

# Children's commissioner recommendations for SEND reform

The Children's Commissioner, Rachel De Souza, has recently published a report "Beyond the labels: a SEND system which works for every child, every time", which she intends to sit alongside the DfE's SEND Review (2019) and SEND Green Paper (2022) and which she hopes will put children's voices at the heart of the government's review of SEND system.

29 November 2022  Alice Wheatley

The Children's Commissioner, **Rachel De Souza**, has recently published a report "**Beyond the labels: a SEND system which works for every child, every time**", which she intends to sit alongside the DfE's SEND Review (2019) and **SEND Green Paper (2022)**, and which she hopes will put children's voices at the heart of the government's review of SEND system.

The report's research methodology included interviews with 55 children and young people with additional needs across a range of education settings and 650 EHC Plans were analysed. The report outlines the key messages discovered and translates them into three over-arching ambitions.

Four key messages came out of the Children's Commissioner's research as follows:

- Children are ambitious, but do not always have excellent support.
- The SEND system should work for all children.
- Children want services to work together to provide seamless support.
- Children don't always feel understood.

These conclusions have been developed into three key aspirations which the Children's Commissioner hopes will be taken into account in the DfE's consideration of SEND reform and which can drive inclusion:

## **"To ensure all children and young people get support that reflects their ambitions"**

Some of the Children's Commissioner recommendations are:

- Updated statutory guidance which will cover the variety of support accessible at every level and exploring the practical ways these are to be expected to work. It is about consistency, coherence and steadiness.
- EHCPs and digitalisation, for example set personal targets which follow SMART. These targets will be co-created with both the child/young person and their families, with a specific focus on the voice of the child.
- Improved advocacy for children, which will allow the empowerment of children to shape their plans, improve the quality of those plans and reduce the need for slow and expensive challenges through SENDIST Tribunal.

## **"To ensure that all children are getting timely and effective support, locally, with a focus on early intervention"**

The Children's Commissioner recommends:

- An increase of training for the early years workforce, to provide early intervention for children who are failing to meet key developmental benchmarks.
- Children who are below the age of formal education rarely have an EHCP; therefore, if any additional needs or developmental delay does become identified before school, these children should then be automatically entitled to free childcare hours.

- Attendance of children with an unidentified additional need is often low; therefore, persistence absence should be used as a trigger for considering additional need.

**"To ensure that all children have consistent, excellent experiences wherever they are in the system"**

The Children's Commissioner recommends:

- There should be no sudden end of alternative provision support when a child reaches 16. Local Authorities should have the statutory duty to arrange alternative provision for those young people with SEND aged between 16 and 18.
- Supported Internship Programme is better developed for employers to offer young people with SEND structured and paid work experience with a hope for long-term job security.
- Ensure the government plans for a new funding formula for schools which looks more specifically at SEND across different areas and supports additional provision in mainstream schools.

## What action points can schools take from the Children's Commissioner's report

- Better use of digitalisation and representation of both young people and their parents when it comes to setting and achieving personal targets.
- Consistency and coherence should be the primary focus regarding children achieving their aspirations.
- Importance of a focus on how excellent alternative provision can best be provided to ensure all young people can gain the skills and confidence required to succeed.
- Need for a clear move away from labelling young people to a central focus on the importance of identifying where support can be given and the ways this should be achieved in a fast-paced but supportive manner.
- Looking more deeply into the factors which can show that additional needs are not being met and how schools can use other schools to correctly provide the best support possible.
- More recognition on transition points and that where these are not managed well the negative impacts that it can have.

## Author



**Alice Wheatley**

Associate

[alice.wheatley@brownejacobson.com](mailto:alice.wheatley@brownejacobson.com)

+44 (0)330 045 2882

---

## Expertise

Regulatory compliance for schools and academy trusts

Special educational needs and disability matters

