

Special educational needs and disabilities (SEND) reform

Special educational needs and disabilities (SEND) policy has undergone its biggest reform in 30 years. The Children and Families Act, which became law in March 2014, has introduced significant changes to the way support is provided to children and young people with SEND. These changes came into effect on 1 September 2014.

What do the SEND reforms mean in practice?

Some of the key changes from the 2001 SEND code of practice are:

- The law now covers children and young people from birth until 25 years of age and includes disabled children as well as those with special educational needs..
- A coordinated assessment process and new 0-25 education, health and care (EHC) plans replace statements of special educational needs and learning difficulty assessments.
- The code includes guidance on the joint planning and commissioning of services to ensure close cooperation between education, health and social care.
- There is a stronger focus on improving outcomes for children and young people, and placing children and families at the centre of decision making regarding the support that they receive.

As part of lobbying on the Children and Families Act, the Royal College of Speech and Language Therapists (RCSLT) successfully campaigned for speech and language therapy to continue to be classified as a form of special educational provision.

RCSLT concerns

The RCSLT is concerned about the future of speech and language therapy services for children and young people with communication difficulties in the new SEND system. Most children and young people with communication difficulties will not have one of the new EHC plans and we are concerned that their needs will not be met as part of the SEND reforms.

Joint commissioning processes

Expert legal advice has highlighted a gap in the new duty on local authorities and their health partners to jointly commission services



for children and young people with SEND who will not have EHC plans, contained within the Children and Families Act. The obligations the duty imposes are believed to be insufficient for ensuring that children without plans will receive the provision they require.

Implications

A leading QC has advised the RCSLT that as the legislation stands, and in the context of reductions to local budgets, there is a very real risk that services such as speech and language therapy will only be provided on a very limited basis or that particular groups of children and young people (such as those above primary school age) will completely miss out.

Recommendation

The RCSLT is calling upon all political parties to address the gap in the new duty, by committing to reviewing the legislation after an initial period, and introducing a clause in an appropriate Bill that addresses this issue. To support this, we believe they should also monitor the implementation of joint commissioning arrangements as part of the SEND reforms, and introduce solutions to strengthen joint commissioning and integrated service provision at a local level. For example, aligning national outcomes frameworks to support joint working and data collection between local agencies.