

# Education Select Committee Inquiry on Children's Social Care- Call for Evidence

## A response from the Special Educational Consortium

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, workforce training, the SEN legal framework, exclusions, and alternative provision. This response therefore focuses on the aspects of the consultation that affect disabled children and young people, and those with SEN.

### Context

SEC welcome this inquiry by the Education Select Committee. We are particularly pleased to see specific questions relating to the experiences of disabled children and how their social care experiences can impact their educational or long-term outcomes.

Under the Children Act 1989, all disabled children are defined as children in need. Eleven per cent of children in the UK are disabled, yet [official government statistics](#) identify only 32,790 children in need with disability or illness as their primary need. This suggests that disabled children are not receiving the social care support that they are entitled to, due to a system that focuses on reactive response, as opposed to preventive early intervention.

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Despite the intentions of the Children and Families Act (2014), the lack of joint working between education, health and social care continues to impact disabled children and their families. We acknowledge the workforce retention concerns, waiting times and backlogs within the health and social care system. However, this lack of investment into early intervention is leading to the increase in out-of-area placements where young people are placed far from their families and local communities.

## Current System

The current provision of children's social care is not sufficient to meet demand. A report from the Disabled Children's Partnership (DCP) [Failed and Forgotten \(2023\)](#), found that only one in seven families had the correct level of support from social care. One in four parents surveyed were told that their disabled child did not meet the threshold for a social care assessment. Those who had received an assessment still face delays in receiving the support they were assessed to need, to meet their needs. As a result, families are often unable to work and have experienced poverty. Three in four parents have had to give up employment and over a third experienced relationships breakdown, due to the lack of support received for their child.

The children's social care system must accommodate both safeguarding/ child protection concerns and early help and support for families. Due to tensions in the system, this often means the latter becomes less of a priority. It can also mean that parents finding the system threatening rather than supportive, and that they can only get support when in crisis. Professor Luke Clements research [Institutionalising Parent Carer Blame \(2021\)](#) highlights the impact of inappropriate assessments and approaches to families with disabled children.

According to the law, disabled children are children in need, and therefore are entitled to social care support as such. Local authorities routinely fail in their legal duties to assess and support disabled children and their families, under the Care Act 2014. Quite often, families most in need are not receiving support until they are at crisis point, or there are child protection concerns. The importance of early support continues to be overlooked, and this lack of early intervention can then escalate to safeguarding/protection concerns or lead to high cost residential placements, family crisis, or cases of abuse and neglect.

## Impact on educational or long-term outcomes

DCP found that seventy per cent of disabled children and young people needing a personal assistant are facing delays due to the lack of availability of the workforce. Half of disabled children are facing delays in assessment for support for household tasks, household equipment and adaptations, and 39% of parents report delays to short breaks. This is before disabled children attempt to attend school, college or training. Therefore, without prior support within the home environment and in their communities, disabled children and

young people are being placed at a significant disadvantage when entering formal education.

The social care system should be supporting preparation for adulthood and independence, through the management of support, so children and young people can live happy, fulfilling lives. Within the UNCRPD, disabled children have the right to independent living, and therefore resources and funding should provide appropriate support as early as possible to ensure we are setting up young people for an independent future.

The call for evidence also asks the effectiveness of Ofsted inspections for children's social care. The inspection by Ofsted (with CQC) of local area support for disabled children and those with special educational needs and disability is separate from their inspection of children's social care. There appears to be a disconnect in the two inspections; for example, Kent County Council's children's services have been judged by Ofsted to be outstanding, despite significant weaknesses being found through the local area SEND inspection. The lack of progressions in addressing these weaknesses led to the Government issuing an improvement notice in March 2023. SEC feel a local area should not be judged as Good/Outstanding unless their local area SEND inspection is also Good/Outstanding. The needs to disabled children and young people and those with SEN must be seen as a whole, rather than a distinct part of the system.

## Next steps

The proposed new "Family Help" support, bringing together early help and support under section 17, has the potential to benefit disabled children and their families. This system needs to provide clear guidance and advocacy routes for disabled children and their families, to ensure they are able to navigate the system, alongside clear routes of accountability and redress.

We are also pleased that there will be a review of the legal framework for disabled children's social care; SEC feel that there should be national eligibility criteria for children's social care in the same way there is for adult social care. We need to ensure a system that allows children, wherever possible, to grow up in their local home and attend school in their local area. There is a clear need to support wider services to know how best to access support from social care, and vice versa, to ensure the needs of the child are addressed from an education, health and social care lens. There is a need for local authorities to deliver support and provide services in a timely manner, with adequate resources to do so. And finally, a culture change on how we perceive disabled children and their families and reducing parental blame and stigma.

Should you wish to follow up on any of the above, SEC would be happy to explain further.

**Dr Pooja Sharma, sent on behalf of SEC, January 2024**