



House of Commons
Committee of Public Accounts

Oversight of special education for young people aged 16–25

Seventieth Report of Session 2010–12

*Report, together with formal minutes, oral and
written evidence*

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Committee of Public Accounts

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The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pac. A list of Reports of the Committee in the present Parliament is at the back of this volume. Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee is Philip Aylett (Clerk), Lori Verwaerde (Senior Committee Assistant), Ian Blair and Michelle Garratty (Committee Assistants) and Alex Paterson (Media Officer).

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Summary

In 2009-10, the Department for Education spent around £640 million on special education support for 147,000 students aged 16-25. The system for delivering and funding post-16 special education is complex and devolved, and students may receive post-16 special education support in schools, further education colleges or independent specialist providers, each of which is funded differently. Most young people with special educational needs make their own choice of where to study, while responsibility for provision and for placing around 30,000 students with higher-level needs is devolved to local authorities. The number of young people with special educational needs in post-16 education has grown in recent years, making it all the more important that the Department makes the best possible use of the funding available for these students.

We are concerned that this vital support for young people has not consistently been given the priority it deserves. It is shocking that 30% of young people with a Statement of special educational needs at age 16 are not in education, employment or training at all by the time they are 18. Too many young people with special educational needs are therefore falling through the gaps when they leave compulsory education, with a potential life-long legacy of lost opportunities and costs to the public purse. Students with higher-level needs are placed on the basis of statutory assessments of need; however, witnesses emphasised just how patchy the quality of these assessments can be. The opportunity for reform presented by the Department's recent Special Educational Needs Green Paper should be used to address our concerns in this important area and to put students at the heart of the system. We welcome the spirit of the Department's Green Paper, and expect to see both the Committee's findings and those of the National Audit Office report reflected in the Department's strategy.

Gaps in data about performance mean that young people and their families lack easy access to important information to help them decide which provision is best for them. Only one quarter of local authorities provide parents with any information on education providers' outcomes. We heard that the special education system is hard for parents to navigate, with some driven to despair when searching for appropriate support for their child. The Department's Special Educational Needs Green Paper proposes that local authorities "communicate a clear local offer for families to clarify what support is available and from whom."¹ We hope this proposal will lead to clear policies and statements setting out what support young people are entitled to, backed by the ability to access the right advice and support.

There are three main funding streams for post-16 special education support, and responsibility for these is devolved primarily to the Young People's Learning Agency. Funding to support students in further education colleges and independent specialist providers is given by the Agency directly to the provider. For independent specialist providers, this funding is based on an assessment of individual students' needs. Funding to support students in schools is given by the Agency to local authorities, via the non-ring-

1 Department for Education, *Support and aspiration: a new approach to special educational needs and disability – a consultation*, March 2011

fenced 'SEN Block Grant'. The Department does not know how much of this grant is actually spent on post-16 special education, and the large variation across local authorities in average SEN Block Grant per statemented student suggests that the present arrangements result in a postcode lottery for students.

The Department does not have the information it needs to determine whether its policy objectives are being met or value for money is being achieved. Young people with special educational needs cover a wide spectrum of needs and abilities. Students with more complex needs may have highly individual learning aims, and these are not adequately reflected in the Department's current information about performance. The Department needs to know that its funding is getting the best results for all young people, whatever their level of need. It needs to develop better ways of understanding students' outcomes, which reflect individual needs but allow the performance of different providers and local authorities in supporting young people to be properly assessed and compared.

The Department also needs to improve the information available on local authority performance, particularly if it wants to achieve more effective local accountability. The system for delivering special education is highly devolved, yet the information available to local people tells them little about how well their local authority is meeting young people's needs. A standard and transparent dataset, including relevant expenditure and performance data across all local authorities, would enable local authorities to be more accountable to their communities.

On the basis of a report by the Comptroller and Auditor General,² we took evidence from the Department for Education, the Young People's Learning Agency, the Principal of Abingdon and Witney College, and from representatives of two organisations which provide support and information to young people and professionals about special education - Disability Alliance and *nasen* - on the Department's oversight of special education for 16- to 25-year-olds

2 C&AG's Report, *Oversight of special education for young people aged 16-25*, Session 2010-2012, HC 1585.

Conclusions and recommendations

- 1. It is deeply troubling that almost one third of young people with a Statement at age 16 are not in any form of education, employment or training two years later.** Young people with a Statement of special educational needs are seriously at a disadvantage, being more than twice as likely not to be in education, employment or training at 18 compared to those without a special educational need. Under the Education and Skills Act (2008), the Government will raise the age for compulsory education or training to 17 from 2013, and 18 from 2015. Local authorities are responsible for monitoring participation rates of young people in their area; however, to meet its own objectives the Department needs to do more to focus the attention of local authorities on this particular group. The Department should identify those local authorities where participation rates for students with special educational needs are lagging, and investigate and address the reasons for significant differences in performance.
- 2. The system for delivering and funding post-16 special education is complex, and parents and young people are not provided with the information they need.** Parents often do not know where to access information about potential support options. They also do not know how well different schools and colleges might serve their child's needs. As witnesses told us, the problems families face in navigating the system are reflected in the high number of appeals. The Department should ensure that the 'local offers' outlined in the Green Paper give parents clear understanding about the provision young people are entitled to, how it can be accessed, and where they can find information on provider performance.
- 3. The quality of assessments of students' needs is variable.** Local authorities have a statutory responsibility for assessing students' higher-level needs. Currently this is done through two different processes depending on where a student is likely to study: Statements of special educational need for young people in schools, and Learning Difficulty Assessments for those continuing their post-16 education elsewhere. Neither of these is fully satisfactory. Learning Difficulty Assessments are not consistent, and are sometimes based more on the availability of local provision than on an objective assessment of the young person's needs. The Department acknowledges that the statementing process for those at school also needs to be improved. It must ensure that its proposed replacements for these two assessments, 'Education, Health and Care Plans' for young people aged 0-25, are carried out on a timely basis by independent professionals to clear and consistent national standards, and are supported by adequate funding.
- 4. The Department does not know how much money is actually spent on supporting young people over the age of 16 with special educational needs.** There is huge variation in funding per student: in 2009-10 average funding per stated student from the SEN Block Grant to local authorities ranged from as little as £1,900 to over £20,000. This funding is not ring-fenced, and the Department lacks information on how much of the funding actually supports the students for whom it is intended. The Department is considering proposals to reform the funding systems,

and in doing so it should commit to publishing robust data on special education funding and expenditure, at local authority and national level.

- 5. The way students' progress is measured does not allow the long-term impact of special education to be assessed, or the performance of different types of provider to be compared.** It is important that the performance of all students with special educational needs can be taken into account in determining how successful special education support is overall. Sometimes, standard qualifications are not the most relevant measure, and data on longer-term life outcomes can be more meaningful. We recognise the challenge of developing comparable performance measures which also reflect individuals' needs, and welcome the Department's intent to better align performance data across different provider types and collect more data on student destinations in the future. We expect the Department to extend its current analysis of students' performance to those undertaking lower level qualifications, and to use information on students' destinations to help monitor performance against its longer-term objectives at a national level.
- 6. There is insufficient information to enable communities to hold local authorities to account for their performance.** The Department sets national regulations governing the assessment of young people's special educational needs, but the way these needs are met is determined locally. Local authorities should be able to decide how to meet the needs of young people in their area, but this freedom needs to be supported by transparent information to allow local people to hold them accountable for how well they deliver. The Department should define the information to be made public by local authorities, which should include data on the funding of special education and outcomes achieved, and whether the support offered locally is actually meeting the assessed needs of young people.

1 Putting students at the heart of the system

1. The number of young people with special educational needs in post-16 education has been increasing in recent years.³ In 2009-10, the Department for Education spent around £640 million supporting 147,000 students in special education.⁴ Around £500 million of this was spent on special education support for some 30,000 young people with higher-level needs. The majority of this group access special education in schools or further education colleges, although some students with more specific or complex needs attend independent specialist providers.⁵

2. The system for delivering special education is devolved and complex.⁶ The Department conceded that the complexity of the special education system makes it difficult for parents to navigate, with some losing hope that their child will access the provision they need.⁷ Parent partnership services exist to provide advice and information for parents, but witnesses told us that many parents do not know where to go for information about what support is available, or how well different providers may be able to meet their child's needs.⁸ Since three quarters of local authorities do not give parents any information on the outcomes that education providers achieve for young people with special educational needs, we are concerned that parents and young people do not receive enough support to make informed decisions around the provision which is best for them.⁹

3. Parents' dissatisfaction with the way the current system meets their children's needs is reflected in the number of appeals made against local authority decisions. The Department does not collect data on the number of post-16 appeals, which are made to the Local Government Ombudsman or are subject to judicial review. It only collects data on the number of appeals made to the Special Educational Needs and Disability Tribunal, the majority of which relate to students below the age of 16.¹⁰

4. The Department told us that the proposals in its recent Green Paper aim to simplify the system, and make it easier for parents to navigate.¹¹ As part of these reforms, the Department proposes that all "local authorities and other local services communicate a clear local offer for families to clarify what support is available and from whom."¹² The information in this core offer needs to be easily accessible to parents so that they can understand what support their child is entitled to, what provision is available and how this

3 C&AG's Report, paras 2.14-2.15

4 C&AG's Report, Key facts

5 C&AG's Report, Figure 8

6 Qq 72, 83-84; C&AG's Report, Figure 1

7 Q72

8 Qq 21, 53, 72

9 Q39

10 Qq 73-75

11 Q72

12 Department for Education, *Support and aspiration*, para 2.3

compares with other local authorities.¹³ These changes, aimed at simplifying the system for young people and their families, should lead to a reduction in the number of people expressing their dissatisfaction through appeals.¹⁴

5. The process whereby local authorities assess the support needs of young people with special educational needs differs depending on the type of school or college that the young person attends. In schools, young people with high-level needs receive a Statement of special educational needs, which they will usually retain if they remain at school after the age of 16. Those with a Statement who choose to leave school and pursue education or training elsewhere should receive a Learning Difficulty Assessment.¹⁵

6. Witnesses told us that if parents are to have confidence in the special education system, they need assurance that these assessments of need are not influenced by the provision available locally, but are a true and independent assessment of the young person's support requirements.¹⁶ Statutory assessments should be supported by adequate funding; we heard of cases where, even when a child has received a Statement outlining their needs, the funding and provision to support those needs has not been forthcoming. Learning Difficulty Assessments are a legal requirement, and are vital if young people are to receive the support they require when leaving school. However, these assessments are not always fit for purpose, and we heard one example where a young person leaving school at age 16 did not receive one at all.¹⁷

7. In its Green Paper, the Department has proposed major reforms to the current system, including a single assessment for young people from 0 to 25.¹⁸ It admitted that the statementing process needs improvement, and intends to replace Statements and Learning Difficulty Assessments, with a single, holistic 'Education Health and Care Plan'.¹⁹ The Department is also considering its response to the consultation on school funding reform, in which it proposed that in future all funding for special educational needs will be devolved to local authorities rather than being administered by the Young People's Learning Agency.²⁰ Under these proposals, local authorities will be responsible for both assessing and funding students' needs.

8. Under the Education and Skills Act (2008), all young people will be required to continue in education or training up to age 17 (from 2013) and 18 (from 2015). Supporting young people with special educational needs to participate in education and training may help them to lead an independent and fulfilling adult life, and to develop employment skills.²¹ This can have a huge impact on both an individual and the public purse; the National Audit Office estimated that "supporting one person with learning difficulties into

13 Q31

14 Q73

15 C&AG's Report, para 6

16 Q33

17 Qq 65, 76

18 Qq 40, 65-66, 76

19 Qq 40, 65-66, 76

20 Q66, Department for Education, *Consultation on school funding reform – proposals for a fairer system*, July 2011

21 Qq 12, 21

employment could, as well as improving their independence and self-esteem, reduce lifetime cost to the public purse by around £170,000 at today's prices (£80,000 Net Present Value).²² Local authorities are responsible for monitoring the participation of young people in their area.²³ Currently, 13% of young people with no special educational need are not in any form of education, employment or training at 18.²⁴ However, for 18-year-olds who had a Statement of special educational needs at 16, this rises to 30%.²⁵ The Agency admitted that this is a “shocking” figure which needs to be addressed.²⁶

9. A Principal from a further education college told us that the system for accessing funding for students with special educational needs is very complicated, which may discourage some colleges from providing for this group of learners. Core course funding is dependent on students achieving a qualification. However, for students with more complex needs it may be more realistic to measure progress in wider skills such as independent living, which do not necessarily fit into a typical qualification.²⁷ The Agency also acknowledged the complexity of the funding for independent specialist providers, as evidenced by the large number of errors identified during the Agency's routine funding audits - there were errors in 7 out of 15 independent specialist providers audited in 2010-11.²⁸ The Department's proposals to change the way in which special education is funded are an opportunity to make the system simpler and more transparent.²⁹

22 Q12, C&AG's Report, para 2.4

23 Q35

24 C&AG's Report, Key facts

25 Q34

26 Q47

27 Qq 1-5

28 Qq 83-84

29 Q66, Department for Education, *Consultation on school funding reform – proposals for a fairer system*, July 2011

2 Information to support accountability

10. The Department is responsible for overseeing the post-16 special education system and for setting overall policy objectives; however, responsibility for funding is devolved primarily to the Young People’s Learning Agency. Local authorities have a statutory duty to secure the provision of “enough suitable education and training [...] to meet the reasonable needs” of all students, and are responsible for placing students with higher-level needs.³⁰ These devolved arrangements require local accountability to parents, students and their communities, making it crucial that robust and comparable information is available on funding and expenditure on special education, and the availability and performance of local providers.

11. The Department does not collect information to allow it to understand what is actually spent on support for post-16 students in schools, either at a local authority or national level.³¹ Funding to support students attending further education colleges and independent specialist providers is paid by the Agency directly to the provider. Unlike much of the ‘Additional Learning Support’ funding given to further education colleges, funding for students attending independent specialist placements is calculated on an individual basis.³² For students in schools, funding is provided via the SEN Block Grant, which is given to local authorities by the Agency to meet their statutory obligations towards these students. In 2009-10, the SEN Block Grant per stated student ranged from £1,900 in some authorities to over £20,000 in others.³³ This funding is not ring-fenced, and local authorities may therefore use it to fund other local priorities, or supplement it with funding from other sources.

12. Information currently reported on educational outcomes in schools and further education focuses on the achievement of qualifications. For students with lower-level needs, this data shows that course outcomes are improving – for example, the proportion of students with special educational needs attaining five GCSEs A*-C by age 19 has increased by 17.7% between 2005-06 and 2009-10 (compared to 9.8% for students with no special educational need).³⁴ However, this measure, like the standard performance measure of ‘average point scores’ used by the Department to assess post-16 performance in schools, does not cover the attainment of young people studying qualifications below this level.³⁵ Young people with special educational needs often have highly individualised learning aims, and for these students, longer-term destination data and information showing progress towards these personalised goals is much more valuable. This might include, for example, information on students’ employability and independent living skills. Witnesses told us that it is possible to measure progress in these areas in a consistent and comparable way, and suggested that individual learning plans developed for each student in further

30 C&AG’s Report, paras 6-7; *Apprenticeships, Skills, Children and Learning Act 2009*, Section 41 (1)

31 Qq 58-64, 88-89; C&AG’s Report, para 1.22

32 C&AG’s Report, para 7, 1.14-1.15, 1.23

33 Qq 28, 58-64, 88

34 Q78, C&AG’s Report, Figure 3

35 C&AG’s Report, para 2.12

education colleges could provide a basis for monitoring and comparing progress against individual learning aims.³⁶

13. This outcome data would allow the Department to obtain meaningful information on how well the special education system is supporting its policy aims. We heard from one further education provider how it tracks the destinations of its former students.³⁷ However, destination data collected by individual providers is not currently used by the Department to assess the extent to which its policy aims of independence and employability are being achieved.

14. We were disappointed that the Department had dropped plans for an impact indicator on educational attainment for young people with special educational needs.³⁸ The Department told us that this indicator is “coming back in,” and that by the end of 2014 it intends to have consistent data on the outcomes achieved by young people with special educational needs in school, further education and independent specialist provision.³⁹ This will include information on destinations, employment rates and success rates, and will allow parents and young people to assess the performance of different provider settings on a comparable basis, and inform their decision as to which is most appropriate for their needs.⁴⁰ The Department accepted that parents do not currently have the information to do this, but was confident that the new outcome indicators would provide comparable data on performance, including for students with very diverse needs.⁴¹

15. The Department acknowledged that there is a tension between what is determined nationally and locally in terms of providing support for young people with special educational needs.⁴² For example, the Department sets national standards on the preparation and content of Statements of special educational needs; however, the way in which the needs outlined in the Statement are met depends very much on the availability of local provision and the policies of the local authority.⁴³ Some local authorities have a preference for mainstream schools and colleges, others for specialist providers. The Department does not believe it is the role of national Government to prescribe one or the other.⁴⁴

16. We heard that some local authorities have engaged with both the voluntary and private sector to develop new local provision, and increase the range of support available to young people locally.⁴⁵ The National Audit Office report found that there is considerable variation between local authorities in the availability of specialist provision for students with special

36 Qq 6-7, 24-27

37 Qq 7, 22-23

38 Qq 42-43

39 Qq 34, 42-43, 48-49

40 Qq 34, 49

41 Qq 49, 52

42 Q71

43 Qq 64, 71

44 Q64

45 Qq 47, 70, 76

educational needs.⁴⁶ Local authorities are free to determine how to meet the needs of their students. However, communities need information on what provision is available locally, and the extent to which it meets local needs, in order to hold local authorities to account for how well they support young people with special educational needs.

Formal Minutes

Monday 30 January 2012

Rt Hon Margaret Hodge, in the Chair

Mr Richard Bacon
Matthew Hancock
Chris Heaton-Harris
Meg Hiller

Fiona Mactaggart
Austin Mitchell
Nick Smith
Ian Swales

Draft Report (*Oversight of special education for young people aged 16-25*) proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 16 read and agreed to.

Conclusions and recommendations 1 to 6 read and agreed to.

Summary read and agreed to.

Resolved, That the Report be the Seventieth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till Wednesday 1 February at 3.00pm]

Witnesses

Wednesday 9 November 2011

Page

Pearl Barnes, President, National Association for Special Educational Needs (NASEN), **Teresa Kelly**, Principal, Abingdon and Witney College, and **Andrea Lewis**, Policy Adviser on Education and Skills, Disability Alliance Ev 1

Sir David Bell KCB, Permanent Secretary, Department for Education, and **Peter Lauener**, Chief Executive, Young People's Learning Agency Ev 7

List of printed written evidence

1	National Association for Special Educational Needs (NASEN)	Ev 18
2	Disability Alliance	Ev 20
3	Department for Education	Ev 23
4	Local Government Association and Young People Board	Ev 23

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Support to incapacity benefits claimants through Pathways to Work	HC 404
Second Report	Delivering Multi-Role Tanker Aircraft Capability	HC 425
Third Report	Tackling inequalities in life expectancy in areas with the worst health and deprivation	HC 470
Fourth Report	Progress with VFM savings and lessons for cost reduction programmes	HC 440
Fifth Report	Increasing Passenger Rail Capacity	HC 471
Sixth Report	Cafcass's response to increased demand for its services	HC 439
Seventh Report	Funding the development of renewable energy technologies	HC 538
Eighth Report	Customer First Programme: Delivery of Student Finance	HC 424
Ninth Report	Financing PFI projects in the credit crisis and the Treasury's response	HC 553
Tenth Report	Managing the defence budget and estate	HC 503
Eleventh Report	Community Care Grant	HC 573
Twelfth Report	Central government's use of consultants and interims	HC 610
Thirteenth Report	Department for International Development's bilateral support to primary education	HC 594
Fourteenth Report	PFI in Housing and Hospitals	HC 631
Fifteenth Report	Educating the next generation of scientists	HC 632
Sixteenth Report	Ministry of Justice Financial Management	HC 574
Seventeenth Report	The Academies Programme	HC 552
Eighteenth Report	HM Revenue and Customs' 2009-10 Accounts	HC 502
Nineteenth Report	M25 Private Finance Contract	HC 651
Twentieth Report	Ofcom: the effectiveness of converged regulation	HC 688
Twenty-First Report	The youth justice system in England and Wales: reducing offending by young people	HC 721
Twenty-second Report	Excess Votes 2009-10	HC 801
Twenty-third Report	The Major Projects Report 2010	HC 687

Twenty-fourth Report	Delivering the Cancer Reform Strategy	HC 667
Twenty-fifth Report	Reducing errors in the benefit system	HC 668
Twenty-sixth Report	Management of NHS hospital productivity	HC 741
Twenty-seventh Report	HM Revenue and Customs: Managing civil tax investigations	HC 765
Twenty-eighth Report	Accountability for Public Money	HC 740
Twenty-ninth Report	The BBC's management of its Digital Media Initiative	HC 808
Thirtieth Report	Management of the Typhoon project	HC 860
Thirty-first Report	HM Treasury: The Asset Protection Scheme	HC 785
Thirty-second Report	Maintaining financial stability of UK banks: update on the support schemes	HC 973
Thirty-third Report	National Health Service Landscape Review	HC 764
Thirty-fourth Report	Immigration: the Points Based System – Work Routes	HC 913
Thirty-fifth Report	The procurement of consumables by National Health Service acute and Foundation Trusts	HC 875
Thirty-seventh Report	Departmental Business Planning	HC 650
Thirty-eighth Report	The impact of the 2007-08 changes to public service pensions	HC 833
Thirty-ninth Report	Department for Transport: The InterCity East Coast Passenger Rail Franchise	HC 1035
Fortieth Report	Information and Communications Technology in government	HC 1050
Forty-first Report	Office of Rail Regulation: Regulating Network Rail's efficiency	HC 1036
Forty-second Report	Getting value for money from the education of 16- to 18-year olds	HC 1116
Forty –third Report	The use of information to manage the defence logistics supply chain	HC 1202
Forty-fourth Report	Lessons from PFI and other projects	HC 1201
Forty-fifth Report	The National Programme for IT in the NHS: an update on the delivery of detailed care records	HC 1070
Forty-sixth report	Transforming NHS ambulance services	HC 1353
Forty-seventh Report	Reducing costs in the Department for Work and pensions	HC 1351
Forty-eighth Report	Spending reduction in the Foreign and Commonwealth Office	HC 1284
Forty-ninth Report	The Efficiency and Reform Group's role in improving public sector value for money	HC 1352
Fiftieth Report	The failure of the FiReControl project	HC 1397

Fifty-first Report	Independent Parliamentary Standards Authority	HC 1426
Fifty-second Report	DfID Financial Management	HC 1398
Fifty-third Report	Managing high value capital equipment	HC 1469
Fifty-fourth Report	Protecting Consumers – The system for enforcing consumer law	HC 1468
Fifty-fifth Report	Formula funding of local public services	HC 1502
Fifty-sixth Report	Providing the UK's Carrier Strike Capability	HC 1427
Fifty-seventh Report	Oversight of user choice and provider competition in care markets	HC 1530
Fifty-eighth Report	HM Revenue and Customs: PAYE, tax credit debt and cost reduction	HC 1565
Fifty-ninth Report	The cost-effective delivery of an armoured vehicle capability	HC 1444
Sixtieth Report	Achievement of foundation trust status by NHS hospital trusts	HC 1566
Sixty-first Report	HM Revenue and Customs 2010-11 Accounts: tax disputes	HC 1531
Sixty-second Report	Means Testing	HC 1627
Sixty-third Report	Preparations for the roll-out of smart meters	HC 1617
Sixty-fourth Report	Flood Risk Management	HC 1659
Sixty-fifth Report	DfID: Transferring cash and assets to the poor	HC 1695
Sixty-sixth Report	Excess Votes 2010-11	HC 1796
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Sixty-eighth Report	Ministry of Defence: The Major Projects Report 2011	HC 1678
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Seventieth Report	Oversight of special education for young people aged 16-25	HC 1636

Oral evidence

Taken before the Committee of Public Accounts on Wednesday 9 November 2011

Members present:

Margaret Hodge (Chair)

Mr Richard Bacon
Jackie Doyle-Price
Matthew Hancock
Chris Heaton-Harris

Fiona Mactaggart
Austin Mitchell
Ian Swales

Julian Wood, Director, NAO, gave evidence. **Amyas Morse**, Comptroller and Auditor General, **Marius Gallaher**, Alternate Treasury Officer of Accounts, and **Gabrielle Cohen**, Assistant Auditor General, NAO, were in attendance.

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

OVERSIGHT OF SPECIAL EDUCATION FOR YOUNG PEOPLE AGED 16–25

Examination of Witnesses

Witnesses: **Pearl Barnes**, President, National Association for Special Educational Needs, **Teresa Kelly**, Principal, Abingdon and Witney College, and **Andrea Lewis**, Policy Adviser on Education and Skills, Disability Alliance, gave evidence.

Q1 Chair: Welcome. This is an innovation that we have tried at the Public Accounts Committee. Before we take evidence from accounting officers to see whether there is value for money, we like to hear a little from those at the sharp end about how they are experiencing whether or not the service is providing value for money. This is much shorter than the usual Select Committee appearances in which you may have been involved in the past. It is really an opportunity for you to tell us what is working and what is not working, particularly in this area. All of us know as constituency MPs that there are massive challenges in the transition of young people out of full-time education into whatever, and that comes out in the report. We take evidence on the basis of the report, and I hope that you have all had a chance to look at it. I am really opening it to you to tell us what you think we ought to be putting our minds to. Teresa, do you want to start?

Teresa Kelly: Thank you for inviting me here today. I welcomed the timeliness of the report given everything else that is going on in special educational needs. I shall call it that today, as so much terminology surrounds the area. We are a major provider; it is a core part of our provision at the college. It is a provision of very high value to parents and all the other stakeholders in Oxfordshire.

The key point is that, to make really good, strong provision for people who have profound and complex needs, it has to be a simplified system to encourage providers to want to take that step and to put the infrastructure in place. Unless you have the passion and the drive to work yourselves through some very complicated systems and unless you have the ability to put in place some very strong security networks for the young people, it can be off-putting for further

education colleges, in particular, which might see it as a very high risk. They would not want to let the students down, and they would have to have the infrastructure in place. Having said that, in our own circumstances, I have to say that we do some very innovative stuff, and we do it in very different ways. I have never had the funding turned down for it.

Q2 Chair: Elaborate a little. What is it that is complex? What would stop people accessing? It looks to me as though the figures are pretty stark: 30% and nowhere. There is huge geographic variation.¹

Teresa Kelly: If you are dealing with students with profound and complex needs, the policies and the funding methodologies do not always match the needs of the students. In order to ensure that the provision is right for that student you have to go out and argue—

Q3 Chair: Give us an example.

Teresa Kelly: I have 16 students with profound learning difficulties. There is no way I am going to put those students through a group of qualifications, just in order to draw down certain funding levels at the end of the year. That would be totally meaningless for the students and for the staff, who would be very dispirited by it. We look at a very individual learning programme and, rather than try to match our students into the criteria systems that are there, we try to get the criteria systems to match what we want to do with the students. That takes time; you have to talk to people about that; I have to work that through with auditors.

¹ 30% of young people with Statements of Special Educational Needs at 16 are not in education, employment or training at 18.

Q4 Chair: How would you have more sensible outcomes? One of the other things the report says is that there is a lack of outcome data and a lack of consistency in outcome data. Clearly we want to do the best for this particular group of young people, but you also want to ensure that you and everybody else involved in their lives progresses them.

Teresa Kelly: I would argue that the outcome data that I could give you for our students are far more valuable.

Q5 Chair: What are they?

Teresa Kelly: They show how they have progressed; what they have done since they started; where they were when they started; where they were when they completed; where they are going on to; what support mechanisms the college is continuing when they follow-on; their aspirations and destinations and how they are planned; how we are working with health and adult services; what is the plan for that student.

All that is far more meaningful than my saying that the student has entry level 3 in particular subjects, because that is not what has taken the students on. What has taken the students on is how they have developed their confidence and independence, how ready they are for a more independent life, what they are going to be doing and how we are working with parents. It is all those sorts of things that do not fit into a qualification. It can be done, but it is a complex system to work round. You have got to be passionate and want to do it, and have teams that want to do it. There are many colleges that are doing it and would want to.

Q6 Chris Heaton-Harris: How do you measure your outcomes at the end? When you read the report, it looks like quite a decent picture, but you cannot say what an outcome is. Do you follow your students with special educational needs to see whether at the age of 25 they have a job? If the Chair permits, I am later going to raise some cases from my constituency. People go through the statementing process, follow through in education and might even get an apprenticeship, but then the system drops them. There are no figures for when they have got to the age of 25—after a huge amount of money has been invested from which they are expected to benefit—and then they become a statistic and long-term unemployed. Is there a way of measuring that?

Teresa Kelly: We measure them by their individual learning programme, which should be based on their initial assessment, whether that be an assessment they bring with them or, in our case, an assessment we do when they come into college.

Q7 Chair: That is totally appropriate for the individual. The problem for us, sitting here and asking if there is value for money across the whole country, between local authorities and different sets of providers, is to find a way in which to assess that and measure it, to make sense of the £600 million spent in this area.

Teresa Kelly: I was saying that is the starting point. That gives me a measure when they leave me or the college, two to four years later, to say whether we

have achieved the outcome we set out to achieve at the beginning. The key is getting that outcome at the beginning right and realistic. If the outcome is right, you can make accountable all the providers that are making this provision and say, "That is the outcome that this student can achieve. At the end of two or three years, they haven't achieved it with you. Why not?" or, "They have achieved it with you, and they have gone on to their next destination or step." If that is an apprenticeship, that would probably be followed through the college route or they would be accessing that. If it were work—some of our students do go into work and some go into sheltered work—we still provide support for three to five or six years after they have left us. We have an employment support unit that supports the students when they finish and go on to employment.

Q8 Chris Heaton-Harris: It sounds fantastic, and I have examples of very good best practice near me and I also have examples of not fantastic best practice. I was just wondering, from where you sit, how you see the picture in surrounding colleges and wider geographically. Is everyone doing roughly the same thing?

Teresa Kelly: I think there is a very, very strong provision within colleges generally—right across the college—for severe and moderate learning difficulties. I think it is very limited when it comes to profound learning difficulties and young people with complex needs, which are the very high-cost students. You need particular skills to deliver appropriate programmes to those students, and you need to invest in the right skills in order to put that in place. For severe and moderate learning difficulties, the further education sector is doing an excellent job and has done for 30 years.

Q9 Chair: How do you feel that you will survive in an environment where this is likely to be funded—looking at the Green Paper—by local authorities and where the ring fence will probably go?

Teresa Kelly: I am very nervous about that.

Q10 Chair: Nervous or excited?

Teresa Kelly: Nervous.

Q11 Chair: Because you think they will fall off the edge?

Teresa Kelly: I will give you an example of why I am nervous. I am working with an excellent authority. We have a super authority in terms of the way that we work and we have super special schools as well. We have a really strong partnership. One of the things that we do is that we run a specialist college on site for people with very complex autistic and behavioural needs, and in order for us to deliver that I partner with a specialist provider who has come in because they have the skills to do that.

When we were thinking through this concept, we thought that there is a need here. Parents want the students to be local, but we do not have the skills to deliver that. If I did not have a single agency to work

that through with and develop that through, I do not think that that would have originally happened. I have now got it into my mainstream funding. But I need a single agency, and I am nervous of having a situation where, as a college, the additional support needs are funded through the authority, but the course that the students are following, which is also core, is funded through an agency. I would feel far more secure, as a principal, in that provision going forward if the same body were making the decisions about the funding, because the student does not see it as two different types of funding. It is one funding for them. But it will be splitting the course—what we are actually teaching them—from the support needs. So I might get the course fees, but I might not get the support fees. It makes it very complicated when I am dealing with parents.

Q12 Chair: Andrea, where are you from? Are you Disability Alliance?

Andrea Lewis: Disability Alliance is a small national charity, which took over the work of Skill: National Bureau for Students with Disabilities when we unfortunately closed in April. We are a membership organisation. We have a large number of FE colleges, training providers, universities, local authorities and other disability organisations who are our members, and we run a helpline information service for disabled young people, parents and people working with them. All of that provides us with quite robust evidence of what is actually happening. Some of the trends that have happened this autumn are quite interesting. The other side of our work is the policy and campaigning side.

I also welcome the report very much. To pick up on one of the issues that has already been raised, which is quite a concern of ours and has been for some time, quite often, when people are trying to think about what they can measure and what kind of outcomes are measurable in order to be able to evaluate anything—either the achievement of the young person or the success of the institution or the value for money—they think of things that are measurable. They think: “Let’s measure whether they achieve an accredited qualification.” A load of qualifications are then invented in order to comply with that mechanism. Actually, for some of these young people, it is not necessarily about an accredited programme, it is about being able to judge whether that person—the plan that was originally put in place—has achieved and progressed. Sometimes you need to review it as you go along.

The good practice that happens in colleges is that an individual’s learning plan is usually reviewed half-termly or termly and sometimes more frequently. Part of that review will be reviewing how their support plan is working and making adjustments if that has not turned out to be quite right, in that setting, for that programme, for that individual. It is very person-centred. I know that that is a nightmare for people who like having boxes to tick, but whether an outcome is favourable or not for a young person is probably about whether it was what was planned and

whether they have been able to progress. If they have, is it in something that is realistic for that individual, because the other type of outcomes that are frequently measured are whether they have progressed to the next up-level of course or whether they have progressed to employment? Those are the two measures that are frequently put in place.

For some of these young people, progression to the next level up is not realistic and is not their learning plan at all. It is about being able to transfer what they have learned into another setting. To be able to deal with some of the employability skills, they may work, as part of their programme, in a social enterprise in the college and gain confidence and skills in that context. The next stage for them might be to go to a supported employer outside of the college context and learn independent travel training to get there as well. Being able to transfer that learning to another setting, in educational and accreditation terms, will not take them up to the next level of course, but it is meaningful for them. It means that they are more likely to be able to get into employment in either supported or open employment. The report is excellent in indicating what a huge impact that makes on the individual, as well as on the public purse. I want to make those points about what kind of outcome is realistic for a group of young people whose needs are unique to them.

Q13 Ian Swales: You both mentioned these individual learning plans. I want to ask about how they are set. What rigour is applied and what cross-referencing happens? One of my concerns about this hearing is the extent to which one might get better provision depending on where one lives. For example, does one get a more challenging individual learning plan in one setting rather than another? Can you say how we know that those individual learning plans are both rigorous and realistic for the person concerned?

Teresa Kelly: In our case, it is about the rigour of the individual learning plan and how robust and meaningful it is. It is very easy to make it not challenging at all. The key measure for us, if I am taking a high-level response, is Ofsted. When Ofsted came in and inspected us last February—it looked specifically at our learning-difficulty provision—the inspectors spent most of their time looking at the learning plan and seeing whether it had a relationship to what that student needed. That is the quality process. It is not difficult, I think, to get that across the patch and across the country.

Q14 Ian Swales: Are you concerned that changes in the way that Ofsted approach this will mean that what you have just said will not be the case in the future?

Teresa Kelly: I am, yes.

Q15 Ian Swales: So what should happen then? What things do you think might go wrong in the future with the new Ofsted regime?

Teresa Kelly: I think that learning difficulties should be inspected as a discrete area of provision in whatever provider and that that should be inspected, as it often is, by people who really understand what learning difficulty means. I am not and I never have

been comfortable with Ofsted including learning difficulties in the whole raft of foundation learning, because that is huge and learning difficulty is very, very specific. I think that the way that Ofsted inspects special schools—they have a very key focus in special schools, looking at teaching and learning—they should be doing that with all providers who are making provision and drawing down funding for students with learning difficulties. The mechanism is there; it is just the breadth and the range in school.

Q16 Chair: Let us go to Pearl, who has not had a chance. I am sure that you want to come in on other things, but can you also talk to the Committee a little about the transition? What is good? As a constituency MP, it is a nightmare, but maybe I pick up the ones who fail: I have far too many people who cannot make that transition. I am sure that there are other things you want to say, but if you could talk a little about the transition for young people from full-time compulsory education into the post-16 world.

Pearl Barnes: I am here representing Nasen, the National Association for Special Educational Needs, which is a membership organisation that nationally oversees children and young people with all SEN and disabilities. As a membership organisation, we represent teachers, SENCOs, teachers working in specialist settings—the whole range of SEN and disability. We are coming here very much from that coal-face, so to speak, perspective of what is actually happening on the ground.

Again, the timing of the report is absolutely fundamental. It is a really good time, with the SEN Green Paper having just come out. We are looking forward, in future planning and forward planning, at what is happening at the moment and what we can do differently in the future as a result. Nasen has huge concerns over some areas. You have touched already on the huge geographical variation, which is an ongoing concern. Teresa has explained the circumstances within her area but, overseeing nationally as an organisation, we get feedback from all areas and all walks of life, shall we say. The feedback is hugely variable; it is not consistent at all. There are obviously pockets of good practice, which we can go out and look at and say, “Well, that’s working really well.” But, generally speaking, it is hugely variable, which was obviously very much highlighted throughout the whole report.

Q17 Chair: What would you do about that? We have a whole trend towards localism.

Pearl Barnes: Yes, I was going to say that the feeling for us is that it will get worse—that, with everything becoming disaggregated, it will actually not be improved in some way. So what do you do about that? How do you address these issues? In a way, the SEN Green Paper came up with some solutions, so it is about looking at those solutions and how they can then work on the ground. They were not just academic studies; they actually were real solutions. For things

like the core offer of provision, is that going to be a core offer of what is currently available or will it be a core offer of what is necessary and actually needed?

Q18 Mr Bacon: When you said that your feeling is that it will get worse, because everything is disaggregated, do you mean because of localism and the decrease in ring-fencing? Is that what you are saying?

Pearl Barnes: Yes, very much so, and each individual setting becoming increasingly more autonomous. There will be accountability, but less accountability to a centre, if that makes sense. How do you then track these individuals?

Q19 Mr Bacon: I understand that there are big concerns about ring-fencing, especially in times of financial retrenchment, but it is not obvious that leaving it all to the centre will produce better outcomes than devolving it to local areas. Indeed, the underlying philosophy behind localism is that local authorities will know better what is required for their people in their area than will be the case centrally.

Pearl Barnes: It is about having those measures in place to track individuals as they go through the system, as well. Teresa has talked about the ILPs, the individual learning programmes, that each individual has. If they are adopted nationally as a process of review, how will those children and individuals be tracked across those stretches, across those autonomous individual settings, through FE and out into the independent wide world? It is how you manage it and what structures are in place to support that. Disaggregation is not necessarily the issue; it is about having a structure in place that works with devolution and localisation.

Q20 Chair: So you have got to have the data—you have got to monitor and inspect.

Pearl Barnes: Yes.

Q21 Chris Heaton-Harris: As a good localist, I am with you and against you at the same time. In the report, you have a range of different assessments of need. Different provisions are available in each locality, and there are different outcomes and costs, depending on which institution you go to. I struggle to see how it can get worse, because it is very difficult to determine what anything—the tables, figure 8 and so on—actually means.

I would love to think that you could improve the system, which is why I shall try to keep coming back to outcomes. The reason I am very interested in this is because I am a big fan of the special Olympic movement, which involves those with learning disabilities, and I do a lot of work with them. People go through a school or college and the statementing process and so on, and a lot of money is invested in them, but at the age of 25, from my experience, they seem to be just dropped where they are. If we are going to invest all this money and put a lot of time and effort into these people, as we should, I would like to think that what we are providing them with will last them beyond the age of 25 and keep them going for a long period of time.

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Pearl Barnes: I totally agree. That is the purpose of the system—it is not setting up for failure; it is setting up for children and young people to be living an independent, fulfilling adult life. That will be hugely variable, depending on the individual themselves. Within one category of need, autism, say, or autistic spectrum conditions, within that category you will have a huge spectrum of young people with various needs. How do you provide for those individual differences? How do you get service provision—available, accessible—for young people who are living in rural Cornwall or Dorset, where there is not a range of facility or provision on the doorstep? They do not have a choice that they can access within a sensible radius.

As you say, going into adult life, which is the purpose of this, how do we ensure that those individuals are where they really want to be? We have talked to parents as well as those in settings, and we would certainly support the notion of a designated advocate who is there to support individuals through the system at those key points of transition. We have talked about transparency and information sharing, but many parents still do not know where to go for information and do not know what the information means. So you can have all the destination data in the world, but parents might not be able to interpret it, so having someone whom they can access, who will talk them through it and explain what it means, might be the difference between successful outcomes or not, if that makes sense.

Andrea Lewis: There are a couple of things that I would like to pick up on. First, you led us to think that young people are supported to age 25 and I challenge that. Many local authorities will support for only two or three years, and that is their policy. Whatever the legislation and the duties local authorities might have, in reality, many young people are actually dumped at 19.

Pearl Barnes: Sometimes at 16.

Andrea Lewis: Well, no, not at 16 so often, although we have had a few cases. But there is a duty on local authorities to ensure appropriate provision for all young people aged 16 to 19, and in most cases, they have regard to it. But they must provide up to the age of 25 for those who have had a statement, in all probability, and a 139A—a learning difficulty assessment—on leaving school. We know through the helpline that, particularly this year, there have been a number of callers who, a few days before term started in September, were expecting to go to a particular mainstream college and had discovered that the course either was not running in the same way as they had anticipated or was not running at all. We are still supporting some of those young people to find, and encouraging their local authority to find, an appropriate source of education or training. That has come about because of the funding mechanisms that the colleges are working under. To pick up a point that Teresa made earlier, the funding mechanisms are not flexible enough for even a dedicated, high-performing college with expertise in the area. They have to be extremely creative to meet the needs of the young people.

An earlier question was on transition, and one of the things that is absolutely crucial to a smooth transition is the quality of the careers guidance that the young person and their family have had from at least year 9, if not earlier. Changes are going through today in the Education Bill. We tried to get it through that the assessment and identification of disabled young people's needs, and what support needs they have, is an integral part of that guidance process. We have concerns about that responsibility being moved from the local authority when, actually, the local authority retains or acquires other duties in relation to those young people. That is another cause of confusion, lack of communication and barriers to a smooth transition.

Q22 Chair: I will go to Fiona, but nobody has really answered Chris's question. What happens at 25? We have invested all this money in those who are lucky to get through.

Teresa Kelly: I can only answer that for my students, because we track and we—

Q23 Chair: Who tracks? How often do they track? You do, but who else does?

Teresa Kelly: Adult social services. Often they become the responsibility of adult social services when they leave college, and we usually have a two-year transition programme between our provision and where they go on to. They carry forward the individual learning plan, and if the individual learning plan is realistically about going into work, adult social services will try to enable that to happen, sometimes by coming back to us and asking us to carry on that provision through their funding. So we are tracking students through.

Pearl Barnes: The report highlights that this is for all individuals with SEN—the whole range of SEN—with and without statements. We know that assessment is hugely variable. You will get some individuals with high-level needs who are probably well supported and some individuals, who are still SEN, with lower-level needs and it is literally over to them. They will not have the support of social services at all, and who knows what happens to them at the age of 19, more often than not, not 25. A huge concern of NASEN is about the lack of support around transition and about the variability.

Andrea Lewis: I just want to reinforce that we are talking about two-point-something per cent. of school pupils who have a statement, but we know that something like 17.8%, in 2009 anyway, have support needs related to a disability. I am quite concerned about the focus of the report. I understand it because that is where the high costs and the high level of needs are—if you are looking at costs, that is clearly an area to look at—but do not forget: the vast majority of these young people are in mainstream; the vast majority do not have a statement; and the vast majority, therefore, do not have a learning difficulty assessment when they progress. So they are not supported until they are 25; they would only be supported until they are 19, if they are lucky.

I had a case this week of somebody who had a mental health condition in year 10 that meant that he was not able to attend school. He had five hours a week home

tuition, managed somehow to get his GCSEs to the point where he was accepted on to an A-level course at the local FE college, and four weeks into the course he has had his case reviewed and been told that, because his attendance is not up to 95%, he has two weeks to improve and get it to 95%. By the nature of his condition, that is clearly unrealistic. So this young person faces being turned off a course. He is achieving highly on the course, despite his barriers, but the college, I am sure, knows that there is a risk that that young person will not continue and will not achieve his potential, and that that will have an impact on their income. Those cases exist.

Q24 Fiona Mactaggart: I will have to leave very quickly, so I need a quick answer, I'm afraid. What strikes me most about the report is that there is inadequate information about outcomes for young people—it is not collected. It sounds to me, from what you have been saying about everything being very personalised, that it is actually very hard to produce adequate, accurate and useable information that can help people to assess value for money and effectiveness of interventions. So what I want to ask you is: do you think it could be done? If so, how?

Teresa Kelly: I think it could be done. I think it could be done by having very standardised, clear, national guidelines. It would take time and what constitutes an outcome and how that can be measured would need to be worked through. At the moment, it is almost up to the provider to decide what the outcome is and whether or not that is a valuable and good outcome. It would take some time and some work, but I think it could be done.

Q25 Fiona Mactaggart: For example, scoring gaps between where someone is and where they end up?

Teresa Kelly: Yes, and where they are going to and whether or not they have got there. In the FE world, we are moving into destination measurement. There is no reason why we could not be doing that with students with LDD. I do not see that as a barrier at all.

Pearl Barnes: It depends on what you value as well as an outcome measure. Are we valuing happiness and wellbeing—these individuals being content with themselves, having greater self-confidence and greater self-esteem—and how do you measure that? So it is qualitative measures as well as those quantitative measures—those firm measures that are obviously mentioned within the report. It would need looking at as to how you would measure those qualitative soft data; what meaning and value we put on them, and what weighting we put on them. Employability and independent living—all of these issues need to be looked at and measured, but they can be measured. It is just a case of thrashing it out and valuing them.

Fiona Mactaggart: There certainly is a way of assessing the value of independent living. I am sorry, I have to leave.

Q26 Matthew Hancock: Perhaps I can pick up the mantle, because for me Fiona's question was the number bit, given that we are a value for money Committee. Teresa, you have just said that this is doable and that you could have a national scale.

However, at the start of your evidence, you were saying that one of the things that you have is a very personalised set of goals for each individual. That is important, otherwise you are pushing people through goals that are not appropriate for them. So could you explain how you square the circle?

Teresa Kelly: I do not see that that is in conflict. Having that very personalised goal that is based on a really good assessment—assessment is really the key—is something that I should be measured against and judged against. The way that that could be done is on a national policy guideline national scale. There has to be one single body saying what the measure is, and not the 20 or 30 that we are currently working to at the moment. There has to be one. We can all debate that and get that right. It might take us time, but we could get that right. Then I can produce the individual programmes that will make sure those students are making the progress they need to be making towards those measures.

Q27 Matthew Hancock: I see. So the difference is between the individualised learning path, or what is actually done, and then the framework.

Teresa Kelly: It is the framework that is missing.

Chair: There will be a challenge. The good providers will do it right. The poor providers will set very low targets.

Q28 Austin Mitchell: Teresa said, it seems to me, that the individual school or institution, by knowing their student and following through, can determine what is best practice and what works. Paragraph 12 on page 10 of the Report—key findings—says that there is not enough comparable information on a national scale to do that job. That alarms me in light of what is to come and the financial position of local authorities. If you look at figure 10 on page 31, there seems to be a wide variation in practice between Yorkshire and Humberside, say, and the more prosperous parts of the country, such as the south-east and the east of England, in terms of maintained special schools, non-maintained special schools and independent special schools. In other words, the danger is that you can ring-fence, and local authorities will be able to supplement it, but they will always be able to fiddle round ring-fencing by using the money for all kinds of diverse purposes, rather than what it is intended for. Are you in a situation, as national organisations, to tell us which are the good local authorities that have best practice, and which are not?

Pearl Barnes: You are absolutely right. We have huge concerns, and we have seen huge disparities between the regions and local authorities in terms of specialists. Some local authorities, for instance, do not have any support services at all to support children with special educational needs.

Q29 Austin Mitchell: Can you name them?

Pearl Barnes: No, not in this forum. I do not think so.

Q30 Austin Mitchell: It would be useful to know.

Pearl Barnes: I would have to do some research to dig out the names of the local authorities, but I know that there are some. Others have cut support services

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back to the bare bones, but there is support there. It is going to make a difference to the outcomes of these young people if they have the support of specialists from the local authority, or if they have not got access to support from specialists.

The issue is not about which are effective and which are not, to give parents choice, because, as I said when I started speaking, accessible choice is not there for these individuals. It is about having accessible provision that meets their individual needs. It is finding what works, which cuts across all of them. Figure 1 shows the range of provision that is available, from specialist settings to mainstream settings, bases within mainstream settings and FE and higher education. You have got everything out there; it is finding out what works and what can work in each of those settings. That range of settings has to remain available in order for individuals to access provision.

Q31 Austin Mitchell: The problem is that we have to have information on who is good, who is bad and what the good practices are. I am having to advise parents who come to me and say, “My daughter”—my son or whatever—“is just going to be dumped at home at the end of the chain.” I do not know whether North East Lincolnshire is good or bad in this respect and how it compares with other authorities. What is going to be done?

Pearl Barnes: Would the core offer address those issues? If the core offer is just “This is what we have. This is the service that we provide,” at least parents would be able to see the differences between local authorities. In many respects that does something, it ticks some sort of box, as long as the information is easy to find and is accessible for the parents.

Q32 Austin Mitchell: Bear in the mind that the parents are not very well informed either. It is difficult to get the information. What does the Disability Alliance know about good and bad authorities?

Andrea Lewis: Inevitably, because the bread and butter of our casework, if you like, comes through a helpline, people get in touch with us if something has gone wrong. I do not think it is, particularly, a fair indication of a local authority, because one of the issues is that something could go very right in one area for one person and very wrong in the same area. I do not think it is an issue automatically.

Austin Mitchell: That dodges the issue. If you get a lot of complaints—

Chair: Austin, I am going to move this on, because you are trying to get something they are not going to give us, and I want us to get to the next session.

Q33 Chris Heaton-Harris: A quick question to Teresa, because you talked about a framework, and we have the SEN Green Paper. How close is that to being the framework that you need to provide?

Teresa Kelly: I could get very excited about the SEN Green Paper. I use the word “excited” in this context, not “nervous”. I could get very excited: I think the framework that the SEN Green Paper sets out is going to be really challenging to deliver, but it is right. The principles and the philosophy for that framework are right.

What is key is the assessment and who is doing the assessment. That assessment is independent and autonomous. I really have this vision of a single funding stream with an agency, that we can go and debate, and that I can go to and say, “I need this, this and this” and they will sit down and listen. I do not want to go off to 30 or 40 authorities, but I see the authorities, then, being independent to do the assessment. If they are independently doing the assessment and the Young People’s Learning Agency or the Education Funding Agency is the funder, and has the responsibility for the single funding, I think that is going to give a much stronger package for the individual student or child.

Pearl Barnes: I want to support Teresa in that. It is something that we have wanted to see for a long time—that separation of assessment from funding, so that it is a true assessment of individual needs, not based upon the provision that is available, so, yes: an independent assessment.

Teresa Kelly: That is what will give the parents confidence—if that assessment is independent of funding. Let the authorities do the assessment and let the YPLA fund. That is what I would do.

Andrea Lewis: What does need developing in the Green Paper is the notion that it is the parent who has the major control of the situation, where actually we are talking about young people who say “I am fed up with things being done to me. I want my choices—my preferences—taken into account.”

Chair: Okay. Thank you all very much indeed. That was very helpful.

Examination of Witnesses

Witnesses: **Sir David Bell**, Permanent Secretary, Department for Education, and **Peter Lauener**, Chief Executive, Young People’s Learning Agency, gave evidence.

Q34 Chair: Welcome. I thought, Peter, you had advocates on behalf of the agency sitting there giving evidence.²

Can I start with you David? Welcome; I think you have got one more session with us, so this is your penultimate one. We read the report, and there is

obviously some good stuff going on, but on the whole I came away feeling that this is a real Cinderella service, whether it is seen from your Department or from the local education level, with too many people falling over the edge. There are loads of stats, but one is that 30% of young people are not in education, training or employment—goodness knows where they are. What is your view? What are you going to do? What do you feel about that? Where do the

² 30% of young people with Statements of Special Educational Needs at 16 are not in education, employment or training at 18.

responsibilities lie on that? It is a very general question.

Sir David Bell: There are so many different strands to that question. Perhaps we will unpick them as we go through.

It is easy to read the report and to say, "Isn't it a problem that you have got such a diverse range of provision?" I think that that is only a problem if people—parents and students—do not understand what would be best for their needs. Actually, given the multiplicity of needs that were described in the report, you probably want a diverse range of provision, and arguably one of the great changes and improvements over recent years is that more and more young people who were probably previously thought not capable of any education at all are actually drawn into education. For example, the further education sector seems to me to have made huge strides in drawing in more young people at the moderate learning difficulty end, all the way through to many more young people having their needs met through very specialist provision.

I think that diversity is good. The question of information, which came across very strongly with your previous witnesses, is one that we could come back to. I think that the report makes a very fair criticism that there is not enough consistent information and data, which would be an important driver of improvement. If I might say one last comment as introduction, Mr Hancock asked how we can balance value-for-money data against student-specific outcome data. I think that we can do that, and that is what we're planning to do. We're going to be requiring greater consistency in education destinations data, employment data, education outcomes data, retention rates and success rates. We are going to require all that, by the end, of 2014.

At the same time, the new education, health and care plan proposed in the special educational needs Green Paper will specify life outcomes to address the question of how to identify what outcomes are beyond the measurable. The report absolutely describes the system as it is. I do not think that we are at all complacent. Many of the changes in train are meant to address the problems identified here.

Q35 Chair: But 30% are not in education, training or employment.³

Sir David Bell: Yes. As you will be aware, Madam Chair, local authorities and others have responsibility for identifying young people who are in the NEET category and providing appropriately. Again, further education colleges have done a lot to assist such young people. It is absolutely a fact that if you have a moderate to severe learning difficulty, you are more likely to be a NEET. That is true, but that issue goes all the way back into the school system as much as it is an issue post-16.

Q36 Chair: So what are you going to do about it? The Department for Education passes the buck to local authorities. These are the same people—today,

the papers said that two thirds of people in court over the riots have a special educational need. It's back to the old accountability thing. We know the statistic that 30% are not there. You're saying that local authorities should do it. I can tell you, as I think all of us as local MPs could, that the struggles you have to get your local authority to take a post-16 person seriously and provide for them are immense. You're sometimes successful if they manage to get to you, but few of them know about their local MP. Somebody somewhere has got to say, "This ain't on."

Sir David Bell: Just to be absolutely clear, the accountability lies with the local authority for identifying the need of the post-16 learner who might be in the category that we are describing, as it does for the pre-16 learner through the statementing process. If we are to pick up the theme of earlier concern about localism, the responsibility lies fairly and squarely with the local authority to provide appropriately. The local authority is not doing that on its own; it is working with the local further education system—

Q37 Chair: And if it doesn't?

Sir David Bell: Then it is a question of accountability for the individual student. The parent has various rights of appeal when it comes to provision, but I would argue that it is not for national Government to take on the responsibility for providing for individual students in individual local authorities. We can't do that.

Q38 Chair: I accept that, but it is your job to set a policy, right?

Sir David Bell: Yes.

Q39 Chair: If I say to you that current policy on localism leaves 30% of young people outside the system, it strikes me that somewhere along the line, the policy ain't working. You can't just say, "Okay, local authorities should do it, or parents." Parents struggle. You know this from your cockpit, and I know it as a constituency MP. These are probably parents who are struggling anyway in their day-to-day lives to cope, particularly at the higher end of need. They don't know their way around the system. The report tells us, and you have accepted, that only a quarter of local authorities give them any information at all. It is a policy issue, because it is not being implemented at the locality. That is my contention.⁴

Sir David Bell: Yes, and there is a range of policy responses, isn't there? If you can get better provision for children and young people with special educational needs in the statutory system, whether through better special education or better support in mainstream schools, that is one policy response. The kinds of ideas concerning special educational needs are another policy response. You have touched on the issue of transition—the transition from below 16 to post-16, or from below 24 or 25, to post-25—and again, there are clear responsibilities. There are good examples of local authorities that are making this

³ 30% of young people with Statements of Special Educational Needs at 16 are not in education, employment or training at 18.

⁴ 30% of young people with Statements of Special Educational Needs at 16 are not in education, employment or training at 18.

work, so it is not a uniformly difficult or problematic picture. The question is about accountability.

Q40 Chair: You have got 30% outside—30% who are not in. Your only response to the Committee is, “Local authorities are not doing their jobs. We’ll try and make the schools better.” Of course you will try and make the schools better; that is obvious, so let us take that as read. We will try and get them picked up at an earlier stage and on a different track. I will say it again: the issue is illustrated by two thirds of those young people who end up in court charged with participating in the riots having an SEN.⁵

Sir David Bell: One of the arguments for the new kind of plan to replace the statementing process is to try to get a sharper statement of need that draws together educational requirements, health requirements and care requirements. That is a genuine policy response to a statementing process that, for all it has achieved over many years, is not capable of doing what we need it to do now. That is a genuine policy response.

Q41 Chair: So you will prescribe that will you?

Sir David Bell: The plan in the special educational needs Green Paper is that we move to a single statement of special educational needs, which will be prescribed—that is correct. Again, you are back to the question that you have legitimately raised about how that plays out locally, which will be very different across the country. There is a shared responsibility for national Government to get the policy framework correct, alongside local authorities that argue for more and more responsibility, and to have the accountability for providing appropriately for children, young people and young adults with special needs.

Q42 Chair: And you have removed the impact indicator on the educational attainment of young people with special educational needs—it has just been junked. One of the key, powerful tools that you might have used to see whether the local authorities delivered against your framework has been junked. In my experience, everybody tries to have too many impact indicators. I remember having those rows as a Minister; you have endless impact indicators, and the Treasury and Cabinet Office try to get them out. Once you have junked it, you will never get it back in.

Sir David Bell: Well, to respond to that, a decision was made to remove an indicator, but it is coming back in. As I said a few moments ago, the plan is to have new, consistent employment educational and outcomes data, including for students with special educational needs.

Q43 Chair: I am hogging it a bit here—sorry to come back to you, David, but then I will move on because Austin and Matthew want to come in. The outcome data are outcome data for the general population. To some extent, of course, they will measure SEN, because everything does, but the impact indicator that you have junked would have been the one and only indicator that might have

looked at this particular group, which will otherwise fall over the edge.

Peter Lauener: I think a mistake was made in removing that indicator. This year, we are putting back the indicators of destinations for young people with high-level special needs. That will be back in for the academic year 2011–12. The key indicators are progress on independent living and progress on support into employment. That will help a lot and pick up some of the points that Teresa was talking about earlier. At that high level, if we can focus on those indicators we can make them consistent and coherent against a set of much more detailed indicators that will be an individual learning plan.

Q44 Chair: Then what will you do if a local authority fails to deliver?

Peter Lauener: That is about getting the right indicators, as you and the NAO have said, and putting the framework in place. If we do not get the indicators right, we will not have transparency or clarity on what is working and what is not working. That is a step along the way.

Q45 Chair: And then?

Peter Lauener: It is then much clearer to see where there are great successes and where there are weaknesses.

Q46 Chair: And then?

Sir David Bell: You are then into the question of intervention, and of the inspection and regulation of local authorities. The Government have made the decision to lighten that kind of inspection burden, but we still will have, in the future, the ability to identify gross failure, as it were. I think you touched on a point or somebody raised it at the end—I think it was in response to Mr Mitchell’s question—that it is actually quite difficult, if I can put it this way, universally to identify uniformly poor local authorities when it comes to this.

I know, having had a local authority background in doing this, that you thought you would deal very effectively, you hoped, with the vast majority of students and young people, but there would always be cases where the parent was unhappy and perhaps the provision did not work. So it is quite difficult, even with the kind of transparency of indicators that Peter has described, to find a situation which is uniformly poor, but we have the mechanisms to do that. We retain the Ofsted inspection arrangements for looking at local authority provision, but you might argue that it is something of a blunt instrument when you are talking about individual failure for individual students or young people.

Q47 Chair: In five years’ time, will the new framework mean that fewer than 30% of those with SEN are NEETs?⁶

Peter Lauener: If I can say something about the 30%, that is a shocking figure—

Chair: Shocking.

⁵ 30% of young people with Statements of Special Educational Needs at 16 are not in education, employment or training at 18.

⁶ 30% of young people with statements of Special Educational Needs at 16 are not in education, employment or training at 18.

Peter Lauener: And it needs to be much better, but it is actually better now than it was a few years ago. There have been year-on-year decreases in the proportion of 16 to 18-year-olds with learning difficulties who are NEETs. That is not defending the position we are in as good enough. I think the key to get it better again is some of the things we have just talked about, but also a continuation of the process which has been happening over the past few years where there is a better choice and a better range of opportunities with more local provision. Over the past 10 or 15 years, about 2,000 places have been developed in further education colleges, of the kind that we heard about earlier, which means that many more young people have something on their doorstep that meets their needs, because not everyone wants to go away to residential specialist providers, which was the traditional source of opportunities for this group. Again, I could give you case studies of where local authorities have been very proactive, working with colleges to develop that kind of provision, which allows better transition to start, say, at 14, and to go on from 16, if those opportunities are available, and then on to supported employment afterwards. There are some pathfinders to develop aspects of the Green Paper at the moment—20 pathfinders covering 31 areas—and quite a lot of those are focusing on those transition aspects.

Q48 Austin Mitchell: That is precisely the point I was going to raise about the indicator. We have found that this a hokey-cokey kind of indicator—you put your whole indicator in, you take your whole indicator out. Peter Lauener's saying it is going to be refined worries me because, in the light of paragraph 12 of the Report about the lack of comparable information across the country, I am worried that refining this indicator is going to make it less effective or that there is going to be a weakening of the indicator.

Can you assure us that, when the indicator comes back in, as it is going to in its hokey-cokey phase, it will provide the information that people want to make localism work? In other words, so that they know whether their authority is living up to its requirements and how its performance compares with other authorities; and that is true of institutions, local authorities and national provision.

Sir David Bell: It is probably less about the comparability of data from local authority area to local authority area, important though that is. What probably matters more to the parent of the student is whether they can compare the education outcomes or the employment outcomes of one kind of provision or another: if they go to the local further education college, is it more likely, given the experience of students in the past with similar needs, that—

Q49 Austin Mitchell: No, it is whether my local authority is living up to the responsibility.

Sir David Bell: Not to the responsibility—the real test in the mind of an individual parent is what provision is best for my young person. One of the completely fair criticisms in this Report is that at the moment you really cannot do that. You have school provision, further education provision, and you may have

independent specialist provision. All the destination convergence that we are talking about is designed—certainly at the very latest by 2014, with most of it done by 2013—to allow exactly those kinds of comparisons for parents and others. That is not a hokey-cokey figure, to use your phrase. That is a very serious commitment to ensure that you have that data.

Q50 Austin Mitchell: You are going to fudge it.

Sir David Bell: I do not think that we will fudge it. If you recall a previous hearing when we talked about 16 to 18 more generally, you asked us a similar question and we were very robust in the answers that we gave. It was important to get that kind of comparability. What today's session illustrates is that, for young people with special educational needs, you may have to go beyond the traditional indicators of success. Have they achieved a certain level of educational outcome? That is important, we should not undermine that, but have they got the right kind of life skills? Are they going to be successful in supported employment? I think we can combine good, robust, comparable information between institutions alongside a more finely tuned set of indicators that really matter to a parent looking at the future of their young person.

Q51 Matthew Hancock: This is exactly the question that I wanted to come in on. You heard the earlier exchange. Do you think that the question of individual tailoring of courses to the individual needs of people with learning difficulties can be made consistent with the new targets that you say will be brought in in 2013 and 2014?

Sir David Bell: Mr Lauener may want to comment on this as well. My view is that having a consistent set of indicators does not tie you to a uniform set of provision. One college might decide that for particular young people they would like to tailor provision in a particular way, and we would say that that is good. We would all say that that is good. We might argue, however, about what the outcome will be.

Q52 Matthew Hancock: And also how measurable it is.

Sir David Bell: And also how measurable it is. This is where it really is quite difficult to talk in the generality. If you think about the very wide spectrum of need that we are describing here, for young people and adults with the most profound need you are probably talking about things that are almost unique and an almost individual requirement to them. Therefore, perhaps you will not have a way of capturing that. But what you might have a way of capturing is the extent to which that tailored programme has led to supported living or supported employment. I do not think we would want at all to cut across the individual programmes—very interesting programmes—that are emerging in colleges and individual specialist providers, but I do think it is right, as the Report says and as your Committee suggests, that we have better ways of comparing success, broadly defined.

Peter Lauener: Can I give you an example? I went to a college with a special unit recently. I was talking to

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one of the young people, and the lecturer told me that a major item of progression for that student would be for them to go into mainstream FE provision with support in the next year, rather than stay in the special unit. That would be a major change towards independent living and a good outcome. The question is whether we can abstract from that personal experience to put that into an overall measure. There is still some development work to do on that, but that is what we are looking to achieve.

Q53 Matthew Hancock: You accept the Report's description of how there is poor information on this at the moment. Do you think that the new indicators that you have told us about, which are not in the NAO's Report, will be better at being able to provide comparable information, even given the individualised needs, than the existing sets of targets that have been there in the past?

Sir David Bell: The answer is yes, but I do not think that it is the complete picture. For example, many parents will sit down with their local authority, usually through the partnership services, to talk through the very specific needs of their child.

Q54 Matthew Hancock: Yes, but they do not care about how it is measured nationally, because they only care about their child, and rightly so.

Sir David Bell: Parents can still ask, "How am I going to know whether allowing my young person, my child, to stay in a secondary school would be better than an FE college?"

Q55 Matthew Hancock: Yes, but the question is also comparability to how things are happening elsewhere.

Sir David Bell: Absolutely. That seems to be the data point. At the moment you cannot really have that consistent comparative data, which is what we are aiming for. The other thing is that there are other ways of measuring. The institutions will be subject to inspections, and you can look at inspection reports. Parents of all children, mainstream or special needs, will want to go and look and to find out the options. Better comparative data help but, as we know in the mainstream sector, having performance information is not the only basis on which you make a judgment about what is most suitable for your child.

Chair: Okay. Jackie, then Chris. We have a vote in four minutes, so if everyone comes back very quickly, we can resume.

Q56 Jackie Doyle-Price: Following up on that, a special school in my constituency specifically raised the issue of the scrapping of the contextual value added measure, which seems an ideal measure for parents to be able to assess whether their child was better off in specialist provision or in mainstream, because some schools obviously provide well on that. Have you got anything you can feed back to us about how you will look at those sorts of added value criteria?

Sir David Bell: One of the changes to the inspection system is that, while there will not be a grading of provision for special educational needs, inspectors will still be required to report on the provision, and

part of the success of that provision will depend on the progress. The problem with contextual value added is that for many parents—I seem to remember having discussed this around this table before—it can almost be impenetrable, and it does not actually assist them. But you have to have progress measures, and that is still an important part of what we are doing. I would say, and I am sure the school in your constituency would endorse this point, that you want to find the right kinds of progress measures for the population of children that you are serving. Again, that will depend on whether you are serving children with moderate learning difficulties, when perhaps you could expect progress measures broadly similar to the measures that you would find in a mainstream school, or at the extreme end of provision, when you might find that the progress measure is that a child is making a step or eating for themselves, or some other measure. I do not think that, in the end, contextual value added data really assisted the public's understanding of what was going on in schools—mainstream or special.

Q57 Jackie Doyle-Price: I get that completely, because the key is that parents should be able to understand it, and I do not think that they did. But we need to make it easy for providers to demonstrate how they do add value in these cases, and there is a lot of work to be done on that.

Sir David Bell: Don't forget that if this is a special school, obviously the school will be inspected under the inspection framework so, in a sense, we do not expect all schools to be the same. There is an expectation that you will have a different approach against the broad headlines of inspections. Again, one of the improvements that we must not lose is that too often in the long-distant past, many children were genuinely considered not capable of education; one of the great things that we have done in recent times is to have high expectations appropriate to the needs of all children and young people. You are absolutely right that, even though we might lose one measure, we should not use that as an excuse for having lower expectations, even of children who have very profound needs.

Q58 Jackie Doyle-Price: Obviously, one of the key ingredients in how well we provide this sort of education is money. Paragraph 2.16 of the Report says that funding varies "from as little as £1,900 per student to over £20,000", which seems a fairly vast discrepancy. What do you think the reason for that is? Obviously, you make grants to local authorities for such provision. Are some local authorities taking too much away, or are the good authorities adding to it?

Peter Lauener: I am not wholly surprised by that kind of variation because, if I make a comparison with the post-16 area, the range of needs that we are talking about can vary enormously. The funding is set against a matrix of levels of need, and the amounts that are payable for the different levels of need vary by that kind of factor from least severe to most severe. That is not entirely surprising, and I certainly wouldn't want to conclude from it that more and less generous funding is based on those figures.

Julian Wood: Just to be clear: I think we are talking about the block grant to local authorities.

Peter Lauener: Yes, I understood that, but I was making an analogy with the post-16—

Q59 Chair: The truth is—let’s be honest—that what happens is that some local authorities put the money into SEN, and others leave it to their schools, and go for mainstream schooling and not SEN. That’s a bigger danger as we move into ring-fencing. Let’s have a bit of honesty about this. We know that’s what some of our local authorities do.

Sir David Bell: If you’re talking about direct funding to individual schools—

Q60 Chair: The block grant. Some use it for the purpose intended, and might even add to it, but many just let it go to the majority. If a school has 250 pupils, a couple of whom have special educational needs, they spend it on the 248 and forget about the two.

Sir David Bell: That is a wider discussion about local management, and about what decisions—

Q61 Chair: That is the reality, and why you get disparities.

Peter Lauener: I do think it is more complicated than that because of the range of needs—

Q62 Chair: Probably, but there is an element of that in it.

Peter Lauener: That is being talked about. Also, the number of those with SEN have been reducing, and similarly the post-16 numbers have been reducing.⁷ We are seeing more mainstream provision. The costs are being met in different ways. I think it’s a complex equation.

Q63 Chair: Are you telling me that you don’t think that’s a factor?

Peter Lauener: It would be silly if I sat here and said that there were not variations in local authority practices, but I would not assume from those figures that there is a right figure at one end of that spectrum.

Q64 Jackie Doyle-Price: No, there is not a right figure, because ultimately it comes down to outcome, but it does illustrate a massive discrepancy between how individual local authorities use this money, and the priority they attach to it. A local example is that my local authority has value specialist provision and puts that at the heart of delivery. Next door in Essex, they have made mainstream their strategy for dealing with this. Clearly, there will be funding implications for that because we can look elsewhere in the report and it suggests that delivering through mainstream is more economical, cost-effective or whatever. We must empower parents to examine what is most effective for their child. There will be occasions when mainstream will suit some young people more effectively than specialist. What we need from you is more information about how we can judge our local

authorities and hold them accountable, if they agree to remain accountable in this system.

Sir David Bell: There are two or three things there. On the point about the type of provision for students in the statutory sector, successive Governments have not had a policy of complete segregation or complete integration. That, properly, is a local matter. However, successive Governments have said that they would find it strange if there was no specialist provision to ensure that parents had a choice of ways to meet their needs. On comparability of data, we have a variety of mechanisms. So you can look at the section 251 statement, which indicates what is spent on individual schools, and how you compare local authorities’ central expenditure.

I think we are probably talking about two different kinds of information. We are talking about information that individual parents need—this goes back to the answer to Mr Hancock—and trying to get it in a way that really helps parents to understand what’s best for their child or young adult, alongside proper policy consideration of what is the most effective and efficient configuration of services. Even if we move to better comparable data, I don’t think anyone here is saying that therefore the national Government should specify what the provision is. What we’re hoping is that better information will make it clear. Let me give an example.

If we look back 20 years, there were certainly far more independent specialist providers—about 100 or so. Now that number is down to 56, and that has come about because there has been a proper rationalisation of provision. The 100 was probably not the right 100, but increasingly now people are doing that rationalising. That has not happened because central Government have said that there is one appropriate way of making that happen. I don’t think anyone would want that to happen.

Q65 Chris Heaton-Harris: When you read the report, it reads okay, but when you look again at all the factors in it, you think, “That’s not so good.” There is no basic assessment of need, and different provision is available locally. We’re talking about outcomes. I am interested in what you say about better information making better provision. I have examples in my constituency of a child being statemented for a period but no money following that statement. As a statistic, you can put a tick, but in terms of improving that child’s provision it is a big cross. Learning difficulty assessments are a legal requirement, and crucial, but it seems that they are not yet good enough either. Are we also going to improve the tools that measure the provision for us?

Peter Lauener: I think the key change there is what Sir David referred to earlier: the planned introduction of the education, health and care plan as a 0–25 plan. For the first time, we’ll have a consistent set of criteria and a consistent set of processes to take us through the pre-16 and post-16 change, which has been quite a major process.

Q66 Chris Heaton-Harris: It is very kind of you to say that, but it is not what I asked. I just want to know that when statements are given out you have listened

⁷ *Note by witness:* To clarify, I should have said that the number of young people with statements of SEN have been reducing, and similarly the post 16 numbers in independent specialists providers have been reducing.

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to the people who gave evidence beforehand and said that the SEN Green Paper could work if the provision came independently to the assessment. I want to know that there will be some provision behind the statements and the learning difficulty assessments in future, because if we get that right, many of the worries of the previous witnesses will disappear.

Peter Lauener: That is why I wanted to emphasise the education, health and care plan. It is an opportunity to say what is working well with the statementing process, and what is working well with the learning difficulty assessment process, and to build a consistent process that includes quality and consistency around the country.

Q Chair: Peter, we have to go and vote. Just answer the question. Are you intending to divide the assessment from the funding?

Sir David Bell: This is an issue in the schools funding consultation document, and I heard what was said earlier. The proposal was that local authorities would take the money, have the funding to allocate, and not have it directed above a certain level by the YPLA. That is not a conclusion yet, but it was interesting to hear what one of your witnesses said.

In reply to Mr Heaton-Harris, I don't think we could sit here and give you a categorical assurance that even under the new system every education health and care plan would look the same throughout the country, and frankly I don't think it should.

Q67 Chris Heaton-Harris: I do not want it to look the same. I just want to know that when provision has been awarded it will be followed through.

Sir David Bell: That is one of the criticisms of the current system. You have to specify much more clearly and sharply, which is the proposal in the SEN Green Paper, and we'll have to see first what the Government's response to that is, and secondly how you police the implementation of that provision.

Q Chair: Okay. We're going, but may I plead that everyone comes back quickly, and does not disappear.

Sitting suspended.

4.52 pm

On resuming—

Q68 Ian Swales: Apologies, I missed a few minutes of the hearing earlier. As I left the room, Sir David's words were something like, "How that plays out across the country will vary." We have been hearing a lot about that this afternoon. I want to just turn that around and think about the young people themselves. What sort of rights should they have? We hear more and more that it depends on what kind of establishments and what kind of local authority you have. I am actually quite disturbed at that sense of how it seems to be working. I will give you two examples. In my area, there is a cliff edge at 18—people are typically moved anything up to 50 miles away from the local area because there isn't any provision. Right now, my local authority is consulting on charging people from 16 upwards for transport. Given the nature of the transport, this will almost certainly mean that quite a lot of post-16-year-olds will stop going to any kind of establishment. I will be

interested in your views on those two issues, and the point about what rights young people have.

Sir David Bell: It feels that as if the issue of localism is playing out quite a lot not just in our hearings but in hearings of the PAC more generally. You have to then think about what the alternative would be. For example, it used to be the case that the Department made school closure decisions from Cumbria to Cornwall. Of course, that was abandoned because it was seen that the man and woman in Whitehall could not possibly know the local circumstances. I actually think that that was one of the best decisions ever made—to put the decision making about the infrastructure of schooling there. But then you play that out to the examples that you, Mr Swales, have given as well: the number of schools, the way they are organised, whether you should have small schools or large schools, and whether you should have special schools or integrated provision. Surely part of the dimension of local accountability and direct democracy is that local authorities will say, "This is what our expectations are for children and young people—all children and young people. This is what we think children and young people with special needs are entitled to and we will seek, through our democratic mandate, to provide services to a particular quality." So, I find it quite hard to respond to the general question.

Q69 Ian Swales: We do not have any problem setting some kind of national standards for children who do not have special needs, so are we abandoning any idea we might have that it simply, literally is a postcode lottery? I know Miss Mactaggart, who was here earlier and had to leave, was talking about people actually moving house into her constituency because of the quality of the provision.

Sir David Bell: For children who are currently part of the statementing system, and hopefully part of the system in the future, there will be national regulations. There is a set of national regulations that governs the content of statements. Part of the consultation document is through a pathfinder to see whether you can tighten that up. In some ways, you have more national setting of requirements for children with special educational needs than you do for children elsewhere. Again, I would say that the Government's policy is to try to move away from specifications of a very detailed kind, but to enhance transparency—back to what we were describing earlier—so that parents and others can compare what is happening at one school or another, what is happening in one area or another. I do not think we are in any sense abandoning national standards for children in special education; but how those are met, I think, will have always to be sensitive to local circumstances.

Q70 Ian Swales: And on the particular issue of transport?

Peter Lauener: Can I add a point on your first point, which is the local provision? I said something about that earlier, but just to draw that out a little bit: I do think it has been one of the most significant trends in recent years that more local provision has been agreed between local authorities and FE colleges, which

extends the range of opportunities. With my national budgetary control hat on, I am also very pleased because that is generally quite a lot cheaper. The average might be £20,000 a head—still very significant—rather than £60,000 a head for residential provision. So it improves choice, it is good value for money, and I think that it is the way we will get the NEET figure down—through better local choice.

On your point about transport, I quite understand the difficulties that local authorities are in, where they have exceeded statutory obligations in the past and are looking at all areas to cut costs. They still need to meet statutory obligations, of course, but that does not mean that they will all need to do everything they have always done.

Q71 Chair: I have a question: what takes precedence, localism or the entitlement of the child?

Sir David Bell: I think when it comes to special educational needs statements—so if you have gone into the statementing process—there are national regulations about the nature of the statement. To that extent, you could say that the national statement takes precedence over the local decision. Of course, in a sense, localism takes precedence when it comes to how you play that provision out, because as we know, for example—I think this was alluded to in something that Mr Heaton-Harris said earlier—some local authorities will be much more specific about the financial consequences of a statement than others.

The question is, in the future, if you are going to specify the regulations for the new statement or the new single plan, how specific should those be? We have got an interesting tension here between what you should say nationally about individual students and what should be determined locally. You could argue at the moment that too much local variation has been allowed under the statementing process, but you have got to be careful that you do not end up with a single prescribed model for every part of the country, which might just not meet the local needs.

Q72 Ian Swales: I want to add another angle to this, in terms of the rights of the individual young person—let us remember that this report is about 16 to 25; only the first two years of that is actually child, legally, and the rest is adult. That leads me on to the point about the implication that I think still exists in the Green Paper that sharp-elbowed parents will get the best provision for their children, or certainly that that is still a feature of the system. I always bridle at that because I always think of the children who do not have parents or who have parents who are not capable of tackling complex systems, or whatever—they may have disabilities, or whatever, themselves, or they may have other problems. This is why it is so important that we think about what rights these young people have, regardless of the power of their parents, or whatever else.

Sir David Bell: I have to disagree with that, Mr Swales. Part of the reason for originally setting up the parent partnership services in local authorities was to provide precisely that kind of independent voice for parents who might not be able to navigate their way through the system. I think you are right about the

sharp-elbowed, but I think all parents find aspects of the special educational needs system really hard to navigate, whatever their background or education. Part of the ambition in these changes is to try to make the system simpler to navigate, because, arguably, that is the thing that really demoralises parents, and leads them, often, to despair about providing appropriately for their child or young adult.

Q73 Ian Swales: Will you be seeking to have more mediation and fewer legal disputes, and will you be measuring that?

Sir David Bell: That is actually quite an interesting point. When you are looking at the success measures of a new system, would a success measure be, for example, a reduction in the number of parents who took their case to a tribunal to appeal? I think that would be a success measure. Some people—people who are more anxious about getting the right provision—might say that, to some extent, that is a success. I think most of us would say that probably it's not a success if you are having to take your case to a tribunal, because what you are doing is saying, "I'm not satisfied." Measures like that will be important.

Q74 Ian Swales: So you will measure that?

Sir David Bell: Yes. In fact, to be honest, we do that at the moment. We do provide data on the number of appeals that go in front of special educational needs tribunals.

Chair: I thought the report says that we haven't got data on appeals.

Julian Wood: In terms of the tribunal, which is for those who are pre-16 or for those with statements, not for those with the learning difficulties—

Sir David Bell: Mr Swales was referring to the pre-16 tribunals.

Ian Swales: No, I wasn't.

Q75 Chair: Post-16. The report says that there are no appeal data.

Sir David Bell: We do not capture those data. I confess that I don't know the answer to this—I will have to check—but if you have a single plan from 0 to 25, I would have thought that it would be more likely for us to be able to capture that. Can I confirm that with you, Madam Chair, in writing? I just don't know.

Chair: One of the criticisms in the report is that you don't currently capture those data.

Sir David Bell: For post-16, you're right.

Chair: Chris, we interrupted you earlier.

Q76 Chris Heaton-Harris: I will not go back on exactly the same ground, but if I may air it, this has been a big constituency issue for me. I've got a local education authority that seems to be pretty good, but a bit like this report, which seems pretty good, there are some murky patches. I am particularly concerned about the gaps where there is an opportunity to fall off the cliff and go missing. What has this report brought to you in learning about the gaps?

The mum of one of my constituents, Joshua, has written to me. Joshua had a statement until he was 16.

After he left school, his statement lapsed, and he was told that they couldn't appeal, although they could have done so. He did two years at a local college, but then he was told he was not academic enough to continue his studies. He went on an apprenticeship, which took him to Kent, so he didn't become a NEET. That didn't work out, so now he's back on jobseeker's allowance. That seems quite a waste of taxpayers' money and exposes a number of gaps in the system. What can you draw from this report going forward?⁸

Peter Lauener: That is an interesting example, because it exposes something that certainly went wrong and is referred to in the report, which is that Joshua should have had a learning difficulty assessment to help him through that transition, because he had had a statement at school. The report refers to the variation in the quality and availability of learning difficulty assessments. That's a good example of a bit of the system that is not working as consistently as it should. Again, I don't want to labour the point, but I think the aspiration of the education, health and care plan from 0 to 25 is a good one, because instead of having one thing and then another thing, it's like a rolling programme, isn't it?

Sir David Bell: I am not sure whether the report highlights this, but part of the cross-Government thinking about a participation strategy for young people and young adults is looking precisely at this issue. What do you do for those who do not have academic or even other kinds of qualifications? That is an important part of the participation strategy, and it highlights something we know.

Going back to the Chair's first point, if you think about it, despite the progress downwards, we are still talking about 30% of young people who are NEETs. I think it highlighted for me, picking up Peter's point, that a lot of new provision has emerged in recent times. It is not all gloom and doom in this area. I think a lot more sensitive local provision has emerged. Some of that has been independent specialist provision for the very high need end of the spectrum, but I think that Peter has pointed out that a lot of the development has been more local. The YPLA and local authorities, which have taken a little bit of a kicking this afternoon, have been active in initiating conversations locally to allow new provision to be set up sometimes with FE colleges, sometimes with voluntary agencies and sometimes with the private sector. Of course, the private sector is an important player in this market. There is an interesting question about how you continue to stimulate the market of provision, because the more diverse the provision, I'd argue, the more likely you are to meet a wider range of needs.

Q77 Chris Heaton-Harris: I agree with that. What I am after, personally, is a commitment from you. We often get permanent secretaries before us, and they answer the points that the NAO makes, and we make some recommendations. I actually think this report should be feeding into the SEN Green Paper. I just want a commitment from you that you will take away

what this says—I am quite happy for you to give it to someone else—and put it into that process. There is some good work being worked up here and some good thoughts from previous participants. It would be a shame just to put it on the shelf as job done, when this is one of those reports that I would like to see as job followed through.

Sir David Bell: I do not want you to be cynical and think that it is easy for me to give a commitment because I won't be here in January next year, but to reassure you, this has actually played in quite strongly. I hope that you have heard from what we said today that quite a lot of what was already in the thinking around the Green Paper was because of the sort of issues that were then brought together in this report. We might argue about why it has taken so long for us to get to where we are, but I think there is a genuine recognition here. My own view has always been that identifying the faults in the system to support children, young people and young adults with special educational needs is the easy part. The harder part is finding a system that really does that. But if the positive response to the SEN Green Paper is anything to go by, many people out there think that this is the best chance we have got, probably in a generation, to sort this. I can absolutely assure you that Ministers are really committed to getting this right. I think this report highlights, if it needed highlighting, the sorts of problems that we have to solve.

Q78 Chair: In the current context of constrained resources, how would you assess value for money?

Sir David Bell: The report, interestingly, says that there is a mixed picture, to use a phrase. We have got evidence—the report highlights this and Peter has referred to it—that we are educating more people who were not educated previously.

Chair: That is not value for money.

Sir David Bell: It is one dimension of value for money.

Chair: It is not. What you are getting is more people.

Sir David Bell: But we are driving down the unit cost of educating some of these most extreme-end provisions. I think that is good. I think the report fairly points out that we cannot come to a definitive conclusion on this, because we do not have comparative data. So you cannot say at the moment that you get better value for money out of young people with a particular need being educated in FE colleges compared with being educated at a secondary school. I think we will be in a better position to do that when you have got the comparable data. So I think it is a mixed picture on value for money.

Peter Lauener: To add one point on value for money: for lower level needs, the gap between those with lower level needs and without any disability at all has been closing in terms of achieving level 2 qualifications at 19. So that is quite a good value-for-money story. It gets much more difficult, and I think the NAO Report is very fair in drawing out the value-for-money conclusions about outcomes for those with more complex needs. But in terms of costs, I think there is quite a good story on value for money.

⁸ 30% of young people with Statements of Special Educational Needs at 16 are not in education, employment or training at 18.

Q79 Chair: Let me ask you two questions. One is for you in your agency: how do you ration it?

Peter Lauener: The key thing that we have done over the past couple of years, which I think has helped to contain costs—has it avoided rationing? It has certainly contained costs—is we have worked very closely with local authorities over the more expensive end of the provision, the individualised placement budget. We have worked to give out indicative budgets to encourage local authorities—

Q80 Chair: When you say “worked closely”, what does that mean?

Peter Lauener: We have given local authorities a lot more information and they have been doing quite a lot of peer challenge. One authority has been saying to another, “Well, do you really need all these expensive residential placements? Shouldn’t you be developing some better local provision?” I have been delighted by that, because I think that is getting better value money into the process, but also better choice. That is not rubbishing national provision and residential provision, because there is some outstanding provision there, but it is getting the best value out of that and getting it used for the right young people and getting some of that national expertise deployed in support of local provision as well.

Q81 Chair: That is good but you have not really answered the question. Do you ration?

Peter Lauener: We have not turned away young people but we have sought to ensure budgetary control by issuing indicative budgets and expecting everyone to work within these. We have not had any cases where we have said, “No, we can’t fund”, but we have tried to exercise proper budgetary control.

Sir David Bell: I suspect that you, as constituency Members of Parliament, are probably in a better position to judge whether extreme rationing had been going on, because I think it would have come through. However, I think Peter is right that that has not interestingly been the issue here, but you might tell me if I am wrong. What you will more likely pick up are the sorts of decisions that are made at local authority level, and the way in which those decisions are made.

Q82 Chair: I will tell you where the rationing comes, and in a way, Peter gave it away, because what happens is—it is always tougher at the more complex end—you give an indicative budget, so if the institution that the parent/young person chooses is above that indicative budget, they are not allowed to have it.

Peter Lauener: Let me give you an example of something we do which addresses that particularly. We set a maximum level—I think it is £80,000, which is an enormous amount for students at the very high end of needs. If the proposition comes in that more than £80,000⁹ is needed, we have an exceptional costs review process, which gives an independent

expert assessment of whether those costs are justified. Actually, in some cases, that has come back and said, “We do not think that is justified”, and indeed, that process we have put in place has saved us about £3 million. I do not really regard that as rationing, because we are not saying, as a funding agency, we will not fund that. We are subjecting the proposition to expert review and challenge, which I think is a good and value-for-money process.

Sir David Bell: I suspect you would have us here for another reason if Peter’s budget had been blown on this issue.

Q83 Chair: I was going to ask about the independent specialist providers, because in page 17, paragraph 1.14, it says that you looked in detail at 15 and found that seven had made errors, which is a heck of a lot. Presumably they all over-claimed, but did any of them under-claim?

Peter Lauener: I do not think any of them under-claimed, from what I recall. We have a three-yearly audit process, so there are 56 independent specialist providers. Until recently, there were 57, which made it easier, because that was 19 a year. It is that kind of amount, and I think it is important to have that sort of review. I would say, however, that the funding proposition is so complex and detailed that I have quite a lot of sympathy for some of the providers, where their judgment about the needs has changed.

Q84 Chair: I accept that, but if that were the really the only thing, you would get under-claims as well as over-claims. If it really is just complexity that drives—

Peter Lauener: What happens is that the independent specialist provider changes the provision in some respect, and we go along and say, “You were going to provide six sessions but you have only provided four. We will have the money for two sessions back.” One thing I want to look at is whether we cannot make the funding a little simpler. We still want to have an audit in there. I am not convinced that the detail of the audit works as well as it should, but we must have that audit.

Q85 Mr Bacon: May I ask you about that type of behaviour in relation to schools themselves, rather than, necessarily, independent providers? Something I have noticed in my constituency—I would be interested in your comments about how widespread you think this is—is that the schools are happy enough to get the extra money that comes in the statement, but once they have got it, they then move the goalposts in terms of what is provided.

A parent has been coming to see me for a long time. Finally, a statement was put into place, and they got some provision that they were very happy with. Suddenly, after a few months, the provision went away and was changed to something else, because it was convenient for the school to do that. They had the money. It was in their pocket and they then, internally, moved the arrangements around. It looks to me and my constituent like the main purpose was in order to extract more from the available pot. How widespread a phenomenon do you think that is?

⁹ *Note by Witness:* The threshold is £35,000 above the maximum standard rate (£45,247 for day placements and £68,829 for residential) which amounts to £80,247 for day placements and £103,829 for residential placements.

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Sir David Bell: I do not know the answer to that, in terms of how widespread it is.

Q86 Mr Bacon: Anecdotally, do you think it is something that people do a lot?

Sir David Bell: I do not think people do it driven by the motivation, as it were, to just take the money, run and use it completely for something else. What happens sometimes is that the provision is allocated in a particular way. Let me give you the example of one-to-one support for a child with special educational needs. The school then says, "Actually, it may be better if this child were in a group of five or six." That often happens. What I would say in those circumstances is that you have the annual review of the statement and that it is really important that the parent uses the process to say, "Well, I thought that we were getting this. It is really important that I understand as a parent why I am now getting that."

Q87 Mr Bacon: What happened in that particular case was that they put in a provision that worked. The school turned round and said, "Well, there isn't a problem any more," and moved the goalposts. The reason there was not a problem was that the provision was working. The school took it away and of course the problem re-emerged.

Sir David Bell: That is the issue about the frequent review of the provision. I just do not know how widespread it is. You often get the behaviour that I described. Schools, with the best of intentions, change the support because they think that the child's needs have evolved over time.

Q88 Austin Mitchell: The report says, in paragraph 2.16 on page 26, that there are significant variations in the amount of funding per stated student. The figure ranges from as little as £1,900 per student to more than £20,000 per student. To venture a guess, that arises because local authorities are either using the block grant and fiddling it around for other purposes, as I suggested earlier, or they are adding to it from other funding. Do we not need to know what is happening and to have figures that are comparable—sorry, I have just had some new false teeth?

Peter Lauener: We touched a little on this point earlier on. I was not convinced that these figures demonstrate that there is a postcode lottery operating, because I know that there can be significant variations in the range of needs and the costs of meeting those needs identified in statements.

Q89 Austin Mitchell: If you are going to encourage best practice, we need to know who is subtracting and who is adding.

Sir David Bell: We know the outturn expenditure from local authorities on special needs. That paragraph is alluding to a variation per statement. We were talking about keeping control of budgets. Probably one of the common reasons for local authority directors of children services coming under pressure is when the special educational needs budget, including the statementing budget, goes out of control.

All sorts of factors come into play here, but there is a lot of comparable data about what different local authorities spend on pupils' needs. To some extent, that answers your question. Some authorities have made the choice to spend more on students with statements than others. As we said earlier, the problem is less pre-16, when you have that comparable data, and more post-16. As Peter has said, that is one of the things that we want to be looking at.

Q90 Chair: Where is your system of accountability? Have you written it yet?

Sir David Bell: I have the pleasure of coming back to you one more time before I go.

Chair: I know.

Sir David Bell: We will send a draft copy of that to you in advance of the session, which is on the financial management of maintained schools. It will be in draft, so it will probably form the basis of quite a bit of the conversation. You will get that before the hearing on 28 November.

Chair: Thank you. Richard has one final question.

Q91 Mr Bacon: My question relates much more broadly to your responsibilities and the responsibilities that you will have when you become a vice-chancellor next year. We had Mr Devereux with us recently talking about means-testing. Looking at universal credit, as we have done a number of times, it has become apparent that it is starting to throw up unintended consequences in a number of different areas. One of them that was alluded to in our hearing was related to the disincentives to work. An example of that is a parent working with children of university age or who are going to university. If you are earning £24,900 or £25,100 it could make an enormous difference of many thousands of pounds to how much you contribute as a parent, or are deemed to be expected to contribute, towards your child's education at university. The universal credit system may have a big impact on that. When we talked to Mr Devereux about this—he won't thank me for putting it in these terms and he didn't put it quite as crudely as I am about to—he said, "This is a pretty difficult thing we are embarked on and my focus is on this. Heads down, bully and shove. I am not going to worry about what is happening elsewhere, including in other Departments like DFE. I have too much to do to get this right myself." Presumably you have been made aware of the potential consequences in the university sector, and it is something that you will be grappling with next year.

Sir David Bell: I look forward to being invited back as an expert witness.

Mr Bacon: We might just invite you back as an accounting officer.

Sir David Bell: I have heard of that as well. The specific issue does not relate to our Department, because BIS covers the universities. I have to confess that I do not really know anything about that. Even if I did, the constitutional convention is that I should leave it to the accounting officer of BIS to answer your question. I will grapple with it when I move on.

Chair: Thank you.

Written evidence from the President of NASEN

OVERSIGHT OF SPECIAL EDUCATION FOR YOUNG PEOPLE AGED 16–25

1. Nasen is the leading organisation in the UK which aims to promote the education, training, advancement and development of all those with special and additional support needs. It works closely with other charities and organisations and is directed by the specialist advisory boards and the board of trustees. Nasen has recently been awarded government funding to develop and deliver training in Special Educational Needs and/or Disabilities (SEND) across all school settings nationally.

2. Nasen is first and foremost an organisation which promotes the interests and effective inclusion of children and young people with a wide range of exceptional learning needs and/or disabilities.

Question 16

3. Nasen is pleased to report that there are pockets of successful and good practice resulting in effective outcomes for young people with SEND. It welcomes the reported increase in academic attainment as outlined within the NAO report. However, nasen has a number of ongoing concerns regarding this key transitional period, relating to special education for young people aged 16–25. Of particular note is the reported 30% young people with SEND not in education, training or employment. Further concerns are:

- (a) The variability across Authorities in *quality* of assessment of individual needs leading up to allocation of a placement, which may be based upon the provision available as opposed to the presenting needs of the individual.
- (b) The variability and, in some instances, lack of quality assurance of the provision available.
- (c) The variability in the *range* and *accessibility* of provision available across Authorities: there is often little or no choice of placement type for the individual and Local Authority support services are hugely variable in the amount of support they can offer to schools.
- (d) The lack of impact and outcomes measures and particularly the lack of information regarding effectiveness of provision.
- (e) The lack of meaningful information and, in particular, the lack of support and advice for the young person and their family.
- (f) Classification of need and entry criteria are hugely variable and interpreted very differently across regions and localities. Where children are performing upon the boundaries or cut-off points, they are often unable to access any additional support.
- (g) Increased variability in quality of provision and access to support due to the drive for localism; greater autonomy increasing the complexity in delivering a uniform approach, thereby exacerbating the “post-code lottery”.

Question 16

4. Evidence supports that the long-term outlook for young people with significant additional needs is often bleak, ensuring a significant drain upon public resources over the individual’s life-span, if support and provision are not available, accessible or of appropriate quality. All these issues impact substantially upon the individual. The resultant lack of consistency in approach to meeting the young person’s needs, invariably and ultimately relies upon the strength, initiative and endurance of the individual and their family to find a solution to having their needs met. It is neither cost-effective nor equitable to fragment support at this crucial stage in the individual’s life.

Question 21

5. To address these issues, Nasen supports the notion, as outlined within the SEND Green Paper: Support and Aspiration (2011), of a Core Offer of services. Nasen supports that the Core Offer should not only be a transcript of services which are currently available within the locality, but should provide a benchmark or national minimum standard of the provision necessary for meeting the individual needs of children with the entire range of SEND, for all children with SEND to have their needs met consistently across localities and regions. Nasen suggests that to increase accessibility of information, a designated website be created which provides a map and link to each Local Authority, giving quick and easy comparative information and data.

Question 16

6. In addition, the proposed, Education, Health and Care Plan from birth to 25 as proposed within the SEN and Disability Green Paper (2011), would provide the opportunity for greater forward planning to consider the needs of the individual at the key transitional periods.

Question 23

7. However, nasen is concerned that access to the plan will only be for young people with low incidence/high level needs which constitutes about 2.7% of children and young people, whereas the majority of young

people with SEN, 18.2% (DfE, 2010), would not have access to the support available within the Plan and hence would continue to remain unsupported around the key transitional periods across settings and into adulthood, unless a designated keyworker service were provided for all individuals with identified SEN. For these individuals it is necessary that they are provided with *Access Plans* which enable them to access mainstream provision by making clear how resources are to be allocated, monitored and evaluated.

Question 16

8. Nasen recommends the allocation of a designated advocate or keyworker for each young person with SEND to improve the accessibility and quality of information available by providing support and advice as they move from school to further or higher education and ultimately to the workplace to live as independent and fulfilling an adult life as possible. The keyworker would be a single point of contact who would be able to interpret exit and destination data for parents and young people to make informed choices, and provide support and advice at this key transitional period.

Question 33

9. To address the variability in quality of assessment of individual needs to determine which educational setting would best suit the individual and in order to measure outcomes against, Nasen supports the separation of assessment from funding providers. Assessment can only be objective and provide a true account of the individual strengths and weaknesses if separated from the funding streams which support the individuals. Otherwise there will always be a conflict of interest and assessment may be based upon the provision available as opposed to the presenting needs of the individuals.

Question 18

10. Of further concern is the effect of Localism upon individuals with SEN and disabilities. Localism, and the disaggregation of settings from Local Authorities (LA), prevents uniformity, as each individual setting is essentially accessing independent support and provision, which may or may not be quality assured. Over the last few months there has been a massive shift in the level of specialist support provided by LAs, with many LAs unable to provide the advice, training and support needed to ensure the quality of provision necessary to meet the individual needs of young people within mainstream settings. To take a specific example, 75% of children and young people with hearing impairment or who are deaf do not have a statement of SEN and therefore rely upon hearing support services to advise their mainstream settings into how to differentiate the curriculum to meet their individual needs. With these services reducing, support for the majority of individuals with hearing impairments is consequently reducing, significantly impacting their ability to access the learning environment and curriculum and achieve their full potential.

Question 18

11. Although localism exacerbates the facility for uniformity and consistency in approach, it does, however, provide the opportunity for innovation and tailoring of provision to meet individual needs. Innovation in the form of, say, employing health professionals under the same leadership team, can overcome many of the barriers experienced in the lack of coherence, access and accountabilities across agencies.

Question 4

12. To overcome the difficulties in measuring the cost-effectiveness of the wide variety of settings, Nasen suggests that models of successful *practice* and *success criteria* within individual settings be identified and used as a benchmark for measuring performance. Success criteria should include qualitative and quantitative measures. Qualitative measures could include how successfully the setting prepares the young person for adulthood and independent living, what careers advice is provided and how well supported and informed do the young person and their family feel when they are making key decisions around whether to continue in education, training or venture into the workplace.

13. Further concerns centre around:

- (a) access to a range of quality provision and specialist services across *rural* areas. A recent tragic story to illustrate this, is of a young person with moderate SEND who committed suicide at the age of only 17, following his previous education within specialist resource-based provision. His education could only be continued within a mainstream setting as there were no other specialist services available within the rural region. As he was outside the system, there is no account of his story;
- (b) the focus of FE colleges upon achieving 100% success rates, leading to them turning away students with SEND, leaving many students with no educational or training provider and not able to access the workplace; and

- (c) where students are educated within specialist settings, there is often provision available and a substantial focus upon independent living skills and vocational training, which is not always available within mainstream settings which focus more heavily upon academic attainment to the detriment of providing skills for life.

14. Nasen views specialist provision not as a continuum but as a series of overlapping curricular and support opportunities that can respond to a child's unique range of needs, providing different emphases at different times as required. Special schools should not therefore, be viewed as a "last resort" but as an option to meet either short or long-term needs using specialised support. Nasen views that the *match* between the individual and the educational setting is more important than promoting one type of educational setting over another.

14 November, 2011

Written evidence from Disability Alliance

INTRODUCTION

Disability Alliance welcomes the National Audit Office Report: Oversight of special education for young people aged 16–25 and the opportunity to provide evidence to the Public Accounts Committee on 9 November 2011. We support the Department's objectives of achieving greater independence and employability for young people with learning difficulties and/or disabilities. The timing of the report can now inform the implementation of the Green Paper on Special Educational Needs and Disability.

These notes and recommendations supplement the information Disability Alliance provided to the Committee.

QUESTION 23—CONTEXT

In 2009:

- 2.7% of pupils in schools had a statement.
- 17.8% of pupils in schools did not have a statement but had known support needs because of a learning difficulty or disability.
- 55% of young people with a statement are in mainstream schools.

So those with a statement are a very small percentage of all young people with a learning difficulty or disability.

The majority with support needs do not have a statement.

The majority of young people with a learning difficulty or disability are in mainstream provision, not special schools or specialist colleges, and not on discrete courses at a mainstream FE college, but study alongside non-disabled students across the full range and level of courses.

The emphasis of parts of the report is on students with high-level needs because the costs of supporting those students are likely to be higher. However, the majority do not have high-level needs.

RECOMMENDATIONS

The Department must ensure that the same accountability and evaluation are in place for all disabled young people, not just those with a statement/Single Plan.

Evaluation will be necessary for students at specialist providers, mainstream colleges, on discrete courses and all other courses.

QUESTION 24—TERMINOLOGY AND DATA

There is a suggestion in the report (paragraph 19a page 12) that the Post-16 sector could align terminology and recording of disability with that used in schools in order to improve communications at transition across school and post-16 sectors.

School categories of Special Needs are defined in the Code of Practice and are based on diagnosis—what is wrong. This is a medical model of disability and goes a long way in explaining the traditional culture on disability in some schools and parts of the medical profession.

In contrast Post-16, HE and Access to Work practices are based on person-centred planning and self-disclosure. Providers encourage the individual to consider:

What are the barriers to you as an individual?

What adjustments and/or support are required to enable you to fully participate and achieve your potential?

This is the social model of disability.

A statement that is not revised regularly does not necessarily identify the barriers to learning and participation, or the support or adjustments that would enable inclusion. Instead statements often impose a label on a young person that is often considered a stigma eg behavioural difficulties.

So many of us would strongly oppose changes to Post-16, HE and Access to Work recording of disability to make them the same as school practices.

RECOMMENDATION

Schools should work to a social model of disability, in line with Post-16 sector, HE and Access to Work.

This would make the school definitions of types of disability in line with those used in all education and employment settings after school—from age 16 to 65+. It would identify barriers and support solutions for the individual.

There would then be consistency of definitions that would improve consistency for data collection and evaluation. The implementation of the Green Paper provides an opportunity to make this change to a social model of disability and person-centred planning.

QUESTION 21—CHOICE OF EDUCATION OR TRAINING FOR DISABLED YOUNG PEOPLE ON LEAVING SCHOOL

Many disabled young people do not have a choice of provision on leaving school. This may be because of historical factors eg schools with or without 6th forms; existence or not of 6th form or residential specialist colleges; local FE colleges with strong vocational work skills courses; wide or narrow range of apprenticeship options. Sometimes local variations are due to being in a rural or urban community and ease/cost of transport.

In some areas Learning and Skills Council policies have been maintained to strengthen collaborative delivery, with mainstream and specialist providers working together to deliver person-centred programmes. Now some local authorities have resumed a leadership role through Transition teams. Some are working in consortia of local authorities to ensure there is not unnecessary duplication and costs are shared, as well as ensuring a broader mix of provision.

RECOMMENDATIONS

Local authorities should plan ahead and capacity-build a range of provision in the area.

They should identify the numbers and needs looking at least five years ahead, to identify gaps and trends of needs of young children coming through the system. In partnership with the full range of local providers local authorities can then ensure there is adequate sufficiency and expertise to offer appropriate education or training for all disabled learners.

Government departments or funding agencies should ensure local authorities are accountable for their duty to ensure appropriate provision is available for all young people 16–19 and up to 25 for those with a LDA.

For example funding could be a lever—provided it is ring-fenced.

Funding agencies should provide incentives for FE to retain and build provision that meets the needs of disabled young people and other disadvantaged groups.

The Department should proactively lead in sharing the good practice that exists in local authorities, specialist and general FE colleges.

QUESTIONS 2–3 AND 21—FUNDING METHODOLOGY FOR POST-16 PROVIDERS

The funding mechanisms for post-16 providers frequently restrict the range of provision available. YPLA and Skills Funding Agency funding methodologies prevent flexibility in curriculum design and delivery models. Instead of being able to provide a person-centred programme many providers rely on fitting individuals to existing discrete programmes. For example it is unlikely that job coaching will be funded through conventional funding streams, although that is one of the most effective measures to enable disabled people enter and retain employment. Providers have to be extremely creative and work in partnership with voluntary sector partners or apply for other types of funding (often short term) to develop new provision or even maintain existing programmes. Some will not choose to focus on the specialist needs of a relatively small cohort in a period of restraint and income generation.

RECOMMENDATION

There should be much more flexibility and financial incentives for colleges and training providers to offer person-centred programmes that do not depend on accredited learning and progression to a higher level of course, but do meet disabled students' needs.

QUESTIONS 21 AND 33—INFORMATION, ADVICE AND GUIDANCE

The s139A/Learning Difficulty Assessment or Single Plan should be an integral part of the information, advice and guidance support, not an isolated separate event. Frequently a smooth transition depends on quality impartial and timely careers guidance and a keyworker with appropriate skills and knowledge about options for young people with disability related support needs.

The key worker should work with the young person and family from at least Year 9 to ensure they know about all the options available, including apprenticeships, and the likelihood of funding allocations so they can make informed and realistic decisions about what provision would best suit their longer term aims (eg employment or independent living), the stepping stones to it and meet their support needs.

This empowers the young person and their family to understand the options, including funding considerations, is person-centred planning and informs the s139A or Single Plan.

RECOMMENDATIONS

The Department should ensure quality assurance of impartial careers guidance is in place after the Education Bill is implemented and that careers advisers in all settings for young people and adults receive disability awareness and specialist training.

QUESTIONS 4–7 AND 12—OUTCOMES

The uncorrected transcript provides a detailed account of the issues on agreeing appropriate outcomes for this cohort of students and their measurement and evaluation.

RECOMMENDATIONS

There needs to be clear specification of desired employability and independence outcomes, tracking of the learner over several years, and long-term evaluation of the benefits of different provision. In turn this should inform future commissioning and funding streams for colleges.

QUESTIONS 23–24—TRACKING DISABLED YOUNG PEOPLE

Currently it is common for Connexions services not to systematically support disabled young people after they leave their first post-16 provision. So local authorities do not know what they are doing nor whether they have achieved their potential. They cannot evaluate the costs and benefits of the provision they undertook since leaving school.

NEET data relates to young people aged 16–18, and most disabled young people leave education post-18, so are unlikely to be adequately captured in the NEET figures.

Each local authority should know how many s139A assessments it should and does carry out. This data can be collated to inform national evaluation and to identify any young people who did not receive a s139A assessment but should have.

RECOMMENDATIONS

Local authorities should track all those young people known to have a support need related to a learning difficulty or disability, whether or not they have had a statement or s139A. They would then have data to evaluate outcomes, costs and benefits of different post-16 provision.

The young person would then receive ongoing support in a way they do not at present, with a higher chance of achieving their potential at reduced public cost.

QUESTIONS 13–15—ACCOUNTABILITY OF LOCAL AUTHORITIES AND COLLEGES

Changes to the Ofsted inspection framework for post-16 providers risk reducing accountability in relation to equality and diversity. This has proven an effective accountability measure in driving up inclusion of disabled people. This change risks making the existing differences in measurement of provider performance greater still eg mainstream schools, FE colleges compared with specialist schools or colleges.

Methods of challenging local authority or college accountability are difficult for a family to engage with. Central government localism policies also reduce local accountability by leaving local decisions to the local authority. So where a local authority fails to ensure there is appropriate provision for disabled young people with or without a statement, or a college declines to partner a local authority to develop local provision, neither constituents nor central government holds them to account.

RECOMMENDATIONS

Ofsted should inspect quality of inclusive learning for students with learning difficulties and disabilities in mainstream and specialist providers pre and post-16.

Central government or funding bodies should be able to challenge local authorities or colleges that do not work together to meet their duty to ensure all young people can access appropriate provision.

Disability Alliance is a UK charity and aims to break the link between poverty and disability. We have over 360 member organisations including universities and colleges, more than 300 subscribers including disabled students and jobseekers and 36 years of benefits and welfare experience.

Recently Disability Alliance took on delivery of some of the former functions of Skill: National Bureau for Students with Disabilities (Skill closed in April 2011). Principally this is to provide an information service for disabled students, families and professionals as well as influence decision-makers on policy matters concerning access to and support in further and higher education for disabled students. See www.disabilityalliance.org/skill

21 November 2011

Written evidence from the Department for Education

Question 75 (Chair): *What data does the Department have on pre-16 and post-16 appeal tribunals and what are your future plans?*

In the 2009–10 academic year there were 661 Special Educational Needs and Disability Tribunal hearings. The latest costs we have relate to the academic year 2008–09 and average at £1,656 judicial cost for each hearing. In addition there was an average staffing and administrative overhead cost of £364.

Post-16 appeals by parents/young people (apart from a small number relating to schools post-16) are made to the local authority ombudsman or are subject to Judicial Review. Data is not collected for these appeals.

In developing the future 0–25 system, we are exploring how young people and their parents will have proper access to redress. We are also examining how young people could have greater access to mediation services before registering formal appeals.

22 November 2011

Written evidence from the Chairman of LGA and Young People Board

Following the publication of the draft transcript of the oral evidence session your Committee held on 9 November 2011 regarding the Oversight of Special Education for Young People Aged 16–25, I noted that you had not had the opportunity to hear from a local authority as to their experience of delivering special education services.

Should you wish to discuss anything regarding the oversight of special education services I would be more than happy to assist the Public Account Committee as necessary.

SUBMISSION TO THE COMMITTEE OF PUBLIC ACCOUNTS: NATIONAL AUDIT OFFICE REPORT ON SPECIAL EDUCATION FOR YOUNG PEOPLE AGED 16–25

The Local Government Association (LGA) is here to support, promote and improve local government.

We will fight local government's corner and support councils through challenging times by focusing on our top two priorities:

- representing and advocating for local government and making the case for greater devolution; and
- helping councils tackle their challenges and take advantage of new opportunities to deliver better value for money services.

The LGA is an organisation that is run by its members. We are a political organisation because it is our elected representatives from all different political parties that direct the organisation through our boards and panels. However, we always strive to agree a common cross-party position on issues and to speak with one voice on behalf of local government.

We aim to set the political agenda and speak in the national media on the issues that matter to council members.

The LGA covers every part of England and Wales and includes county and district councils, metropolitan and unitary councils, London boroughs, Welsh unitary councils, fire, police, national park and passenger transport authorities.

Local authorities have only been responsible for the education provision for young people aged over 16 and outside of schools since April 2010 and for Learning Difficulty Assessments since 2008.

We agree that there is much to be done to improve provision, but we think that councils have made significant progress in sorting out the systems they inherited. A number of councils are using their new powers on 16–19 special needs to link more effectively with adult social care and health, not least to help develop greater

independent living and employment skills which, as the National Audit Office *Oversight of special education for young people aged 16–25* report suggests, considerably reduce the burden on the state in adult life.

The way in which funding from national government is allocated to councils is often complex and not always transparent, whether it comes directly to the local council or via an intermediary agency such as the young People's Learning Agency. The NAO report highlighted this issue and, in paragraph 2.16, focused on the 16–19 SEN Block Grant. This funding was removed from local authorities in 2001 when the Learning and Skills Council was established and, as the NAO report states, has simply been handed back to local authorities each year, irrespective of whether there has been any change in the number of young people with special needs in the area.

Normal practice is that this funding is added to the Dedicated School Grant in local authorities and dispersed to special schools, for which it is intended, in the usual way for that authority. Rather than this funding “disappearing into other budgets” as some believe, many authorities continue to complain that they do not receive sufficient funding from the YPLA for SEN pupils aged 16–19 and need to subsidise post 16 learners in special schools with funding from the Dedicated School Grant.

The Committee identified one key issue in its report on 16–19 learning in July 2011 which stated that “Local authorities have a duty to secure [16–19] provision, but they lack an effective means to influence providers.” This tension was exemplified in evidence to you on 9 November 2011 when it was said that local authorities were “dumping” learners when they reached 19 years old and provided details of young people with special needs discovering that their local college had cut the course they had wished to follow. In many areas better relationships between local councils and colleges has improved communication and is preventing such action, but councils cannot direct schools or colleges regarding the provision they make.

Councils strongly support the proposals in the Government's SEND Green paper and we believe that, if implemented as described, the proposed new arrangements will significantly improve provision for children and young people with special needs. Many of the proposals in the green paper are based on existing good practice which shows that we can achieve better outcomes for young people with a disability and at a reduced cost to the state. We welcome recommendations in the NAO report, in particular that the Department for Education should:

- review the impact of local capacity constraints and associated value-for-money implications arising from the historic mix of provision; and
- work with local authorities and their partners to develop consistent costing approaches, so that integrated assessments of need and personalised budgets are supported by a full knowledge of the cost of different options.

5 December 2011

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