



Document: **Submission to the Education and Skills Select Committee Inquiry on Special Educational Needs**
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Introduction

1. The Pre-school Learning Alliance is a leading educational charity specialising in early years, with over 40 years experience of working with children and families. The Alliance provides practical support to over 15,000 early years settings and makes a positive contribution to the care and education of over 500,000 young children and their families each year. We encourage and actively promote parental involvement and partnership-working in all aspects of our work.
2. The Alliance is the largest voluntary sector provider of Neighbourhood Nurseries and Children's Centres, having opened 29 new nurseries in the last two years, of which 22 are designated as Children's Centres. The charity is a major employer of early years professionals within the sector and aims to be involved in 100 Children's Centres by 2008.
3. The Alliance has always been inclusive in its practice, providing help and support to early years settings. Since the *Mary Warnock Report* in 1978, the Alliance has formerly recognised the benefits of specifically trained early years workers for children with special educational needs (SEN). SEN co-ordinators (SENCOs) visit and support groups on a regular basis, advising them on legislation and best practice. This is supported by publications for early years settings, outlining clear guidance for early years professionals and support staff. The charity also provides a range of key products and services including publications, childcare consultancy, information and advice, quality assurance, research, training and family programmes.
4. The Alliance welcomes the opportunity to submit evidence to the Committee on the SEN inquiry. The Alliance recognises the need to define a specific set of guidelines for the early years sector, distinct from primary education. It is important that children under five with SEN are recognised as having complex and often distinct needs to children of statutory school age.

Definitions of Special Educational Needs

5. The 2001 *Special Educational Needs Code of Practice* (SENCOP) encouraged the move away from 'statementing' and separate provision for children with SEN. It was intended that this would give parents more choice about the best setting for their child's individual needs. However, many parents have found the statementing process demoralising and have experienced difficulties accessing the help they need from their local authorities despite the supporting documentation.

6. Peter Farrell states in his 2001, 'Special education in the last twenty years: have things really got better?' (*British Journal of Special Education*, 28 (1):3-9) " ... parents have a much louder voice, there are more mechanisms to support them and they have far greater rights of appeal ... but perhaps more important are the continued problems associated with the bureaucratic and cumbersome statutory assessment procedures which, despite proposed changes in the new draft Code, still seem to be a millstone round the necks of all those involved in striving to provide the best quality education to pupils with SEN and their families'.
7. If a system of statements is to be continued, there needs to be an easier way for this to happen. Definitions of SEN and disabilities can be confusing. Anecdotal evidence from early years providers suggests that uncertainties exist as to what constituted or defined an SEN or a disability, which appeared to cause confusion in their duty of care. The 2001 SEN Code of Practice uses the terms for a special educational need from the Education Act 1993 and a disability from the 1989 Children Act/1995 Disability Discrimination Act.
8. With the new Disability Discrimination Act (2005) in place, it would be beneficial if government created a process that clearly defines what characterises a child with SEN or a disability. This should be communicated clearly so that all early years providers and professionals in voluntary, private and maintained sectors can be consistent.

Inclusion

9. The Alliance supports a move towards inclusion for children with special needs in to mainstream schools. However, adequate funding must be provided if we are to realise this objective. Funding will be required to train early years professionals in delivering effective inclusive practice and to provide the extra facilities needed to provide a high quality learning experience for the child. The Alliance does not believe that Special Schools are advantageous, as they can foster a culture of separation, which directly contradicts the philosophy of inclusive practice. However, it would be ill judged to undertake a process of dismantling all Special Schools without putting the appropriate infrastructure and resources in place for genuine inclusion.
10. Children with SEN have different needs according to their type of condition or disability. Early years professionals will therefore need access to specialist inclusion training. Children with profound special educational needs or disabilities require individual and specific attention to benefit fully from any inclusive form of education. These children should not be segregated from their peers. A process of inclusion is the best way to provide good learning outcomes for children and also supports their individual rights. By ratifying the *United Nations Convention on the Rights of Child* in 1991, the UK government accepted the obligations set out by the Convention and agrees to be responsible for implementing its principles.
11. Raising standards of achievement for SEN pupils is an important objective. However, funding needs to be provided for key staff to follow the correct policies and specialist staff need training on how to follow procedures (as defined in the 2001 Special Educational Needs Code of Practice and other relevant legislation).

Parental Involvement

12. The Alliance welcomes the committee's decision to highlight the important role of parents. Parental involvement underpins the Alliance's work. Parents and carers are a child's first and primary educator. For children with special educational needs, a parent is the first informer of their child's needs and/or disability. Parental involvement can only work with good communication between the early years professional and the parent. Experience shows that Alliance member groups have found it very beneficial to involve parents in all aspects of their child's early development and learning, parents welcome the support. This enhances a child's educational experience and the parents also benefit from the support and advice given by the early years professional.

Legislative Framework

13. Feedback suggests the legislative framework for SEN provision is very confusing for early years providers. The 1995 Disability Discrimination Act (DDA) not only applied to pre-schools (with or without educational funding), but also applied to other service providers such as restaurants and petrol stations etc. Evidence provided by the Alliance's local SENCOS, suggests that some early years providers were unclear about how to comply, until a year after the Special Educational Needs & Disability Act of 2001 (SENDA). The SENDA and part 4 of the Disability Discrimination Act was only applicable to maintained nurseries, schools and post 16 providers. This caused confusion within the sector. It would have been more helpful to have a clear guidance specifically for the early years sector before the new legislation was enacted.

Unfortunately, clear guidance on duties for educationally funded early years settings did not come in until 2002, with the production of the SEN Code of Practice and for the whole sector in 2003 with the joint guidance from the Sure Start/NCB/CDC – *Early Years and the Disability Discrimination Act 1995, what service providers need to know*. Generally the process is considered by early years professionals as too bureaucratic, complicated and time consuming.

14. The Alliance supports the government's move to establish a legislative framework to specifically address the process of inclusion for children with special educational need and/or disabilities.

The process has been difficult both for individual childcare providers and for organisations to interpret legislation and support their members. The Alliance has consistently urged government to provide a clear and concise set of guidelines specifically for early years settings.

Conclusions

15. It is clear that the legislative framework for children with special educational needs has been fragmented and non-cohesive in the past. To move forward and build upon

past experiences, the Alliance recommends that the Committee consider the following:

- Wherever possible children with SEN should be educated in mainstream settings, providing there is adequate funding and resources to support this. It is clear that more funding is needed to specifically address any transition from special schools to inclusion in mainstream settings.
- Special Schools, by their very definition, do not promote inclusive practice and in some cases can isolate children. However, the specific expertise of those within special schools should be utilised within the mainstream sector.
- Standards will only be raised for SEN pupils if the early years workers receive appropriate training.
- Clearer guidance for educational establishments needs to be available for those settings who have children with SEN, including a clear definition of what constitutes a SEN or a Disability.

To discuss any points raised in the written evidence submitted, please contact Andrew Fletcher, Press and Parliamentary Manager on 020 7014 9301 or email andrew.fletcher@pre-school.org.uk