales – Newport, Blaenau Gwent, Neath Port Talbot and Caerphilly – that show an exception to the general trend by having an above average percentage of pupils with statements.

There is no clear link between the different social and economic characteristics of local authority areas and the proportion of pupils with statements. Although some types of learning and behavioural difficulties are

more prevalent in areas of high social need, this is not reflected in the prevalence of statements. The following comparisons illustrate this point:

- Merthyr Tydfil is relatively disadvantaged area that has a below average percentage of statements;
- Monmouthshire is a relatively advantaged area with a below average percentage of statements;
- Flintshire is a relatively advantaged area with an above average percentage of statements.

In order to find out more about the factors underlying the differences between LEAs in the provision of statements, inspectors visited six authorities that represent a cross-section of current practice in Wales.

Table 3 summarises the characteristics of these six authorities.

LEA	% of total school population with SEN statements at January 2003	3 year trend in issue of new statements
Newport	Above average	Rising
Blaenau Gwent	Above average	Rising
Pembrokeshire	Average	Falling
Torfaen	Average	Falling
Merthyr Tydfil	Below average	Steady
Bridgend	Below average	Rising

Table 3: Trends in provision of statements in six survey authorities

5.3 School placement of pupils with statements in Wales

There is variation between LEAs in the proportions of pupils with statements of SEN that they place in mainstream and special schools, and in the proportion of pupils that attend resourced provision in mainstream schools that are not necessarily their local schools.

Table 4 shows the distribution of pupils with statements in different LEAs in Wales.

LEA	% of total school population with SEN statements at January 2003	% pupils with statements who are in mainstream classes	% pupils with statements who are in special classes in mainstream schools	Total % pupils with statements who are in mainstream schools	% pupils with statements who are in special schools
Wrexham	5.1	38.6	39.1	77.7	21.1
Isle of Anglesey	4.5	70.2	4.3	74.5	21.0
Newport	4.4	55.0	31.8	86.7	7.9
Flintshire	4.4	64.2	9.0	73.2	25.3
Conwy	4.3	52.2	18.1	70.3	26.5
Powys	4.0	71.2	6.3	77.5	18.8
Gwynedd	4.0	62.1	19.5	81.6	15.0
Ceredigion	3.9	79.8	12.4	92.1	1.9
Neath and Port Talbot	3.9	44.4	33.6	78.0	15.1
Denbighshire	3.9	54.1	8.1	62.2	35.2
Blaenau Gwent	3.8	45.1	45.5	90.6	8.6
Carmarthenshire	3.7	74.9	11.1	86.0	11.1
Caerphilly	3.7	57.3	25.2	82.5	13.0
Cardiff	3.4	31.3	33.9	65.3	29.1
Pembrokeshire	3.4	79.5	9.3	88.9	9.5
Torfaen	3.1	48.3	30.4	78.7	15.3
Swansea	3.0	60.9	20.1	81.0	14.3
Monmouthshire	2.9	68.8	16.3	85.1	9.5
Merthyr Tydfil	2.2	27.9	18.2	46.2	51.4
The Vale of Glamorgan	2.0	18.1	37.3	55.4	35.9
Rhondda, Cynon, Taff	1.6	27.8	14.3	42.1	50.5
Bridgend	1.6	12.3	9.3	21.6	73.9
ALL WALES	3.4	52.8	21.8	74.6	21.3

Table 4: Placement of pupils with statements: January 2003

Note: The figures do not add to 100% because they do not include the few pupils in each authority who are educated in other provision, such as Pupil Referral Units and independent schools.

At the time of local government reorganisation in 1996, some differences between LEAs in the percentage of pupils with statements could be attributed to differences in the availability of special school provision in the area. For example, Flintshire, Denbighshire and Wrexham inherited high levels of statements and a high number of special school places from the former Clwyd authority. Since that time, however, most authorities have increased the availability of special provision in mainstream schools and reorganised special schools accordingly. There is no longer any clear link between the percentage of pupils with statements and the availability of special school places within the LEA.

Instead, one of the key factors underlying the variation in percentage of statements is whether or not an authority considers it necessary to make and maintain a statement for pupils to receive provision in a mainstream school.

The extent to which the authority consistently implements a policy of reviewing and, where appropriate, discontinuing statements that have been in existence for some time also contributes to differences.

These factors are best illustrated by considering the following scenarios:

- Authorities with an average percentage of statements but a low proportion of pupils with statements in special schools include Ceredigion, Blaenau Gwent, Pembrokeshire and Monmouthshire. These authorities make a high level of mainstream school provision and deliver it through the mechanism of a statement.
- Authorities with a very low percentage of statements but a higher proportion of pupils with statements in special schools, include Bridgend, Rhondda Cynon Taff, and Merthyr Tydfil. These authorities try to reserve statements for pupils who need special school places. They deliver most mainstream school support at school action plus.
- In Wrexham, where there is the highest percentage of pupils with statements in Wales, the authority maintains a high number of resourced special units in mainstream schools, as well as a large special school. In addition, much of the other mainstream school support is delivered through the mechanism of a statement, and a high number of statements inherited from the former Clwyd authority have been maintained.

5.4 LEA and school funding for pupils with SEN

National Assembly for Wales' *Statistical Bulletin SB 63/2003* provides information on the budgeted expenditure on special educational needs provision in Welsh Local Education Authorities in 2002-03 and 2003-04.

The Bulletin makes the following points:

- The figure for SEN expenditure per pupil takes account of the number of pupils in all schools, as opposed to only those pupils with a statement of SEN. This is reasonable because much SEN provision relates to pupils without a statement, particularly provision in primary and secondary schools. The use of all pupils gives a fairer comparison of the relative differences between LEAs, fully reflecting the different approaches taken by them in providing SEN services.
- For SEN provision, it is particularly important to be aware that there is variation in the criteria local authorities use to identify pupils with special educational needs. There are also differences in how local authorities provide educational services to these pupils. Some services can be funded through delegated budgets within primary and secondary schools, or through delegated budgets within special schools that are recognised by the LEA as being reserved for children with SEN. Other services may be supported by funds retained centrally by the LEAs.

- Allocations to primary and secondary schools of funds for SEN forms part of the formula for distributing funds to schools for each LEA. These are, however, notional, and it is for each school to determine how much of its delegated budget to spend on SEN. Therefore, the actual spend by primary and secondary schools on SEN may vary from notional allocations.
- Total expenditure on SEN provision in 2003-04 is budgeted to be £224 million. This represents an increase of 11% on the previous year's budget.
- Delegated expenditure to special schools accounts for 21% of the total budgeted SEN expenditure in 2003-04. Notional expenditure within primary and secondary schools accounts for a further 38% of the total. The remaining 41% is made up of money held centrally by LEAs and inter-authority charges (non-delegated). This compares with 39% for non-delegated expenditure in 2002-03.

Table 5 shows the budgeted net expenditure on SEN provision for each LEA for 2002-2003 and 2003-2004.

LEA	Budgeted net expenditure on SEN 2002-2003 (£ per pupil)	Budgeted net expenditure on SEN 2003-2004 (£ per pupil)
Wrexham	488	528
Isle of Anglesey	419	533
Newport	416	494
Flintshire	386	463
Conwy	461	510
Powys	370	384
Gwynedd	391	465
Ceredigion	411	476
Neath and Port Talbot	484	536
Denbighshire	286	329
Blaenau Gwent	424	516
Carmarthenshire	522	493
Caerphilly	411	456
Cardiff	378	421
Pembrokeshire	405	447
Torfaen	367	398
Swansea	454	509
Monmouthshire	283	364
Merthyr Tydfil	492	543
The Vale of Glamorgan	334	362
Rhondda, Cynon, Taff	443	471
Bridgend	425	477
ALL WALES	415	461

Table 5: Budgeted net expenditure on SEN provision: 2002-2003 and 2003-2004

Expenditure on pupils with SEN accounts for a very significant proportion of LEAs' centrally retained budgets and also of the funding for individual schools. All LEAs experience considerable pressure on this budget element.

There is no clear link between the budgeted expenditure per pupil and the percentage of pupils with statements. Nor is there a clear link between the budgeted expenditure per pupil and the pattern of mainstream and special provision that authorities make.

LEAs face constant demands from schools and parents for more funding to meet the individual needs of pupils, particularly those who attend mainstream schools. The complexity of SEN funding can lead to significant tensions in the relationships between schools, LEA officers and parents of children who need additional support.

Where a pupil has a statement of SEN, the LEA where the pupil lives is responsible for the costs of additional provision. When a pupil receives support by school action and school action plus, the school must meet the costs from within its budget. It is sometimes the case that the school and the LEA do not agree on the amount within the school's budget for SEN, or on how it should be spent. Schools often believe that their budgets are insufficient for the needs of all their pupils. They can also be reluctant to accept responsibility for making the provision that a pupil needs and expect that the LEA will support them with additional resources. These factors provide some schools with a clear incentive to ask for a statutory assessment and statement, in order to secure additional central funding for a pupil. Parents who are told that their child needs additional support that the school cannot provide also use this strategy.

The extremely high and rising cost of specialised residential provision for a small number of pupils with exceptionally complex needs continues to have a major impact on LEAs' SEN budgets. Much remains to be done in order to manage this funding more effectively.

A few LEAs are beginning to work more closely with Social Services and Health Trusts to establish pooled budgets and to develop more cost-effective provision for these pupils. In Flintshire, Powys and Rhondda Cynon Taff the local authority structures bring together officers with responsibility for delivery of all children's services. These arrangements have the potential to enable LEAs to improve the effectiveness of the management of SEN funding and provision.

5.5 The role and influence of the Special Educational Needs and Disability Tribunal on the work of LEAs

Where parents are dissatisfied with the LEA's response to their request for a statutory assessment, with the outcome of the assessment or with the special provision that the LEA proposes to make, they have the statutory right to make an appeal to the Special Educational Needs and Disability Tribunal (SENDIST).

Before September 2003, the SENDIST for England and Wales heard appeals against LEAs in Wales. Since then a separate Tribunal for Wales has been established.

The trend and variation between LEAs of appeals to SENDIST over the past three years is shown in table 6.

LEA	1/9/00 to 31/8/01 appeals	Per 10,000 school population	1/9/01 to 31/8/02 appeals	Per 10,000 school population	1/9/02 to 31/8/03 appeals	Per 10,000 school population
Blaenau Gwent	2	1.62	4	3.31	2	1.67
Bridgend	16	6.98	5	2.19	7	3.05
Caerphilly	10	3.16	14	4.43	7	2.22
Cardiff	12	2.29	24	4.60	28	5.37
Carmarthenshire	10	3.55	23	8.20	8	2.84
Ceredigion	0	0.00	0	0.00	2	1.87
Conwy	3	1.70	1	0.56 (est.)	1	0.56
Denbighshire	1	0.60	2	1.19	1	0.59
Flintshire	13	5.02	4	1.55	7	2.71
Gwynedd	3	1.63	6	3.25	3	1.62
Isle of Anglesey	1	0.91	2	1.85	1	0.93
Merthyr Tydfil	1	0.88	4	3.69	2	1.86
Monmouthshire	3	2.24	2	1.49	4	3.01
Neath & Port Talbot	2	0.86	4	1.75	5	2.18
Newport	14	5.45	12	4.78	24	9.48
Pembrokeshire	3	1.52	1	0.51	1	0.51
Powys	6	2.94	4	1.95	7	3.37
RCT	0	0.00	2	0.46	3	0.70
Swansea	6	1.60	3	0.81	13	3.52
Torfaen	7	3.96	12	6.92	8	4.56
Vale of Glamorgan	1	0.46	4	1.83	2	0.90
Wrexham	2	1.01	1	0.52	3	1.54
Wales	116	2.13	134	2.47	139	2.51

Table 6: Appeals against Welsh LEAs registered with the SENDIST, as a proportion of school population

Source: SENDIST Annual Reports, December 2002 and November 2003

All LEAs encourage parents to work with officers and with the local SEN Parent Partnership service to try to resolve their concerns without recourse to a SENDIST hearing. However, in Cardiff, Newport and Torfaen there is a higher than average rate of appeal to SENDIST which suggests that too many parents in these authorities feel unable to resolve their concerns without formal action.

All LEAs face challenges from the work of the Tribunal to their strategies for managing SEN provision that include:

- an increased demand on the time of officers to prepare for Tribunal hearings, which reduces the time available for their other work;
- an increased need for legal support, in response to the trend for parents to be legally represented at hearings;

- difficulty in managing the overall SEN budget when the Tribunal directs the authority to make particularly expensive provision for individual pupils; and
- a sense of frustration that the Tribunal pays too little attention to the authority's policies for all pupils, and too much to the case presented by parents on behalf of their child.

Authorities generally agree to parental requests for statutory assessments of pupils rather than allocate the time of officers to contesting an appeal to the Tribunal for 'refusal to assess'. They are sometimes directed to make and maintain statements that acknowledge pupils' needs but do not provide any more support than the pupil already receives. These factors contribute to the variation in number of assessments and statements that authorities make.

As a result of the work of the Tribunal, many LEAs are working much more closely with parents and with the SEN Parent Partnership Service. A few are beginning to work more closely with other agencies in order to increase pupils' access to scarce resources, such as speech and language support and early intervention for young autistic children. In this way, authorities improve their provision and, as a result, avoid further challenges from parents seeking to secure these services.

The establishment in September 2003 of a separate Tribunal for Wales provides a clear opportunity to address these issues, many of which have already been acknowledged by the former President of the Tribunal in England and Wales.

6. What is the quality of provision that schools and LEAs make for pupils with SEN?

6.1 Quality of provision in schools

The current framework for section 10 inspections of schools includes the evaluation of the quality of provision for all pupils with SEN, but does not distinguish between provision for pupils with statements of SEN and for those without statements.

In mainstream schools, including those that have resourced provision for particular types of SEN, pupils with statements form a small proportion of all pupils with SEN. However, in special schools, almost all pupils have statements, and those who do not should be undergoing a statutory assessment of their needs.

6.1.1 Mainstream schools

Inspections have shown a pattern of steady improvement over the last three years in the provision for pupils with SEN in mainstream schools.

The Annual Report of the Chief Inspector of Education and Training in Wales for 2002-2003 states that:

Most primary and secondary schools continue to provide well for pupils with special educational needs. About three-quarters of schools give good or very good support. In almost all schools, pupils with special educational needs are able to study all National Curriculum subjects, as well as taking part in a range of other learning opportunities, such as extra-curricular activities. Most of the special needs co-ordinators work well with other members of staff to:

- *write individual plans for pupils that describe the type of work they should be doing;*
- *adapt classwork to meet the needs of individual pupils; and*
- *advise class teachers about how they can best meet pupils' needs.*

As in previous years, teachers still sometimes find it difficult to provide work that is suitable for the wide range of needs of pupils in some classes. Sometimes, when pupils are 'withdrawn' from class lessons they miss important work. Usually, this means that these pupils work with a teacher of learning support assistant out of the classroom. Also the work pupils do in withdrawn sessions is not always well matched to their work in class. Schools need to plan carefully to make sure that pupils with special educational needs do not always miss the same lesson or parts of lesson when they are taken out from class.

Three-quarters of all pupils who have statements of special educational needs attend mainstream primary or secondary schools. Most of these pupils make good or very good progress. In the best examples, schools provide pupils with:

- *teaching in all subjects that takes full account of their individual learning needs;*
- *support from teachers and classroom assistants who understand their needs; and*
- *opportunities to take part in school activities with other pupils.*

A few schools do not give pupils enough opportunities to take a full part in school life. In these schools, pupils:

- *spend too much time in separate special classes;*
- *often miss subject lessons to have individual teaching; and*
- *are not taught Welsh or a modern foreign language in key stage 3.*

6.1.2 Special schools

Inspections of maintained special schools in Wales over the past three years have found that the quality of provision is good, and sometimes very good.

There is less inspection information about the quality of provision in independent special schools. However, the findings of Estyn's annual monitoring visits to these schools were included in the Chief Inspector's Annual Report for 2002-2003.

In the maintained and independent special schools inspected in 2002-2003:

- *most pupils achieved high standards in relation to their individual abilities;*
- *pupils' work was good or very good in most subjects in over 80% of classes;*
- *many pupils with social, emotional and behavioural difficulties learned to behave well and took pride in their work;*
- *the quality of teaching was good or very good in almost all lessons; and*
- *almost all schools continued to give high priority to the quality of care, guidance and support of pupils.*

Maintained special schools are particularly good at making the curriculum, including the full National Curriculum, suitable for pupils with the most challenging needs. They modify, but rarely disapply, subjects of the National Curriculum in order to meet pupils' individual learning needs.

Most special schools try to give pupils the chance to join lessons in mainstream schools. Those pupils that take part in learning activities in mainstream schools often respond well to the social and educational experiences that this arrangement provides. However, few schools provide pupils with enough of these experiences.

6.2 Quality of provision in LEAs

Since 2001, there have been 15 inspections of SEN services covering two thirds of the local education authorities in Wales. Judgements about the quality of these services spanned the whole range from excellent to poor, with most services judged as good or fair. In terms of future progress, half were judged to be promising although five services had uncertain prospects for improvement.

The Chief Inspector's Annual Report for 2002-2003 states that:

LEAs are making good progress in their work to develop better provision for pupils with special educational needs. The best LEAs:

- *have clear strategic plans that include all learners;*
- *take account of what pupils, parents and local schools say; and*
- *work closely with other services to plan and pay for new provision.*

LEAs, including those outside Wales that use Welsh schools, need to do more for the pupils they place in independent special schools. Many of these pupils are 'looked after' children who have serious social, emotional and

behavioural difficulties. LEAs need to continue developing plans to improve the quality of life for looked-after children. If these pupils are to have the most suitable support and educational provision, LEAs need to find out more about these children's progress, and work more closely with their social workers.

Despite better provision for children and young people with special educational needs in general, there are still issues concerning early identification and help to meet learners' needs. Early intervention is a matter of taking prompt action, whatever the age of the child or young person, in order to obtain the right specialist advice, equipment and support for the child or young person, for the family and for the educational setting. Increasingly, as part of the commitment to inclusion, more children with severe and complicated difficulties attend mainstream schools. This approach needs changes, not only in the way that schools run, but also in:

- *providing services such as therapy and transport;*
- *making buildings fully accessible;*
- *providing regular training for teachers and support assistants; and*
- *improving the ways in which agencies work together.*

In addition, in 2001-2002, Estyn carried out a study of provision for pupils with SEN in the six LEAs in north Wales: Conwy, Denbighshire, Flintshire, Gwynedd, Wrexham and Isle of Anglesey, where the percentage of pupils with statements is above average. The main findings of this study were reported in the Chief Inspector's Annual Report for 2001-2002.

Most LEAs in North Wales have a policy to give new statements of special educational needs to fewer pupils. The policy is likely to speed up the process of assessment and the pupils who are most in need of a statement are likely to get one more quickly.

Each of the LEAs in the north has its own policy on placing pupils with SEN in mainstream classes. However, the authorities need to do more to assess:

- *how many places there need to be in special schools or units for pupils who would benefit from being there; and*
- *how the number of places will change over the next few years.*

The LEAs do not have a joint plan for how they can best work together to provide for pupils with certain kinds of special needs.

7. Improving the provision that LEAs and schools make for pupils with SEN

The contributions of LEA officers to this survey and the information in LEAs' Supplementary Education Strategic Plans for 2003-2004 provide a rich picture of the ways in which authorities are working with their schools to improve provision for pupils with SEN.

In the most successful authorities, it is usually the case that:

- there is a well developed culture of inclusion in schools and support services, including those provided by health and social services;
- increased quality of provision for pupils with special educational needs is seen as an integral part of the work that LEAs and schools do to promote high standards for all pupils;
- mainstream schools have the skills and funding they need to provide for more pupils at school action and school action plus;
- the necessary support services are accessible to mainstream schools; and
- parents are more often convinced that schools can meet their children's needs without having the 'protection' of a statement.

The best authorities:

- are able to provide earlier support for more pupils;
- use existing resources more equitably and more effectively by redirecting them towards providing advice to schools about all pupils with SEN;
- provide schools and parents with more access to specialist learning and behaviour support teachers, LEA officers and educational psychologists;
- still fulfil their statutory requirements in relation to the very small number of pupils whose needs are severe, complex and require multi-agency provision.

7.1 Strategic planning

Almost all LEAs are planning and implementing a range of strategies that have the objectives of promoting inclusive education and of improving the quality of support for pupils with special and additional educational needs. They emphasise the importance of developing the capacity of mainstream schools to make high quality provision for pupils with special educational needs. Generally, plans are of good quality and include a wide range and variety of appropriate strategies to achieve these objectives.

Many plans specify that a reduction in the rate of issue of statements is one measure of success in achieving improvements in inclusion and provision for pupils with SEN. However, few authorities express this as a numerical target. The best practice in setting targets by which to measure success is in the following LEAs:

- Torfaen, where the target is that statements are to be reduced by 100 to 485 in academic year 2002/2003 and that there should be no more than 2% of pupils with statements by 2005;
- Bridgend, where the authority has set a target to maintain its low percentage of statements, at 1.5% of the school population, and 1% of the population aged 0 to 19 years; and
- Flintshire, where the Inclusion Service improvement plan includes specific and challenging targets to reduce the numbers of pupils with statements of special educational needs by 2 percentage points by September 2005, to reduce the numbers of pupils in special schools by 80 by September 2007, and to reduce the numbers of out-of-county placements by ten percentage points each year during the period 2003-2004 to 2007-2008.

7.2 Improving the management and funding of SEN provision

LEAs that are successfully making changes to the pattern of provision for pupils with special educational needs use strategies that include:

- making more direct teaching from central support services available to pupils at early years or school action plus, instead of requiring them to have a statement; and
- providing outreach services from special schools that enable mainstream schools to improve their support for pupils.

A minority of LEAs are making resourced provision in mainstream schools accessible without a statement and, correspondingly, reducing the number of special school places. Other authorities would like to take this course of action but are concerned, in light of the lack of clarity in the Code of Practice, about whether it is legally correct to do so. This issue needs to be resolved by the provision of clear guidance by the Welsh Assembly Government.

These changes are usually accompanied by changes in the way that funding is allocated. Overall, there is still far too little clarity about the amount and purpose of SEN funding in many LEAs and schools. However, some LEAs are beginning work more effectively with head teachers, elected members and other agencies in managing SEN funding.

In the more successful authorities, there is a range of strategies that includes:

- working with elected members to establish a better match of funding to strategic priorities;
- establishing joint service arrangements and pooled budgets with other departments and agencies that enable them to increase the total resources for pupils with SEN;
- increasing the amount of SEN funding delegated to schools to enable them to make suitable provision, such as a learning support assistant, at early years or school action plus; and

- specifying more clearly to schools how much money is in their budgets for SEN, and what it is to be used for.

The work of the Flintshire and Wrexham authorities to develop early intervention for autistic children is a very good example of joint planning and funding. These authorities have established a joint budget, together with protocols for joint working, with the North East Wales NHS Trust in order to establish a resourced unit in a primary school to provide Applied Behaviour Analysis (ABA) programmes for children aged 3 to 7 years. The provision will replace the current home-based ABA programmes, which are much more expensive and also difficult to monitor.

Although SEN funding accounts for a very significant proportion of their total expenditure, authorities find it difficult to monitor and evaluate the effectiveness of their expenditure. This task is made harder when more funding is delegated to schools to provide support without a statement.

Schools and LEAs have not developed effective systems for tracking the progress that pupils with SEN make. As a result, they do not know enough about the effectiveness of the additional provision that they make for these pupils and cannot identify what interventions deliver good value for money.

Authorities are beginning to consider how to collect information about the achievements of pupils with SEN and how to link it with financial information. However, this work is at a very early stage in all authorities in Wales.

7.3 Managing the demand for statutory assessments and statements

Authorities that are successfully reducing the number of statutory assessments and statements have developed clear policies about which pupils do or do not require statements. This enables them to ensure that pupils with similar levels of need have equal access to appropriate provision. Typically, these authorities:

- clarify the criteria for statutory assessment and provision of a statement to ensure that schools are clearly accountable for provision at school action and school action plus;
- take requests for statutory assessments and additional resources to a moderating panel of head teachers, LEA officers and representatives of other agencies; and
- regularly review existing statements, with the aim of proposing to cease to maintain those where pupils have made good progress or where provision can now be made without a statement.

However, in LEAs where these strategies are not securely in place:

- schools are realising that they can use the statutory assessment and statement process as a means of attracting additional resources for specific pupils, particularly for those with challenging behaviour; and

- more parents are seeking an assessment and statement in order to secure scarce services for their child, notably speech and language therapy and sometimes occupational therapy.

In LEAs where the demand for assessments and statements is rising, the trend might also be attributed to one or more of these factors:

- There is an increase in the identification of pupils with complex special needs, particularly those with autistic spectrum disorder who need multi-professional assessment and provision.
- Families are moving into the authority to obtain particular special provision for their children.
- LEAs place appropriate emphasis on the early provision of statements for young children but do not have corresponding criteria or systems for discontinuing statements when additional provision is no longer required.
- The strategic links between school improvement and special educational needs are not developed well enough. Schools have too little capacity, both in funding and in the skills of their staff, to fulfil their responsibilities to pupils at school action and school action plus. As a result, parents are more likely to insist on the provision of a statement to safeguard their child's interests.

7.4 School improvement and inclusion

LEAs are helping mainstream schools to raise standards and aim to improve schools' capacity to meet the needs of all children, including those with special educational needs. Planned strategies include:

- ensuring that SEN support and advice is an integral part of the school improvement work of the LEA;
- providing advice and training to help teachers to take account of pupils' different learning styles;
- helping schools to develop their work to improve all pupils' attendance and behaviour;
- providing training for school governors to help them to understand their responsibilities for pupils with SEN; and
- using published materials such as the *Index for Inclusion* as a tool to develop inclusive teaching and learning in schools.

LEAs aim to improve the capacity of mainstream schools to meet specific types of special educational needs. They are planning to do this by:

- providing training for SENCos, other teachers and learning support assistants;
- drawing on the expertise of educational psychologists and specialist teachers to provide advice and direct support for individual children at school action plus;
- leading and supporting initiatives such as 'dyslexia friendly' schools;

- encouraging special schools to provide outreach advice and support to mainstream schools; and
- providing responsive and flexible services to enable schools to manage disaffected pupils and those with very challenging behaviour.

LEAS and mainstream schools need to do more to safeguard the entitlement of all pupils to a broad and balanced curriculum.

LEAs and schools may legally disapply only those pupils who have statements from subjects of the National Curriculum. This encourages some schools and parents to seek statements for pupils who do not need any other additional support from the LEA or from other agencies. Schools and LEAs have also raised the question with the Assembly of whether they may disapply pupils receiving support by school action plus.

When mainstream secondary schools disapply pupils with SEN from some subjects, they usually replace Welsh as a second language and a modern foreign language with additional teaching of basic skills. Although this may be an appropriate decision in exceptional circumstances, it is more often a response to difficulties in providing appropriate support and suitable teaching in those subjects. In contrast, special schools almost always include these subjects in the curriculum for pupils in key stages 3 and 4.

In November 2002, ACCAC advised the Assembly that:

- there is sufficient flexibility in the subject orders and additionally through the access statement to enable schools to make a range of modifications to the curriculum to meet most needs;
- all possibilities for modification should be explored before disapplication is considered;
- there needs to be very careful consideration to ensure there is a clear purpose for disapplication and effective use of freed up time;
- schools should not be permitted to opt out of teaching some subjects to pupils with SEN, thus narrowing their curriculum or increasing differences between them and their peers, without a rigorous consideration of the issues, consultation with pupils and their parents; and
- schools should present clear evidence of a number of approaches having been tried with pupils and records of progress made.

7.5 Working with other agencies to improve early identification and intervention

LEAs are working with early years providers, schools and partner agencies to improve early identification and intervention in order to prevent, where possible, the level of children's needs from increasing. Strategies include:

- providing Portage home teaching services for pre-school children and their families;

- working with groups of parents to help them to develop their children's social and language skills, sometimes in partnership with educational psychologists or with Speech and Language Therapists;
- developing nurture groups in primary schools to help young children overcome early emotional and behavioural difficulties;
- collaborating with Early Years and Childcare Partnerships to improve early years action and early years action plus provision in all settings;
- taking part in the universal neonatal hearing screening programme in order to identify and provide very early support to babies with hearing difficulties; and
- commissioning additional health and social services time to increase the early intervention available for children with speech and language or behavioural needs.

A few LEAs are developing new patterns of support in areas of need where health professionals are in short supply, such as speech and language therapy and occupational therapy.

- In Pembrokeshire, the authority pays for some speech and language therapy support, and for specialist speech and language teachers. It contributes to a very good joint service with ICAN, a national charity for children with communication difficulties. In this way, the authority provides integrated early-years provision for pupils with speech and language difficulties.
- In order to overcome shortages in the provision of Occupational Therapy (OT) for pupils with dyspraxia in Bridgend, officers have worked with the OT service to produce a pack of resources and training materials for schools. By this means, teachers and learning support assistants can provide much of the support and special programmes that pupils need.
- The learning support services in Flintshire and Denbighshire provide specialist teaching and support for some children with speech and language difficulties, so reducing their need for direct interventions from therapists.

Joint working between LEAs and Social Services departments is generally under-developed, and there is a shortage across Wales of specialist services for Child and Adolescent Mental Health (CAMHS). As a result, schools, parents and LEAs are unable to obtain enough support and early intervention for pupils with social, emotional and behavioural difficulties.

7.6 Working in partnership with parents and pupils

There are a number of features of good practice evident in LEAs where parents make very few appeals to the SENDIST. These include:

- consistent information from LEA officers, schools and other agencies to parents about their child's needs;

- LEA officers who are accessible, approachable and who spend time with parents to try to resolve their concerns;
- the ability of the LEA to organise timely and appropriate provision for children, with or without a statement;
- an effective disagreement resolution service that parents are willing to use; and
- strong and effective links with the local SEN Parent Partnership service.

When LEAs experience difficulty in resolving parents' concerns, this is sometimes because:

- they are unable or unwilling to provide the resource that parents consider is necessary to meet their child's needs;
- when parents become anxious about their child's progress, schools inappropriately encourage them to seek additional support from the LEA;
- officers do not have enough time to work effectively with parents to find an acceptable way forward;
- parents who do not trust the LEA to take appropriate action seek the legal protection of a statement and the authority of a SENDIST judgement; and
- in some areas of Wales, legal advisors and aggrieved parents actively promote recourse to legal action.

Almost all authorities need to improve their consultation with parents and representatives of voluntary sector groups that support parents and pupils with special needs. These authorities need more systematic means of obtaining feedback from parents about the progress that their own children are making and, more broadly, about their planned strategies for developing inclusion and reducing statements.

Most authorities rely on parental input to the annual review process to obtain views on the effectiveness of the provision that they are making. Very few have developed systems for finding out the views of parents whose children are receiving support without a statement or of those parents who do not contribute to annual reviews.

A significant number of pupils with SEN come from families that have a high need for social support. Their parents may have too little confidence and understanding of the educational system to express their views and obtain the services that their child needs. LEAs and schools have yet to find effective ways of communicating with these parents.

LEA officers spend much of their time in discussion with dissatisfied or worried parents. This significantly reduces the time that they can spend in consulting with other parents who, although they may be broadly happy with the services that their child receives, may wish to suggest areas for improvement.

When they review services prior to inspection, most authorities consult representatives of parents' groups and of voluntary bodies. Some authorities

incorporate this consultation into the ongoing management of services. This is good practice that needs to be developed more consistently across Wales.

There is very little evidence that LEAs or schools systematically gather pupils' views about SEN provision. The SEN Code of Practice provides opportunities for pupils to express their views about their progress and their educational provision when a statutory assessment or reassessment of their needs is being made, and at annual review meetings. Although many pupils take these opportunities, too few schools and LEAs use the information to improve provision. Pupils whose needs are met by school action and school action plus have no formal opportunities to express their views.

8. Challenges and next steps

The Welsh Assembly Government, LEAs, partner agencies and schools face a number of challenges in their work to improve SEN provision and to develop inclusion. These challenges include:

- ensuring that pupils with SEN across Wales have equal access to appropriate educational provision and, where needed, specialist support of a quality and standard that meets their needs, with or without a statement;
- increasing the proportion of pupils whose needs are met by early identification and intervention;
- guaranteeing that authorities, schools and partner agencies will provide timely services for pupils, whether or not they have a statement;
- removing barriers to access to services for pupils without statements, including those relating to curriculum and assessment requirements;
- monitoring and evaluating the impact on pupils' achievements of provision that is made with or without a statement;
- involving parents, carers and pupils, especially those who have previously had little participation, much more in the planning and evaluation of services;
- allocating funding equitably, whether through centrally retained or devolved budgets;
- linking financial information with information about pupils' achievements, in order to identify what provides good value for money; and
- achieving effective joint working between all agencies in order to improve the planning, funding and delivery of services.

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