

## **SEC**

### **Key achievements of the Special Educational Consortium during the last Parliament**

#### **Securing major improvements to the Children and Families Act**

SEC provided the key coordinating role for the sector during pre-legislative scrutiny and the passage of the Children and Families Act through Parliament. SEC achieved the vast majority of its members' priorities during the passage of the legislation including and the rights of children and young people were enhanced in a number of key ways:

- The application of the legal framework to young people in custody;
- Stronger duties on health and social care services to deliver those elements of an Education, Health and Care plan;
- The application of EHC plans to young people in apprenticeships;
- The inclusion of disabled children and young people within key sections of the legislation;
- Strengthening rights for young people over 18 by removing the requirement to 'have regard to their age'.

#### **Ensuring the SEND Code of Practice was fit for purpose**

In its response to the draft Code of Practice published for consultation, SEC issued a public statement stating that the draft was not fit for purpose. SEC subsequently secured significant improvements to the way legal duties were explained and to the clarity of the guidance.

#### **Protecting legal aid for children and young people with SEN**

In its green paper on legal aid reform, the Ministry of Justice announced it was removing legal aid for SEN appeals. Following Parliamentary pressure from SEC, this decision was reversed. Legal aid for SEN cases was retained and SEC successfully argued for the framework to be extended to post-16 SEN appeals. This victory ensured that children and young people with SEN would continue to get access to justice whatever the financial means of their parents.

#### **The creation of a new inspection framework for SEN and disability**

Following a long-running SEC campaign to have SEN and disability provision inspected at local authority level, DfE have recently announced the creation of a new inspection framework. Inspection will be led by Ofsted and the Care Quality Commission. This will provide an essential means of holding local authorities and clinical commissioning groups to account for their SEN and disability responsibilities.

### **Safeguarding specialist SEN services from academy expansion**

Due to SEC's work on school funding reform and a successful SEC amendment voted into the Academies Act by the House of Lords, DfE accepted that funding for SEN specialist services should be retained by local authorities rather than delegated to individual academies. This victory provided a source of stability for the children and families using these services at a time of major change in the system.

### **Protecting Disabled Student's Allowance from cuts**

Following proposed changes to Disabled Student's Allowance which were announced with no formal consultation, SEC successfully lobbied for the delay of key elements of the reforms. SEC continues to monitor the situation closely to ensure disabled students are not disadvantaged by the proposals.

### **New legal rights for parents to request an SEN expert**

During the passage of the Education Act 2011, SEC secured a new legal right for parents to request an SEN expert to advise a review panel if their child is permanently excluded. The expert will be able to advise a review panel on whether a school did enough to identify or address a pupil's SEN before they were excluded.

### **Giving SEC members a voice at the heart of policy making**

SEC has organised over 60 meetings between its members and the Department for Education and other Government departments. SEC has secured places for its members on a number of official advisory groups. These include the School and Academy Funding Group, the External Working Group on High-Needs Funding, the Alternative Provision Reference Group, and Dispute Resolution Steering Group.

### **Ensuring safeguards are in place for children at risk from permanent exclusion**

During the passage of the Education Act 2011, SEC secured commitments that statutory guidance on exclusions would be explicit about the need to take unmet special educational needs into account when considering a decision to exclude. When DfE re-issued this guidance in 2015, lowering the threshold for when a pupil could be permanently excluded, SEC worked with lawyers to persuade DfE to withdraw the new guidance and re-instate the original guidance.

### **Responding to consultations**

SEC has maximised the capacity of its members by making over 30 consultation and policy responses to Government. This is particularly important for organisations that do not have the capacity to respond themselves. Our latest consultation response has noted considerable concern with The Government's proposed performance descriptors and SEC continues to work with DfE to ensure children with SEN have their entitlement to have their progress assessed protected.