Statutory assessment and statements of SEN: in need of review?
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Special educational needs is a very significant issue...

- One in five school children in England and Wales has special educational needs (SEN)
- One in thirty – nearly 275,000 pupils in England and Wales – has a statement of SEN. Statements are intended for children with higher levels of need and are based on a six-month ‘statutory assessment’
- Demand for statements is rising and so too is local authority expenditure on SEN. In 2001/02, authorities spent almost £3.6 billion on SEN provision

...but there are concerns about how well the statutory framework is helping to meet children’s needs...

- Statutory assessment is a costly and bureaucratic process, which may add little value in helping to meet a child’s needs. Many parents find it stressful and alienating
- Statements often provide little assurance to parents due to weak monitoring arrangements in many schools and local education authorities – and shortfalls in the availability of some health and social services for children with SEN
- Statements are leading to an inequitable distribution of resources and may provide funding to schools in a way that fails to support early intervention and inclusive practice

...although some aspects are valued by parents and professionals.

- Parents value the formal recognition of their child’s needs provided by a statement and schools value the external advice they receive
- Statements can provide added rigour to planning for children with SEN – and pressure on all concerned to work together to this end
- A statement lets parents know what support should be provided for their child – and gives them a mechanism for redress, through appeal to a tribunal

Action at both the local and national level is needed to address these concerns.

- There is much that LEAs and schools can do to help meet children’s needs more effectively, within the current framework. The paper puts forward a set of twelve recommendations, based on innovative local practice
- There are a number of tensions in the statutory framework that lie behind its key shortcomings. Given the great diversity of views that exist, the report concludes that a high-level independent review, engaging all key stakeholders, offers the best prospect of moving forward
Background

1. One in five children in England and Wales are identified by their school as having special educational needs. SEN covers the full range of children’s needs – from mild dyslexia to behavioural problems to complex medical conditions. What children with SEN have in common is the need for some ‘additional or different provision’ in school. This could range from their teacher organising carefully structured group work for them, to needing a full-time assistant and help with feeding and toileting.

2. Most children with SEN will have their needs met by their school, often drawing on advice from the local education authority (the LEA) or other agencies such as health. In most cases, their teacher will work with the school’s SEN co-ordinator (the SENCO) to draw up an individual education plan (an IEP), setting out targets for them to work towards, teaching strategies and possibly some extra provision.

3. A small proportion of children require more support than their school is able to give them. The LEA then draws up a statement of SEN, which in most cases provides for extra help of some kind. This may include aspects of health or social services provision. Just over 3 per cent of children in England and Wales have a statement.

4. The statement is based on a six-month ‘statutory assessment’, carried out by the LEA and based on a wide range of advice – from the child’s parents, their school, the educational psychology service, health and social services and any other relevant agencies. The resulting statement sets out:
   - the child’s needs;
   - the ‘additional or different’ provision they are to receive to meet their needs;
   - learning objectives related to this;
   - which school they will attend; and
   - relevant non-educational needs, together with any provision in relation to them.

5. Most children who have statements go to their local mainstream school. However, a significant proportion of them are educated in special schools, which are funded by the LEA to provide for children with higher levels of need. Just over one-third of the children who have statements in England and one-fifth in Wales attend a special school.

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I Source: Department for Education and Skills (DfES) and Welsh Assembly Government (WAG). In 2001, 22 per cent of pupils aged 2-19 in England and 21 per cent in Wales were identified by their teachers as having SEN.

II By parents, we mean all those with parental responsibility, including carers and corporate parents.
This paper

6. Our research raises significant concerns about how well statutory assessment and statements are working. It also demonstrates aspects of the current framework that are valued by parents and professionals. This paper considers each in turn, concluding with a set of recommendations intended to help local authorities, schools and Government to meet children’s needs more effectively.

7. Our analysis is based on research in five LEAs in England and Wales, including interviews with key officers, meetings with headteachers, governors and SENCOs, structured discussions with parents of children who have SEN and a review of 100 case files of children who have statements. It also draws on other evidence including a national survey of LEAs and analyses of national data.

Key concerns about statutory assessment and statements of SEN

Statutory assessment is a costly and bureaucratic process...

8. Each statement costs an estimated £2500 to produce. I In 2000, almost 36,000 new statements were issued by local authorities in England and Wales. II We therefore estimate that LEAs are spending more than £90 million every year on statutory assessment and writing statements.

9. The same process must be followed, irrespective of the child’s needs – so, for example, the LEA must take the same steps for a child with behavioural difficulties as for a child with profound and multiple learning difficulties. Although authorities have done much to improve their management of the process, six months nonetheless represents a considerable time in a child’s education, particularly for very young children, whose needs may change rapidly. In practice, the overall process of needs identification – of which statutory assessment is only a part – can feel considerably longer than this to the young person, their family and their teachers (EXHIBIT 1, overleaf).

I  Average cost based on a sample of data from fieldwork sites.
II  Source: DfES and WAG.
EXHIBIT 1 One family’s experience of the ongoing process of needs identification.

It may be a number of years from when a child’s needs first become apparent to when they receive additional help through a statement...

Parents have no concerns.

Mark still has little language and throws frequent tantrums. The nursery reassures his parents that he is ‘just a late developer’.

Mark is falling behind his classmates in reading and writing. His teacher draws up an IEP for him. He still has few friends and says he is bullied by the older boys.

Mark is slow to make friends in school. His reception class teacher calls him ‘clumsy’ and ‘naughty’. The GP says his late development of speech is ‘not unusual’.

Mark is still struggling in class. His parents request a statutory assessment. He is diagnosed as having dyspraxia.

Mark* begins to attend a resourced unit in a local primary school. His results start to improve and he seems much happier.

Mark is 8 years old

Mark is 7 years old

Mark is 6 years old

Mark is 5 years old

Mark is 4 years old

Mark is 3 years old

Mark is 2 years old

Mark is 1 year old

*Note: Not real name.

Source: Audit Commission fieldwork
...which may add little value in helping to meet a child’s needs...

10. Statutory assessment seldom reveals significant new information about a child’s needs, as most advice will have already been sought by their parents or school, before the process even began.

...and many parents find it a stressful and alienating process.

11. Most of the parents we met said they ‘had to fight’ to have their child’s needs assessed. This was often linked to a perception that the LEA did not want to pay more for their child. The 1996 Education Act makes the local authority responsible for arranging provision to meet a child’s needs, as identified by statutory assessment and set out in their statement – placing potentially unlimited demands on limited LEA budgets.

‘I found it difficult to start the process. I had to phone, I had to beg ... I asked myself if I was being a good parent ... it was frustrating and draining.’

‘They don’t want to commit themselves ... because it’s down to resources ... I chased them all the time!’

12. During assessment, many parents experienced long delays when they did not know what was happening. Some complained of poor communication between professionals in different services. Parents in several areas felt that they were given too much information and that it was difficult to understand due to its use of technical terms and jargon.

‘I didn’t understand what the information meant in English. I felt bombarded! I needed to resort to real people to tell me what it meant!’

Source: Audit Commission interviews and questionnaire of SENCOs in fieldwork LEAs. Less than one-third of the 41 SENCOs interviewed felt that statements added significantly to the advice already received from the educational psychologist or to the individual education plan already in existence.

Structured discussions were held with over 40 parents, representing a wide range of experience. The quotes provided are verbatim.
Statements often provide little assurance to parents.

13. LEAs are held responsible for arranging for the provision in a statement to be made – but in practice, most provision is made at school level. Barely half of the LEAs responding to our national survey said that they had in place systems for monitoring school expenditure, management or pupil outcomes on SEN (EXHIBIT 2).

14. School governing bodies must ‘use their best endeavours’ to ensure that children with SEN receive the support that they need in school.1 Our research found that monitoring by governors was very variable – depending on factors such as their own expertise, their relationship with the headteacher and critically, the information they were given.

15. Statements often include aspects of health and social services provision, but LEAs have no control over how these agencies deploy their staff or their budgets. We found examples of delays, shortfalls and/or gaps in provision from other agencies, in one in five of the 100 case files of children with statements reviewed. For their part, health and social services have responsibilities towards many other client groups and, in the context of limited resources and competing priorities, the needs of children with SEN may not be paramount.

1 Duty under s. 317 of the Education Act 1996.

EXHIBIT 2  LEA monitoring of schools’ work on SEN

Barely half of LEAs report that they are systematically monitoring schools’ work on SEN.

In development (18)

No (7)

Yes (26)

Of those who said they had systems for monitoring...

22 were monitoring school expenditure on SEN

24 were monitoring the effectiveness of school management on SEN

20 were monitoring the outcomes achieved by pupils with SEN

Source: Audit Commission national LEA survey (51 respondents)
Statements are leading to an inequitable distribution of resources...

16. Sixty-eight per cent of SEN spending is focused on the three per cent of pupils who have statements. The remaining 32 per cent is spent on those with SEN who do not have a statement – some 19 per cent of pupils.¹ Children with higher levels of need will of course usually require more resources. However, the likelihood of getting a statement – and therefore in most areas, receiving extra support in school – can vary by factors other than need.

17. Where the child lives is one such factor: the proportion of children with statements varies fivefold between local authorities in England and Wales, from approximately 1 per cent to 5 per cent of pupils.² For this reason, several of the parents we met said they were worried about moving house in future.

‘All of us are probably scared stiff of moving house, because we might lose what we’ve got or have to go through it all over again.’

18. This variation is explained in part by differing local policies – in particular, decisions to delegate SEN budgets to schools. Several LEAs have chosen to delegate much of their SEN funding to schools. Fewer statements tend to be issued in such areas as schools are able to make more additional provision from within their own budgets.

19. The school a child attends also appears to influence their likelihood of getting a statement. Some schools have far more children with statements than others, which may again reflect local policy decisions (for example, to develop specialist ‘resourced units’), as well as the skills and attitudes of staff. Some schools have successfully developed a positive ethos towards including children with SEN – while others appear to be less willing to admit children with certain needs and more likely to seek additional resources by requesting statutory assessments or by encouraging parents to do so.

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¹ Sources: pupil number data from DfES and WAG, pupils aged 2-19 in 2001; financial data from CIPFA education estimates 2000/01.

² Source: DfES and WAG. Data relate to pupils aged 2-19 in 2000.
20. Finally, parental means and attitude also appear to have an influence. Many of the parents we met felt that they had been able to win more support for their child by being assertive.

‘The school never really flagged up that something was wrong. We got our own private assessment done – it cost an arm and a leg – and then it moved quickly ... I went in every day to the (SEN) office.’

‘They ignored me until I took them to court. Now my daughter is the only one out-of-borough in her school and she got speech and language therapy.’

... and may fail to support early intervention and inclusive practice in schools.

21. Statements may not support ‘early intervention’ if additional resources are only provided after much evidence of difficulties and a lengthy assessment process. There is also a perverse financial incentive for schools to emphasise a child’s difficulties in order to receive more external support.

‘In the past, we have all played games – we’ve been glad that they haven’t made progress as you can get a statement and resources.’

SENCO
Aspects of the current framework which are valued by parents and professionals

Formal recognition of a child’s needs and an authoritative summary of them...

22. Parents valued the formal recognition of their child’s needs provided by a statement. For many, it added weight to what they had been telling teachers for some time. It could also lead to their child’s needs being viewed more constructively.

‘He used to get called a clumsy child. They had no box to put him in – he was a ‘naughty boy’. No-one seemed able to cope.’

23. SENCOs valued the external advice that they received, especially from the educational psychologist – although often this was prior to statutory assessment. Schools’ ability to access advice from health and social services varies depending on factors such as funding priorities, contacts and how much time the SENCO has available, so statutory assessment could be valuable in making this happen.

Some assurance to parents

24. Parents felt that they had done their best to ensure that their child’s needs would be met, in seeking a statement. Having a statement let them know what support their child should be getting – and several of the parents we met were actively monitoring the school.

‘The statement was OK but we don’t know whether it has been implemented. I am keeping a close eye on the school as they have got problems.’

‘The statement sounds good, but they haven’t done it. As he can cope, I have to check to make sure he gets what is required.’

25. Statements can add rigour to planning to meet the needs of individual children – and pressure to ensure that agencies work together to this end. This is particularly valuable in respect of vulnerable children, such as those who are looked after by the local authority and those with complex needs, requiring support from many agencies.

26. Although monitoring by both schools and LEAs was generally weak, at the level of the individual pupil, much careful planning appears to be taking place, through individual education plans and annual reviews (as required by the SEN Code of Practice).

27. Finally, statements offer parents a mechanism for redress, in their right of appeal to the SEN Tribunal. However, few parents choose to take this up, perhaps for fear of escalating the issue.
Support to parents through a difficult period

28. Most parents spoke highly of the support they received from parent-partnership services\(^1\) in helping them through the statutory assessment process, advising them on how to deal with concerns about the school or the LEA and in some cases intervening on their behalf to broker a solution.

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<td>1 Parent-partnership services are provided by the LEA (sometimes through a local voluntary organisation) to offer advice and support to parents on SEN matters.</td>
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Recommendations for action

29. There is much that LEAs and schools can do within the current framework to help meet children’s needs more effectively. The paper puts forward a set of recommendations for action – based on innovative local practice – which are set out in the table overleaf. The most significant of these are:

- further delegation of SEN resources – to enable schools to meet more children’s needs without having to request a statutory assessment and giving them the means and incentive to intervene at the earliest opportunity; and linked to this,

- the development of rigorous monitoring arrangements, so that parents may be confident that their child will get the support that they need in school.

A long-term solution?

30. However, action at a local level can only take us so far. This is because there are a number of tensions in the statutory framework that lie behind its key shortcomings. In particular:

- LEAs are held responsible for arranging provision to meet the needs of children with statements – but resources are increasingly controlled by schools;

- some children require the support of health and social services, but these agencies are only required to respond in so far as their resources and priorities allow; and

- statements place unlimited demands on limited LEA budgets.
31. These tensions lie at the root of parents’ perceived need to fight for a statement, as LEAs seek to control their budgets; and explain why statements do not in practice always provide a guarantee that a child will get the support that they need. As budget delegation increases, these tensions are likely to grow.

32. We are aware of the existence of a wide range of views about how children’s needs should best be met – some rooted in years of negative experience. Changes arising from recent legislation and the new SEN Code of Practice represent steps in the right direction. But our analysis suggests the need to go further than this if we are to address the tensions that exist at the heart of the statutory framework.

33. Our key recommendation is therefore this: Government should establish a high-level independent review, engaging all key stakeholders – young people and parents, schools, local authorities, health services, voluntary organisations and others – in considering options for future reform.

34. Such a review could pave the way for a fairer, more sustainable system – enabling schools to respond quickly and effectively to all children’s needs and making better use of the available resources; ensuring that all those who need it, receive advice and support from other agencies; and giving parents greater confidence that their child’s needs will be met in school.
Recommendations for action within the current framework

**Assurance**

To provide parents with more assurance that their child’s needs will be met...

1. LEAs should develop with their schools systems for supported self-review of their work on SEN.

2. Governors should play a more active role in monitoring SEN provision – including how resources are used and the progress made by children with SEN. LEAs should ensure that information and training is available to support them in this role.

3. LEAs should put in place systems for monitoring and, where necessary, challenging schools’ work with children who have special needs.

4. LEAs should consider expanding their parent-partnership service to support more parents.

5. If fewer statements are issued as a result of increased delegation, schools should continue to use IEPs and regular reviews for all children with SEN and to plan carefully for key transitions; and LEAs should put in place systems to monitor the progress made by children who would previously have had a statement.

6. Government should support the introduction of common definitions of need to enable comparative data on pupil outcomes to be developed.

7. Government departments should consider how all relevant agencies may be held to account for their part in meeting children’s SEN.

**Resource allocation**

To promote early intervention and inclusive practice in schools...

8. LEAs should develop a phased approach to delegating more SEN resources to school level, in light of local circumstances.

9. LEAs should consider how best to provide additional funding to schools for children with very high support needs.
Assessment

To make assessment more responsive to the needs of young people and their families...

10. Advice on children's needs should be provided at an early stage, without having to go through a bureaucratic process.

11. LEAs should consider how they can help schools to access advice from other agencies.

12. LEAs should seek to develop 'joined-up' assessment frameworks for children with complex needs. Government should consider what changes at a national level would support such developments.
Have your say

Statutory assessment and statements of SEN: in need of review? is intended to stimulate debate on how best to meet children’s special educational needs, in today’s context. Readers are invited to share their views on the recommendations put forward in this paper, by completing a feedback form available on the Audit Commission website at: www.audit-commission.gov.uk.

Responses should be received by 31 July 2002. Key messages arising from this feedback will be shared with the Governments in England and Wales – and will be summarised in a second report, to be published in autumn 2002.

Statutory assessment and statements of SEN: in need of review? is the first publication in a national research project on children with special educational needs. A second report, to be published in autumn 2002, will look at how well children’s needs are being met in the context of policy on inclusion.

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