

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eighth Delegated Legislation Committee

DRAFT SPECIAL EDUCATIONAL NEEDS AND DISABILITY CODE OF PRACTICE: 0 TO 25 YEARS

Thursday 17 July 2014

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The Committee consisted of the following Members:

Chair: MR GRAHAM BRADY

- | | |
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| † Bebb, Guto (<i>Aberconwy</i>) (Con) | † McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab) |
| † Bridgen, Andrew (<i>North West Leicestershire</i>) (Con) | † McFadden, Mr Pat (<i>Wolverhampton South East</i>) (Lab) |
| Field, Mr Frank (<i>Birkenhead</i>) (Lab) | † Randall, Sir John (<i>Uxbridge and South Ruislip</i>) (Con) |
| Field, Mark (<i>Cities of London and Westminster</i>) (Con) | † Raynsford, Mr Nick (<i>Greenwich and Woolwich</i>) (Lab) |
| † Gummer, Ben (<i>Ipswich</i>) (Con) | Simpson, David (<i>Upper Bann</i>) (DUP) |
| † Hemming, John (<i>Birmingham, Yardley</i>) (LD) | † Stunell, Sir Andrew (<i>Hazel Grove</i>) (LD) |
| † Jones, Graham (<i>Hyndburn</i>) (Lab) | † Timpson, Mr Edward (<i>Parliamentary Under-Secretary of State for Education</i>) |
| † Lancaster, Mark (<i>Lord Commissioner of Her Majesty's Treasury</i>) | |
| Lazarowicz, Mark (<i>Edinburgh North and Leith</i>) (Lab/Co-op) | Sarah Heath, <i>Committee Clerk</i> |
| Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab) | |
| † Lumley, Karen (<i>Redditch</i>) (Con) | † attended the Committee |

Eighth Delegated Legislation Committee

Thursday 17 July 2014

[MR GRAHAM BRADY *in the Chair*]

Draft Special Educational Needs and Disability Code of Practice: 0 to 25 Years

11.30 am

The Chair: In view of the warm weather, hon. Members may remove their jackets if they wish.

The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson): I beg to move,

That the Committee has considered the draft Special Educational Needs and Disability Code of Practice: 0 to 25 Years.

I was starting to worry, Mr Brady, that I would get through this whole Session without having the privilege of serving under your chairmanship. I am glad to break that duck. It is a pleasure to have you with us today.

The code of practice will give guidance on part 3 of the Children and Families Act 2014. I welcome the opportunity to introduce this debate on the draft code, which must be approved by both Houses if it is to come into effect. Quite rightly, many hon. Members gave extensive time to discussion of the Bill and the emerging code. Together, I believe that we have created an excellent Act which, importantly, will transform the way in which support is provided for children, young people and their families. We should approve the code of practice to bring added impetus to achieving that aim and to help to bring it to life for the many families who will benefit as a result.

This is a fine opportunity to put on the record my thanks to all hon. Members who have taken a keen and sometimes personal interest in this aspect of our reform agenda—to raise our aspirations and our game for children and young people who need more help than others to be the best they can be. In particular, I pay tribute to my hon. Friends the Members for South Swindon (Mr Buckland) and for Blackpool North and Cleveleys (Paul Maynard), who have been strong advocates and champions of children with special educational needs and disabilities since the Green Paper and through to the cusp of implementation.

Our vision for children with special educational needs and disabilities is the same as it is for all children and young people: that they achieve well in their early years, at school and in college, and lead happy and fulfilled lives. The new code will play a vital role in underpinning that ambition. The reforms will put in place a new approach that places the views of children, young people and their parents at the heart of the system and joins up education, health and social care services for children and young people. Those principles run right through the code.

Most importantly, what does the code mean for children and young people themselves? It means that their experiences will be less confrontational and the system will be more efficient. It means that their needs will be

identified early and support put in place quickly, and parents will know what services they can reasonably expect. It also means that children, young people and their parents or carers will be fully involved in decisions about their support and what they want to achieve. Above all, it means that the aspirations of children and young people will be raised through an increased focus on life outcomes, including employment and greater independence.

As much as I would wish it, this is not a one-man Whitehall show. The Department for Education and the Department of Health have worked together closely throughout to ensure that councils and local health partners work together to plan a commissioned service for this group of children and young people. The code is the result of more than a year of extensive consultation. We took great care to listen to those who must have regard to the code, to make it truly accessible, and we offered interested parties every opportunity to comment on revisions of the code before running a final consultation in the spring of this year.

Furthermore, as part of its scrutiny, I am pleased to report that the Joint Committee on Statutory Instruments has considered the code. It raised just one issue of note. We have proposed a solution to that issue—it is explained in the departmental memorandum to the Committee—and we are confident that the solution will be effective, but we are taking time to get it absolutely right.

The Secondary Legislation Scrutiny Committee expressed concern that the code may be too long and complex to be useful to families, and we are mindful of that. I will come to it in a moment. However, parents are not the code's key audience. It is targeted at the range of bodies with statutory duties to fulfil, which must have regard to it. Changes we have made to the code, including those that have added to its length, have been in response to specific feedback from a host of organisations, charities and young people about how to promote clarity for those who must have regard to it.

The code covers most of the statutory provisions of the current system as well as significant new duties, with the post-16 group being the main recipient of those. It also replaces three separate sets of guidance and contains a stronger emphasis on the Equality Act 2010. It was absolutely clear that interested parties did not see shortening the code as a priority. What mattered was having a code that gave a clear explanation of the law and guidance that would speak to the wide range of statutory audiences.

Be that as it may, supporting parents in understanding the new system is key to its successful implementation. The 2014 Act ensures access to information, advice and support, and we have provided £30 million over two years to recruit and train independent supporters in every local authority in England. As I said, we are co-producing with parents' organisations a separate guide to the code for parents, as well as separate materials for young people, and both will be published in August before the reforms come into force. They will have their own guide which will be clear, crisp and directed at the purposes they need it for.

The reforms have been tested in a number of local pathfinders since 2012, and councils have been preparing to put them into practice in September 2014. Support is being provided to councils, including advice from regional champions and a range of delivery partners with specialist expertise. A total of £45.2 million will be provided to

councils in 2014-15 to help meet the additional costs of implementing the reforms, with a further £31.7 million in 2015-16. That is in addition to the £70 million special educational needs reform grant in 2014-15 to help councils plan for the reforms. The surveys of local authority readiness and the visits undertaken by the Department for Education to over 40 councils show that local areas are prepared to put the reforms into practice from September.

We have been clear that we expect the change from the current to the new system to take place gradually, and we have been consulting on transitional arrangements to achieve just that. From 1 September 2014, all requests for assessments of special educational needs for those who do not have a statement or a learning difficulty assessment will be considered under the new education, health and care assessment arrangements. The intention is that, by 1 September 2016, young people in further education who currently receive support as the result of a learning difficulty assessment will transfer to an EHC plan where one is needed. Children and young people with statements will be transferred by 1 April 2018. All councils will be required to ensure that certain groups of children are transferred to the new system by particular points during that transition period, to ensure an ordered transition that maintains protections for young people and children. To assist them in doing that, draft guidance was recently made available to councils.

The code is the culmination of much input, reflection and ambition from the Government and others who share our determination to create an SEN system that is unashamedly on the side of children and young people and their families. I am confident that the new code will play a key role in helping to put our reforms into practice, equipping those who work with children and young people to help secure the better outcomes that, of course, they deserve. We will revise the guidance on provisions for supporting young people in custody, which will come into effect from April 2015, and bring it to Parliament early in the new year. We will also keep the code under review as the reforms bed down. Now is the time to act, and with such broad support for the reforms and a high state of local authority readiness, I urge the Committee to support the approval of the code of practice.

11.39 am

Steve McCabe (Birmingham, Selly Oak) (Lab): It is a pleasure to serve under your chairmanship, Mr Brady. There seems to be general agreement across organisations that the code of practice, a bit like the 2014 Act itself, is in much better shape than the earlier drafts as a result of the consultation. As I understand it, there has been a broad welcome for the changes requiring early years providers to have arrangements to support children with special educational needs and disabilities and to involve specialists in various areas. The recommendation that the governing bodies of mainstream schools should have a governor with specific responsibility for holding the school to account for its special educational needs and disability provision is also welcome. Another obvious improvement is the inclusion of non-maintained schools as organisations that must have regard to the code.

However, the Minister will be aware that the code has not been universally welcomed, and a number of Special Educational Consortium members have argued that it

should be approved by Parliament with regret. Some have even argued that the code should be withdrawn and laid before Parliament again at a later date to give people sufficient time to familiarise themselves with it. I do not propose that today, but I hope that he will indicate his willingness to treat seriously the many concerns that people have.

Does the Minister accept the criticism that those who are legally required to have regard to the code have been given a rather short period to become familiar with it, train their staff and implement the changes before the law comes into effect? There is normally an expectation that schools will receive new guidance at least a term in advance. That is hardly the case here, and this 270-page document contains three new chapters that most people have had little opportunity to consider.

I was pleased to hear the Minister say that he has a time scale and framework in mind, under which schools, local authorities and other agencies can phase in the implementation of the Act from September. Will he say a little more about the time scale? Has he considered, or will he consider, making a commitment to review the code, including public consultation with all those affected, so that we can learn what is and is not working and what good practice should be more widely spread? If so, can he give us an indication of the time scale for such a review?

The National Association of Independent Schools and Non-Maintained Special Schools has suggested that the code is weaker than its predecessor because it is unable to describe a clear journey through the SEN system. When I was looking at it, I was struck by the fact that it has been 13 years since the SEN code of practice was last updated—I think that was when Baroness Morris was the Education Secretary. I am keen that the Minister sees the new code as a living document that can be subject to more regular revision as we learn about the workings of this Act.

One obvious deficiency is that the supplementary material, such as the guidance for parents, schools and practitioners, is still missing. I was pleased to hear the Minister say that it will be ready for August. The supplementary material is what his own Department has called “the flesh on the bones”, and it is difficult to see how anyone would be able to make use of the code without that. Once the supplementary material is available, will it be cross-referenced with the code? What process does he envisage for revising and updating the code to take account of emerging supplementary guidance and other material?

There is anxiety in the independent sector that the code fails to recognise the barriers to parental preference and the likely impact on choice and access of European Union procurement practices followed by local authorities. The current procurement practices seem to place an unreasonably onerous burden on voluntary and independent children’s services. That seems a slightly strange position for a Tory-led Government to adopt, but there we have it. It means that providers are spending increasing amounts of time on procurement-related activity, and it also suggests that some local authorities are more focused on cost than on the child’s needs. Is that really in keeping with the spirit of the legislation? The process might mean that the time taken to procure placements is not compatible with the time frames set out for the completion of education, health and care plans. Is the

[*Steve McCabe*]

Minister aware of those concerns, does he plan to monitor the situation and how does he propose to address the problem if those fears are shown to be accurate?

There is a continuing concern about the lack of clarity on commissioning services locally to support children and young people without an education, health and care plan. As the Minister knows, many parents and organisations remain concerned that children with conditions such as dyslexia, who will not qualify for a plan, risk being overlooked in a system that tends to lack specialist training. Will he look carefully at the need for local authorities and schools to be made aware of that potential hidden disability and the need to ensure that children and young people with dyslexia are identified as early as possible and receive appropriate support? If necessary, will he consider revising the code to bring such issues to the attention of schools and local authorities? Likewise, those with speech, language and communication needs are unlikely, in most instances, to qualify for a plan. What steps does he propose to guarantee that schools and other education settings identify those with SLCN?

A specific concern remains the loss of School Action and School Action Plus, which were the mechanisms whereby children leaving key stage 1 without having learned to read would be identified and given additional support. Is the Minister certain that his plans for SEN support in schools will be as effective? The code says that schools

“must use their best endeavours to make sure that a child with SEN gets the support they need”,

but without a specified mechanism and teacher awareness embedded in teacher training, the risk of children with a hidden disability, such as dyslexia, being missed remains high.

Children with speech, language and communication difficulties run the same risk, especially where there is an absence of teachers and other specialists with appropriate skills and knowledge. As the Minister is no doubt aware, more than 1 million children and young people in the UK have some form of long-term and persistent speech, language and communication difficulty and at least 60% of young people in young offenders institutions have communication difficulties. Does he accept that a statement in the code that made clear the expectation of equity of access to services such as education psychology, specialist teachers, speech and language therapists, early years support and mental health agencies would be welcome, and will he consider it for any future revisions?

It is argued that the code is too weak in saying that school leaders “should” rather than “must” regularly review

“how expertise and resources used to address SEN can be used to build the quality of whole-school provision”.

Does the Minister agree that all special educational needs co-ordinators must be trained in recognising dyslexia and that all teachers and lecturers in all educational establishments need reminding that dyslexia can be a disability? Why is it now statutory that a SENCO who works in a school must receive training to master’s level, but that obligation does not extend to other education settings such as colleges?

What role can the Minister’s Department play in ensuring that schools and others know about the Dyslexia-SpLD Trust’s literacy and dyslexia professional development framework, which is a free online tool available to support the education work force? It has been suggested by the Association of Educational Psychologists, among others, that in order to ensure that the reforms work, the Government need to set out strategic plans for the future children’s work force to ensure that there are sufficient skills and resources to meet escalating demands. Does the Minister have any plans in that direction?

More generally, what conclusion should local authorities and other bodies draw from the use of the word “should” rather than “must” in the code? Does that mean it will not matter too much if local authorities ignore the recommendations? Indeed, should they be regarded as recommendations rather than requirements? Will requiring feedback “at least annually,” as it says in the code, be the best way to drive up standards quickly and address parental concerns about local authorities that offer a poor level of service? Is the Minister confident that the code is sufficiently clear on the support available between the ages of nought and two? Under the code’s provisions the earliest point at which child development will be fully reviewed is between the ages of two and two and a half years. For children with cerebral palsy that support is likely to be too late, as the period between the ages of nought and two is the golden period when intervention has the greatest impact.

Where in the code does it make it clear that the local authority is required to secure provision for children with SEND conditions from ages nought to two? What is the Minister’s expectation of the local offer for that age group? Can he point to any information resulting from the pathfinders that highlights a successful strategy for engaging families with children in that age group? Does he intend to review how the assessment process for education, health and care plans is working after a period of operation? If so, what time period is he considering for that?

Why does the Minister not make it mandatory for all young children who had complications around the time of birth to undergo early screening protocols for conditions such as cerebral palsy by specialist paediatricians and other experts? Will he say more about what he is doing to ensure that intervention and support by health services and local authorities genuinely amounts to a co-ordinated, joined-up service? As I understand it, Ofsted, with its ever-expanding role, is the body expected to hold schools to account regarding the application of the reforms. However, the code is less than clear about how that will happen. Is he in a position to offer greater clarity now on how it will work, or does he plan to include that in supplementary guidance? If so, when? Specialist SEN support services do not come under the remit of Ofsted, so how will they be held to account? Does he accept that there is a strong and clear case for an inspection strategy to cover specialist support services?

May I ask about whistleblowing? If a teacher or other practitioner believes that a child’s special educational needs are not being properly supported, who do they raise that concern with? Can they only raise it with the head teacher or the head of the organisation? Is that likely to prove effective, given what we have seen in other settings?

As the Minister will know, there is considerable doubt about accountability outside schools and a lack of clarity about how joint working and joint commissioning will operate. With SEND pathfinders not due to make their final report until March next year, what evidence does he have that plans are well advanced in a majority of areas to jointly commission services for children and young people, especially those who will not have an education, health and care plan? I have not been able to identify in the code who is responsible for holding the NHS to account for commissioning services for children without plans. Can he help me with that? Does he accept that there is a lack of clarity overall on accountability for health and care provision and the process for jointly commissioned services?

I recognise that the code is a huge document and that it is designed to support an important piece of legislation. It is not my desire to make life difficult for the Minister or put him on the spot. I am happy to accept that he may well want to write to me with answers to the detailed points I have raised. The important thing is that, for this to be the landmark legislation that will make the difference he has repeatedly said he wants it to, the people who will operate it and work with it are going to need answers to the questions I have raised.

11.55 am

Mr Timpson: I thank the hon. Member for Birmingham, Selly Oak for his usual assured and helpful response. I agree with his last point; for the reforms to truly make the mark we want them to, it must be clear what is expected of those responsible for delivering the support that families, young people and children require. It must also be clear to them what is achievable if they do things differently and if there is a culture change in the relationships between education, health and social care. That is at the heart of the reforms. I welcome the support from him and other members of the Committee for the changes we are bringing in.

We have, of course, listened to the concerns raised not only during the passage of the Bill but in the consultation on the code of practice. We listen to such concerns with sincerity and seriousness, and it is no coincidence that, as he said, the code has had some substantial changes from its original draft. Those changes reflect the conversations that were held and the concerns that were rightly raised. It is true that many of the organisations that represent children with special educational needs and disabilities and their parents have welcomed many of the code's provisions. There will always be specific issues that people want to push further on, and that is the right thing for them to do. It is also right that we enable people to familiarise themselves with what the code means for them. That is why we put the draft code out for consultation in April. It was not just put out there for people to respond to, however. On the back of it, there was a concerted effort by the Department to engage directly with many of the organisations, charities and individuals with a particular interest in the code. We learned from that as the consultation continued, and the subsequent consultation was also informed by it.

Mr Pat McFadden (Wolverhampton South East) (Lab): The Minister mentioned consultation and feedback. The age range of the code is zero to 25 years. I met

recently with students at Dudley college who were concerned about changes to financial support for higher education students with disabilities. They fear that the special support that is currently and quite rightly in place for students with disabilities is being changed and cut back to such a degree that it might affect whether students with disabilities are able to pursue higher education. Has he received any representations about the change, perhaps from the Association of Colleges, the National Union of Students or other such bodies? If so, what is his response?

Mr Timpson: I am acutely aware of that issue, and it derives from a piece of work that the Department for Business, Innovation and Skills has undertaken on the disabled students allowance. Rather than reducing the overall envelope for providing what is necessary for higher education students who require additional support, that work looks at whether it is being targeted as efficiently as it could be. I am very much alive to the points that the right hon. Gentleman makes, and I assure him that it is not just BIS looking at the matter. I am taking an active interest to ensure that the reforms are complemented by any changes proposed by other Departments.

The hon. Member for Birmingham, Selly Oak asked several questions. I am grateful to him for prompting my usual response, which is to offer him a comprehensive letter in reply should I fail to cover each and every one. I will provide him with some initial responses, which I hope will go some way to answering his questions, but I will send a written reply in due course.

The hon. Gentleman wanted clarification on the time scales for transition. As I said in my opening speech, for children currently on statements there is a transition period through to September 2018. For those on learning difficulty assessments it will be until September 2016. We have looked carefully at the volume of current statements and LDAs, as well as the capacity within each local authority to transfer to EHC plans. We have worked with the Local Government Association and the Association of Directors of Children's Services to ensure that we get the right balance between not overloading the system and reassuring parents that the system is changing at a pace that everyone can cope with.

The hon. Gentleman also asked about the review of the code of practice. He rightly pointed out that there had not been any substantial updating of the current code for about 13 years. I have an open mind about the review of the code of practice. I certainly would not expect it to be another 13 years before we reopen many of the matters in it. He suggested that it is a live document; that is a much more constructive approach to the code, particularly as there are so many significant changes happening at the same time. It is only right to keep it under regular review, although it is also important to give it some time to bed in, so that people can familiarise themselves with what it means in practice.

The parents' guide and the young person's guide to the code are not aimed only at those audiences, but we have worked directly with parents and young people to produce those guides, which will be available in August and will be on everyone's favourite website, gov.uk.

The hon. Gentleman also asked about the cross-referencing of those documents with the code of practice. I will go back and look at how that is being established.

[Mr Timpson]

It is also worth pointing out that for professionals working in schools, social care and health services, we have opened the new SEN gateway, a website containing up-to-date best practice materials on how to fulfil their professional responsibilities. That has been widely welcomed and used.

The hon. Gentleman also asked how we would monitor councils' decision making—on a case-by-case basis, and I suspect he also meant at a strategic level—on how financial implications are taken into account when determining the support required. We have thought carefully about that. That is why we are providing additional money to meet the additional burdens on local authorities, so that there is no reason for them not to fulfil the duties placed on them. I will come in a moment to how we hold them to account for the decisions they make in relation to inspection and transparency.

The hon. Gentleman asked about those who may not be eligible for a plan—often those who are on School Action or School Action Plus. It is worth reminding the Committee that School Action and School Action Plus were never a legal requirement. Before they came into being there were actually more categories than those two. A lot of research, particularly the work of Brian Lamb, who conducted the well regarded review into special educational needs, has demonstrated that too much emphasis was being put on the label, rather than the support required to meet the outcomes that the child was capable of reaching.

Children who have dyslexia would not necessarily be discounted from an education, health and care plan simply because they had dyslexia. They may meet the necessary criteria as a consequence of that and other conditions. The many children at school who will not be eligible for an education, health and care plan, who currently receive support under the School Action or School Action Plus schemes, or who have an individual education plan, will move to the SEN support system, which is a graduated approach that includes assessment, planning, implementation and review on a rolling basis. It involves not only the SENCO but a whole-school approach whereby parents are much more involved in deciding what support is required. That is where the Achievement for All schools have been so successful, and it is the model that many others have adopted.

The hon. Gentleman asked about children with speech, language and communication needs. He will be aware of the “Better Communication” research that Mr Speaker instigated, which has been extremely successful in demonstrating what is possible with the right practical support in place. We have worked closely with the Communication Trust and others who represent children with SLCN to ensure that the support that is required is at the heart of the code. The Department also provides support through grants and contracts. As the hon. Gentleman said, it is not a small number of children who are affected but a large number. We will continue to work closely with those who represent them to ensure that the implementation of the reforms benefits that group, as well as all the other groups that require support.

The hon. Gentleman asked about the principle of equity of access to support. I think it would be churlish not to say that that is a sound principle. It is exactly what the code seeks to reflect and will be a good litmus test for judging the code's implementation.

On SENCO training, the hon. Gentleman asked about dyslexia. As part of teacher training, teachers are required to have knowledge and skills in the field of special educational needs. We have trained about 10,000 SENCOs, and they will be a key element of ensuring that the whole-school approach is disseminated more widely across a school. I will come back to him about why is a master's level qualification is required in school but not in college. I will ensure that he gets an answer to that pertinent point.

The hon. Gentleman asked about a more general review of the children's work force. We have had reviews in the not-too-distant past, but of course we want to make sure that we get the right mix that meets the needs of all children. The local offer will be a powerful document, because for the first time it will set out in one place all the services that are expected to be available for children and young people with special educational needs and disabilities. Parents will be consulted about putting the document together, and there will be comments and responses about how the council will deal with any deficiencies that are identified. There is an opportunity to establish what is out there, to hold the local authority to account and to identify whether there are gaps in the work force.

The hon. Gentleman asked about the use of the words “should” and “must” in the draft code of practice. That is always a matter for debate in legislation and sometimes, as in this case, in statutory guidance. As part of the consultation, we have looked extremely closely at where we have used the words “should” and “must”. We think we have got the balance right, and we have spoken to an array of organisations to get their views on that. Of course, there needs to be some local flexibility in the delivery of services, but, above all, this is a statutory document, so it will carry huge weight should local authorities choose to ignore it.

The hon. Gentleman asked about children aged nought to two. He is right that we have a test at two years old that will establish, for example, development concerns. He wanted to know how we would ensure early identification of such concerns for those in the nought to two age range and a good exchange of information between health, education and social care. I take him back to the first principles set out in section 19 of the 2014 Act, which talks about the importance of co-operation, co-production and joint commissioning—all the principles at the heart of these reforms. He asked whether the services available to nought to two-year-olds would be in the local offer. I will send him some examples of local offers that have been pulled together as part of the pathfinders' work, which feature some of the work that they have done on nought to two-year-olds.

The hon. Gentleman asked about early screening protocols for certain conditions. I am happy to raise that with my colleagues in the Department of Health, as it falls within their domain. He also asked how we can ensure that health, education and social care are truly joined up. I mentioned a few moments ago the principles under which people now have to work. He will also know that we have put provisions in place not

just through the Children and Families Act but through the Care Act 2014 and the NHS mandate, which specifically names SEN as one of the things against which health providers will be judged. They are all pulling health education and social care towards a much more integrated approach. However, I do not accept that there are not clear lines of accountability. They are clearly set out in the code and in legislation, so ultimately it is not for each person to parcel off their own responsibility and fulfil it; they should see it as a joint venture. We know that is what parents want. They want to see professionals working collectively for the benefit of their family, and that is very much what we intend to happen.

That brings me on to the role of Ofsted and its evaluation of how the reforms will change the experience of families. We have asked Ofsted, and it has agreed, to do its own evaluation of the reforms as they start to permeate around the country. It will be able to provide us with its view on performance based on the measures that we have set. The hon. Gentleman will also know that in other areas of social care, Ofsted is looking at a more multi-agency approach to inspection. There is a good case for looking at how the inspection of special educational needs and disability services can be much more holistic than it has been to date so that, like the new single inspection in children's services, it will look at the child's journey through the system rather than just at how different aspects of the system relate to that child. I am committed to continuing to work with Ofsted to try to come up with a way of having much clearer accountability of SEN services, with a single point of reference as to what is being provided.

The hon. Gentleman also asked how well advanced EHC planning is within local authorities. One of the things that we have been doing in the run-up to September is ensuring that local authorities are ready for what is

going to happen, and that they will not just fulfil their legal duties but work in the spirit of the reforms. The local authority readiness survey includes examining their EHC planning, trialling an EHC plan with families and establishing how many statements and learning difficulty assessments they will need to convert to EHC plans. That will give them a long-term trajectory to ensure that the transition is as smooth as possible. About 95% of local authorities have said that they have reached that point and are confident that they will be able to fulfil the demands that we have placed upon them.

I am under no illusions; these are very big changes, and they are not the only changes that are happening for councils and schools come September, but I see them as complementing many of the other reforms that we are introducing in the autumn. The implementation phase will now be the most crucial part of this important programme of change. At the heart of it remains our commitment to ensure that families are the beneficiaries. If professionals themselves see benefits, it is an added bonus. There is a huge amount to gain here. A lot of good will has been developed right across the country, and there is a determination, from those who are working on the front line all the way up through to the Government, to ensure that these changes make a difference to the lives of children and young people wherever they happen to live and whatever their background happens to be.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Special Educational Needs and Disability Code of Practice: 0 to 25 Years.

12.15 pm

Committee rose.

