
Cabinet
Council

21st June 2011
28th June 2011

Name of Cabinet Member:

Cabinet Member (Education) - Councillor Kelly

Director Approving Submission of the report:

Director of Children, Learning and Young People

Ward(s) affected:

All

Title:

The City Council's Response to the Special Educational Needs and Disability (SEND)
Green Paper Consultation

Is this a key decision?

No

Executive Summary:

On 9th March 2011 the Coalition Government published a Green Paper on Special Educational Needs (SEN) and Disability, *Support and aspiration: A new approach to special educational needs and disability*. The Paper contains a wide range of proposals for SEN and Disability, which include:

- A new approach to identifying SEN through a single Early Years setting and school-based category of SEN;
- A new single assessment process and Education, Health and Care Plan by 2014;
- Local authorities and other services will set out a local offer of all services available;
- The option of a personal budget by 2014 for all families with children with a statement of SEN or a new Education, Health and Care Plan;
- There being greater independence to the assessment of children's needs.

The national consultation on the proposals ends on 30th June 2011. A proposed response from the City Council is given in Appendix 1.

Recommendations:

- 1) The Cabinet are requested to recommend that the Council approve the appended response to the consultation questions published with the Green Paper.
- 2) The Council are requested to approve the appended response to the consultation questions published with the Green Paper.

List of Appendices included:

Appendix 1 - The proposed response to the consultation from the City Council.

Other useful background papers:

Executive summary of the Green Paper at
www.education.gov.uk/childrenandyoungpeople/sen

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 28th June 2011

Report title:

The City Council's Response to the SEND Green Paper consultation

1. Context (or background)

1.1 On 9th March 2011 the Coalition Government published a Green Paper on Special Educational Needs & Disability. The Paper builds on a number of previous reports and initiatives including the Lamb Report (2009), Ofsted's SEN & Disability Review (2010), and Achievement for All¹

The main proposals in the Paper are:

- A new approach to identifying SEN through a single Early Years setting-based category and school-based category of SEN;
- A new single assessment process and Education, Health and Care Plan by 2014;
- Local authorities and other services will set out a local offer of all services available;
- The option of a personal budget by 2014 for all families with children with a statement of SEN or a new Education, Health and Care Plan;
- There being greater independence to the assessment of children's needs.

1.2 The Green Paper included a number of consultations questions which were considered by officers and a proposed response prepared.

1.3 The national consultation on the proposals ends on 30th June 2011.

2. Options considered and recommended proposal

2.1 The two options available are to either do nothing and not respond to the consultation document or to send a response to the Government with the Council's views.

2.2 The recommended option is to approve the appended responses as the City Council's response to the coalition government's consultation on the SEN & Disability Green Paper.

3. Results of consultation undertaken

3.1 Briefing and consultation meetings have been held with a wide range of stakeholder groups, which include parents and carers, teachers, headteachers, educational psychologists and local authority officers and advisers. The response appended to this report aggregates those responses.

¹ Piloted for the past two years in Coventry and 9 other local authorities

- 3.2 Due to the timescales involved, it has not been possible to submit the proposed response to the Children, Young People, Learning and Culture Scrutiny Board (Scrutiny Board 2).

4. Timetable for implementing this decision

- 4.1 Responses to the consultation questions should be submitted to the Department for Education by 30th June 2011.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

The Green Paper addresses SEN issues at a very high level with some elements having clear financial implications, such as a national framework for funding SEN that allows continued local flexibility and the SEN personal budget. But with a lack of detail at this stage we cannot quantify the financial implications.

A significant level of funding is spend on supporting children with SEN and the majority of the SEN spend is funded from the Dedicated Schools Grant. Currently the local authority spends approximately 17m p.a. on services and provisions supporting children with SEN.² Any changes to the current system may have significant financial implications.

5.2 Legal implications

This is a response to the proposals for consultation under the Green Paper "Support and aspiration: A new approach to special educational needs and disability". Pilots are due to commence in September 2011 and legislative changes are expect to commence in 2012.

- Revised guidance is likely for Local Authorities, including a revised SEN Code of Practice which will need to be followed.
- The new Education, Health and Care Plan will replace the existing statement of special educational needs and will have a statutory basis.
- The proposed expansion of direct payments to address educational needs of children with SEN and disabilities would need to be reflected in the Local Authority's policy on direct payments.
- The existing statutory position in respect of any Looked After Children to whom the consultation relates will need to be considered.
- There are also implications in respect of sharing information. Data protection guidelines will need to be borne in mind when working with outside agencies, something that the consultation encourages.
- The proposals for strengthening parental choice in respect of schools will also have to be considered in light of the schools admission code and in respect of the Local Authority's policy as the admission authority for a number of local schools.
- A number of children with special educational needs also have some level of disability and the Local Authority will have to have regard to the public equality

² this includes spend on extended learning centres and excludes spend on SEN in schools

duty under the Equalities Act 2010, as well other provisions in relation to avoiding discrimination.

- Regulations on what information schools are required to publish are also likely to be amended and will need to be implemented.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Although there is much detail still to be determined in the national arrangements for children and young people with SEN and Disability, the proposals do have the potential to:

- Help children and young people with SEN and/or Disability achieve and make a positive contribution;
- Provide them and their parents and carers with easier access to specialist services.
- Support transitions for children and young people with SEN and disability and help ensure they progress to a positive destination after statutory education
- Bring greater alignment to the work of education and health professionals in support of children and young people with SEN and disability.

6.2 How is risk being managed?

With much detail still to be determined it is difficult to be specific on risks, although two key risks appear to be that:

- The proposals will lead to a wider range of different providers and less integrated services for children and young people;
- The term SEN may be used for significantly fewer children and young people, leaving some more vulnerable to their individual needs remaining unmet.

These risks are being managed through the City Council involving a wide range of service providers, including voluntary and community organisations, in work on *Overcoming Barriers to Learning*³.

6.3 What is the impact on the organisation?

It is difficult to quantify impact at this early stage, although the impact on the organisation, which would be through any subsequent legislation or guidance, may be in terms of some aspects of the City Council's work on assessment and/or provision being passed to voluntary and/or community organisations. If these areas of work are transferred to the voluntary, community sector or other private providers, then there may be an adverse impact on existing staffing levels within

³ A city-wide strategy to meet the needs of the most vulnerable children and young people, including those with SEN and Disability.

the City Council. This may result in the application of the City Council's Security of Employment Agreement and/or the Teachers Redeployment scheme.

6.4 Equalities / EIA

Formal equality impact assessments are maintained on existing city council activity relating to SEN & Disability. These have not been completed for the proposals in the Green Paper as they may or may not be implemented. Where it is thought that a proposal may impact negatively on children and young people with SEN or Disability then this is noted in the response to the consultation questions. Appropriate equality impact assessments will be undertaken on those proposals taken forward.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

The proposals carry implications for:

- Voluntary and community organisations which provide services for children and young people with SEN & Disability in that they may be commissioned to undertake a broader range of activities on the assessment and/or provision for those with SEN or Disability.
- The NHS through the introduction of a single assessment process and Education, Health and Care Plan, and through the expectation of closer working with other services for children and young people.
- Schools and academies through fewer children and young people being regarded as having SEN and through the proposed tracking of progress of the lowest attaining 20%.

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
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Other members				
Names of approvers for submission:				
Finance: Rachael Sugars	Finance Manager	Children Learning & Young People	25.05.11	26.05.11
Legal: Rebecca Knights	Senior Legal Officer	Finance & legal	25.05.11	27.05.11
Colin Green	Director	Children Learning & Young People	25.05.11	31.05.11
Councillor Kelly	Cabinet Member		25.05.11	07.06.11

This report is published on the council's website:

www.coventry.gov.uk/meetings

Appendices

Appendix 1: Proposed response to the 58 consultation questions published by the Coalition Government.

Support and Aspiration: A New Approach to Special Educational Needs and Disability

Consultation Response Form

The closing date for this consultation is: 30 June 2011
Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education e-consultation website: (<http://www.education.gov.uk/consultations>).

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

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Contact Details

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If your enquiry is related to the Department For Education e-consultation website or the consultation process in general, you can contact the Consultation Unit by telephone: 0370 000 2288 or e-mail: consultation.unit@education.gsi.gov.uk

Alternative Formats

An easy read version of the Green Paper will be available shortly from the Department for Education e-consultation website: www.education.gov.uk/consultations

If you require other alternative formats please contact:

send.greenpaper@education.gsi.gov.uk

Please mark ONE box which best describes you as a respondent.

<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Child/Young Person	<input type="checkbox"/> School/College
<input type="checkbox"/> Headteacher/Teacher	<input type="checkbox"/> SENCO	<input type="checkbox"/> Governor
<input checked="" type="checkbox"/> Local Authority	<input type="checkbox"/> National Voluntary Organisation	<input type="checkbox"/> Local Voluntary Organisation
<input type="checkbox"/> Children's Service	<input type="checkbox"/> Professional Association/Union	<input type="checkbox"/> Educational Psychologist
<input type="checkbox"/> Parent Partnership	<input type="checkbox"/> Consultant/Professional	<input type="checkbox"/> Academic
<input type="checkbox"/> Other (please specify)		

Please Specify:

Chapter 1: Early Identification and Assessment

1 How can we strengthen the identification of SEN and impairments in the early years, and support for children with them?

Comments:

- As a universal service, with potential to engage with every home with young children, Health Visitors can play a crucial role in implementing improved health checks from birth onwards, early identification of SEND and increasing families' access to services within the local community. We therefore strongly support the plan to re-build strong Health Visitor services.
- LA Specialist Services can play a key role in the professional development of Health Visitors and other Early Years Practitioners in identifying and meeting additional needs.
- The role of the Area SENCOs is an essential component of this in the private, voluntary and independent (PVI) provider sector and should be secured for the future.
- "Team Around the Child" approaches, with Key Worker capacity, are vital to a successful joined up approach. The "Early Support" model has worked well for young children with very complex difficulties.
- "Portage" is also a proven, effective, approach to supporting children's learning and development and building families' capacity to cope and this can complement Early Support and specialist teacher input.
- Our experience is that it is beneficial to families to maintain a central specialist teaching service in the early years which can co-ordinate support and input from a range of services.
- Strengthened outreach work from school nurseries, school nurses and increased provision of speech and language therapists would also help with early identification and support

2 Do you agree with our proposal to replace the statement of SEN and learning difficulty assessment for children and young people with a single statutory assessment process and an 'Education, Health and Care Plan', bringing together all services across education, health and social care?

Yes

No

Not Sure

Comments:

- We welcome the statutory duties placed on all agencies.
- Issues of balance of responsibility between agencies and monitoring compliance locally will need to be addressed eg. through the Joint Commissioning Framework. There is a need to ensure equal participation by all agencies – this is a significant challenge in the current funding climate and given the weakness of statutory responsibilities on NHS bodies.
- Greater clarity on thresholds for the "Statutory Plan" will be essential - children with lower levels of need will still require a joined up approach.
- Should it be incorporated into the existing Common Assessment Framework process, where these agencies already work together? This could also help to make the CAF process more robust.
- This proposal could work to the benefit of Looked After Children with SEND, whose lives are characterised by the involvement of multiple agencies who do not always co-ordinate their efforts in the best interests of the young person. However, there are some potential negative outcomes:
 - There is an implication that the number of young people undergoing such an assessment process would be radically reduced from the level currently going through Statutory Assessment. This may result in the needs of some children and young people (eg BESD, SpLD) not being identified as SEN and not being met.
 -

3 How could the new single assessment process and 'Education, Health and Care Plan' better support children's needs, be a better process for families and represent a more cost-effective approach for services?

Comments:

- The proposal to conduct health and development reviews at age 2 - 2½ years is welcome, however consideration should be given to lowering this to 12-18 months, to increase the impact of early interventions.
- The recently published LARC research on cost-effectiveness of the CAF process provides strong evidence of the single process being highly cost-effective in terms of positive outcomes for children and families and long term costs to society.
- CAF can offer a holistic approach to supporting the child, regardless of setting, and go some way to ensuring that funding and provision is clear and not duplicated.

4 What processes or assessments should be incorporated within the proposed single assessment process and 'Education, Health and Care Plan'?

Comments:

For children with a high level of SEN or disability, who require a tripartite assessment, the following should be incorporated into the single assessment process and plan:

- Multi-disciplinary assessment as in the Early Support Programme and a strong emphasis on the role of the Lead Professional
- "Team Around the Child" (TAC) meetings with parents fully involved, from the start, co-ordinated by a centrally based service in the LA, with a holistic agenda to address the wider needs of the family, as appropriate.
- Full medical and social care assessment at home/school or Early Years Professionals' assessment over time/ Educational Psychologist assessment/ advice from specialists in early learning and child development.
- Support and coordination for parents and carers provided throughout the process.

5 What is the potential impact of expanding the scope of the proposed single assessment process and plan beyond education, health, social care and employment?

Comments:

- It is possible that it would help to ensure that all services co-operate, own and accept their responsibilities and the resourcing implications of support for the child and family. It may also facilitate clearer accountability of cross-border services.
- We would question, however, whether all charitable/voluntary organisations in the field act more objectively than LAs and independently of their own business interests
- It is not the Coventry experience that LA-employed Educational Psychologists are unable to exercise independence in their professional judgement.

6a) What role should the voluntary and community sector play in the statutory assessment of children and young people with SEN or who are disabled?

Comments:

- There are good examples of strong partnership working between LAs and the voluntary and community sector (V&CS).
- However there are also many competing and contradictory interests in some parts of the SEND V&CS and it is not at all clear that this idea will necessarily provide a better solution than the current system, if it becomes a requirement in legislation. We would therefore have significant reservations about the proposal if it were to be implemented.
- There may be scope for a role for the V&CS in monitoring compliance with the single plan and in supporting parents and carers through the process, working alongside, collaborating with or challenging other agencies and professionals.
- There is also room for better communication to all parties as to what the voluntary/community and lottery funded organisations can offer families across a range of SEND.

6b) How could this help to give parents greater confidence in the statutory assessment process?

Comments:

- The V&CS may be able to help provide or identify appropriate keyworkers to help parents and carers understand and be fully involved in the process, express their views and wishes with confidence and act as an advocate for them, if necessary.
- The best LAs have learned from the Early Support Programme and Achievement for All and already provide good personalised support, through a named officer, keyworker or other form of link professional.. The best examples of Parent Partnership Services are also very effective in supporting parents' confidence in the process.

7 How could the proposed single assessment process and 'Education, Health and Care Plan' improve continuity of social care support for disabled children?

Comments:

- Ensure that a joined up, long term plan is in place, with security of resourcing and improved understanding of thresholds of need across agencies.
- The plan would help to share expertise across different disciplines and target essential services through a fuller understanding of the implications of a child's needs.
- It would be helpful to have a `summary of needs and services` which is used across the UK and can be immediately taken on board by a new LA/Children's Service.

8 How could the arrangements for provision of health advice for existing statutory SEN assessments be improved?

Comments:

- Focus on the quality of the reports and use less medical jargon.
- Give an opinion on the prognosis of particular conditions and keep to the remit'
- Include parental feedback and views.
- Reduce workloads of paediatricians and provide dedicated time for medicals and liaison with other services.
- Use of educational psychologists during clinical assessments would help in making recommendations/focus on positives and ways forward.
- Improved priority for this within the NHS and performance management of commissioners and providers on their work in this area. This is not a priority area for the NHS.

9 How can we make the current SEN statutory assessment process faster and less burdensome for parents?

Comments:

- Parental views could be taken face to face, with a short time period to provide any further information. TAC meetings with parental involvement could be held at the start and finish of the process to help achieve shared understandings.
- However, there are difficulties in trying to balance a thorough assessment with a shorter time scale. This is not an exact science, especially with young children, and some things should not be "rushed".
- If parents/carers are properly involved and supported throughout then the process can feel less burdensome to them. Perhaps this is where the emphasis should lie, so as not to undermine the usefulness of the resulting "plan".
- Key worker role to assist in the conduct and co-ordination of the assessment.
- It is unclear whether this proposal would address the most common difficulty for looked after children with SEND in the lead up to the writing of a Statement. This is the delay and fragmentation of the process which occurs when a young person moves to a different local authority at some time during the process. There should be mechanisms which mean that arrangements for the process to continue are made as soon as a young person transfers to a

new local authority, regardless of any funding

Chapter 2: Giving Parents Control

10 What should be the key components of a locally published offer of available support for parents?

Comments:

A menu of what is available to support their child – based on SEND specific needs (e.g. hearing impaired, autistic spectrum disorder, speech and language). Could also be categorised by age /key stage.

Level of funding from the Local Authority and expectation of provision from schools.

Criteria for Statutory Assessment

Range of provision available – services and settings

Support services – details of provision and access arrangements

Health and Social Care provision and other family support services

Eligibility for short breaks

Keyworker arrangements

Parent partnership Service

Positive Parenting Programme

Transport policy

Local Support Groups

Contact points

The offer should be comprehensive, accessible and jargon free. Parents have requested easily accessible information in different formats to meet individual parents' needs. Information should be available in multiple formats (leaflet, website etc)

11 What information should schools be required to provide to parents on SEN?

Comments:

The information available to parents/carers should include:

- the school SEN policy (including how children's development is reviewed and how their needs are identified);
- provision management (including the interventions being implemented, the range of special needs the school have met and how);
- the services that a school accesses and how frequently;
- practices adopted to enable children with physical and learning disabilities to access school (e.g. augmentative technologies, wheelchair access and specialist toileting facilities);
- progress data (value added), including the outcomes for children following them leaving the school;
- monitoring arrangements
- how transitions are managed between/within the school(s);
- levels of staff and staff training (e.g. post-teaching qualifications);
- Ofsted information on the provision for children and young people with SEN;
- the budget available and how it is spent on supporting children with SEN;

- assessment policy;
- the teaching staff who lead on interventions provided to children and young people with SEN (e.g. teachers/teaching assistants). Structure of staff in school and delivery of support
- SENCO – confirmation of teacher status and training undertaken
- Responsible SEND Governor
- Numbers and range of SEN pupils.
- Inclusion policy and practice.
- Accessibility of school
- Feedback from parents of existing pupils with SEN
- Curriculum and extra curricular activities
- How to raise concerns
- Communication on progress, etc.

12 What do you think an optional personal budget for families should cover?

Comments:

- Whilst understanding and supporting the rationale for extending personal budgets and giving parents greater control this is difficult in the area of education and the LA welcomes the proposed piloting work to investigate this area further.
- The LA is pleased that the difficulty re school places has been highlighted in the document. Other areas may be better suited to notional budgets rather than direct payments. This authority has fully delegated mainstream SEN budgets to schools since 2002/3. Any of these funded areas would therefore be the responsibility of schools. In most cases this funding will already be committed in existing staffing.
- Areas that could be considered include:
Aids and adaptations required by the pupil (safeguards would be needed to ensure the pupil received the necessary support)
Short break provision and support for siblings
Transport
Extra curricular activities

13 In what ways do you think the option of a personal budget for services identified in the proposed 'Education, Health and Care Plan' will support parents to get a package of support for their child that meets their needs?

Comments:

Parent/Carers in this Authority have welcomed the keyworker proposal. They feel that these workers will be essential if families have to decide on how to spend personal budget but are concerned that this will be funded from existing resources.

For those parents and young people who are able to access, and fully understand the choices available to them in order to support their child, a personal budget for a package of support could be a successful and expedient arrangement. Parents feel it could provide access to interventions and support that the Local Authority does not currently provide. This may meet the child's needs and result in positive outcomes. Our experience with the Individual Budgets Pilot for social care has been very positive.

However, the ability and willingness of parents is required if they are to benefit from the system. There are concerns that parents may select a provision that could actually be detrimental to the child/their development. An example includes a 'velcro-teaching assistant' (a parent may use their personal budget to enable a teaching assistant to be with their child throughout the school day, unaware that this could hinder their independence and self-help skills). Additionally, if an optional budget does not have a ring-fenced educational/health/social element (where needed), then the personalised budget may be spent inappropriately. A proportionate spending of the budget based on need on education/health/social provision will need to be monitored.

This is one of the areas where the VCS can play a very helpful role through providing parents and young people with support services in accessing and managing individual budgets.

The proposals in the green paper need underpinning by clarity of the legal framework/responsibilities across the agencies.

14 Do you feel that the statutory guidance on inclusion and school choice, *Inclusive Schooling*, allows appropriately for parental preferences for either a mainstream or special school?

Yes

No

Not Sure

Comments:

Inclusive Schooling ensures that all children have the right to a mainstream education if that is preferred by parents. It also gives a clear message to mainstream schools about their responsibility to meet the needs of all children with SEND. Parents in Coventry have objected to the use in the document of the phrase “We will remove the bias towards inclusion”.

Equally the document entitles parents to express a preference for a special school and for that to be considered and agreed by the LA where appropriate.

The SEND green paper emphasises “choice”. Whilst the longer term possibilities of more schools eg free schools is accepted, the current availability of places cannot be ignored. Special /specialist places cost more than mainstream places. Any increase is costly which would be particularly problematic in the current financial context. This LA has more special school places than many other areas but there is still a limit to the places available. The LA needs to ensure that they are used appropriately and cost effectively for the pupils who really need to access such provision.

15 How can we improve information about school choice for parents of children with a statement of SEN, or new ‘Education, Health and Care Plan’?

Comments:

The Local Offer detailed in question 10 above would give clarity on the provision in each area. There is a balance between giving parents “choice” and being realistic about what the LA would provide in an individual case. Each case needs to be considered on an individual basis. An improved dialogue between the LA and parent throughout the statutory assessment process is much better than giving lists of schools that would not be appropriate / or funded by the LA (eg raising expectations about independent schools when the LA can meet need within its own provision.) A personalised approach is therefore recommended.

The resource base of the local authority needs to be maintained in order to fulfil these functions.

It is our wider belief that the pure ideology of inclusion is fundamentally flawed; however, a model based on increased segregation, departmentalisation, and categorisation is also ethically unsound. We would urge government to invest heavily in increasing the availability and quality of specialist provision, whilst simultaneously developing ways to integrate these provisions within mainstream schools. This will help develop inclusive practice in mainstream settings for children with a lesser level of SEN whilst still providing essential specialist provisions to those with a more severe level of SEN. The two philosophies (inclusion v's segregation and categorisation) are not mutually exclusive. Both will fail unless they are developed side by side.

16 Should mediation always be attempted before parents register an appeal to the First-tier Tribunal (SEN and Disability)?

Yes

No

Not Sure

Mediation should always be offered but its usage does depend upon the circumstances of the individual case. The Local Authority (LA) recognises the benefits of mediation including conflict resolution and reduced stress for families. The benefits should be clearly explained to parents, whilst the right to appeal to the First-tier Tribunal should remain.

There are many Local Authorities, including Coventry, who work collaboratively with parents to avoid tribunals through their SEN teams and Parent Partnership Services. Coventry invests highly in its PPS. The success of these arrangements can be demonstrated by the low rate of tribunals for the LA. To always be required to undertake mediation does not represent value for money. Usually parents that choose to go to Tribunal in those Authorities with low tribunal rates do not wish to go to mediation.

For mediation to work it requires both parties (parent/carer(s) and the LA) to be prepared/have grounds on which to compromise. In cases where neither party is able/willing to do this then mediation is of little value.

Mediation does not result in a legally binding agreement. There have been cases where proposed resolutions agreed by parents through mediation have subsequently been dismissed by parents.

17a) Do you like the idea of mediation across education, health and social care?

Yes

No

Not Sure

17 b) How might it work best?

This could be beneficial for families with children who have complex needs requiring input across all three agencies. There would need to be clearly articulated responsibilities for each agency. Clarity would be needed about responsibility for funding this support depending on whether the issue at dispute was the responsibility of one or more of the agencies.

Mediation services would need to be developed that have the expertise relating to SEND in education, health and social care.

Chapter 3: Learning and Achieving

18 How can we ensure that the expertise of special schools, and mainstream schools with excellent SEN practice, is harnessed and spread through Teaching Schools partnerships?

A significant proportion of mainstream, pupil referral units and special schools should become teaching schools, providing:

- Outreach and in-reach (modelling).
- Staff training (including use of the Inclusion Development Programme)
- Staff exchanges
- Sharing of and co-development of resources
- Conferences.

Links should be made to the 2012 National Curriculum Review and the teaching schools and units should relate to local area partnerships of educational providers. The role of the local authority in co-ordinating, moderating and brokering these developments should be acknowledged and funded appropriately.

19 How can we ensure that we improve SEN expertise, build capacity and share knowledge between independent specialist colleges, special schools and colleges?

Comments:

Through activities such as those identified above and collaboration by senior management in planning these activities.

20 How can we continue to build capacity and SEN specialist skills at each tier of school management?

Comments:

- Embedding SEN related requirements within nationally accredited training programmes (eg NPQH)
- Prioritising the development of CPD in relation to core curriculum activities, such that all levels of management become aware of the potential value of good practice in SEN for all children's educational progression.

21 What is the best way to identify and develop the potential of teachers and staff to best support disabled children or children with a wide range of SEN?

Comments:

The LA and schools/academies have learned much from Achievement for All and would like to highlight the importance of:

- Use of a skills matrix – similar to the national standards approach.
- Ensuring that in performance management all teachers and staff have at least one target relating to meeting the needs of children with SEN & Disability.
- Encouraging all staff to participate in curriculum activities and development in relation to a wide range of SEN and disability.
- Co-working with colleagues from allied professions such as speech and language therapists, occupational therapists and physiotherapists, leading to improved understanding of respective roles as well as enhanced skills.

22 What is the potential impact of replacing School Action and School Action Plus and their equivalents in the early years with a single category of SEN in early years settings and schools?

Comments:

With adequate attention to an understanding that SEN covers a very broad range of need this change might be beneficial. The current layered system has the drawback of potentially seeming to lead towards statutory assessment.

The development of good practice across all schools and academies will be required for this change to be implemented without harm to children through their individual needs being identified late (or not at all) and their needs not being adequately met. Litigation against academies and schools is likely to follow where needs haven't been identified and met.

23 How could changing the school and early years setting-based category of SEN embed a different approach to identifying SEN and addressing children's needs?

Comments:

With comprehensive training and development of staff leading to improvements in classroom practice and/or structural changes within schools/academies it could lead to the needs of many children and young people being met without input from 'SEN specialists'.

24 How helpful is the current category of Behavioural, Emotional and Social Development (BESD) in identifying the underlying needs of children with emotional and social difficulties?

<input type="checkbox"/> Very helpful	<input type="checkbox"/> Helpful	<input type="checkbox"/> Not very helpful
<input checked="" type="checkbox"/> Not at all helpful	<input type="checkbox"/> Not sure	

Comments:

A disproportionate number of children identified as having BESD have poorly developed literacy skills, have learning difficulties or are looked after children. The category BESD encourages some practitioners to overlook the complex factors underlying the presenting difficulties.

25 Is the BESD label overused in terms of describing behaviour problems rather than leading to an assessment of underlying difficulties?

Yes

No

Not Sure

Comments:

Overused in that it can serve to cloak underlying difficulties.

26 How could we best ensure that the expertise of special schools in providing behaviour support is harnessed and shared?

Comments:

Through the sorts of collaborative work already referred to in relation to the above questions, although the 'expertise' of special schools and its relevance to mainstream setting is often overvalued.

27 What are the barriers to special schools and special academies entering the market for alternative provision?

Comments:

Very often the main barrier is negative views of special schools and academies held by parents/carers and their children.

28 What are the ways in which special academies can work in partnership with other mainstream and special schools and academies, and other services, in order to improve the quality of provision for pupils with SEN and disabilities?

Comments:

As noted in response to earlier questions.

29 What are the barriers to special academies becoming centres of excellence and specialist expertise that serve a wider, regional community and how can these be overcome?

Comments:

A vision and drive in the leadership and management of all but the most specialist institutions that address local, rather than regional, need. Also, travel difficulties and costs inhibit regional working.

30 What might the impact be of opening up the system to provide places for non-statemented children with SEN in special free schools?

Comments:

Fewer places available for children with very significant special educational needs and disability

31 Do you agree with our proposed approach for demonstrating the progress of low attaining pupils in performance tables?

Yes

No

Not Sure

Comments:

We agree with the principle of increased accountability, although we question whether the correlation between SEND and the lowest attaining 20% is strong enough for this to be a sufficiently meaningful indicator.

32 What information would help parents, governors and others, including Ofsted, assess how effectively schools support disabled children and children with SEN?

Comments:

Information gathered from the children and from the parents/carers by an independent body, alongside more traditional evaluation approaches. The Parent Partnership Services could be commissioned to conduct surveys of parental views.

Chapter 4: Preparing for Adulthood

33 What more can education and training providers do to ensure that disabled young people and young people with SEN are able to participate in education or training post-16?

Comments:

- Provide key worker who is independent from education/training provider to oversee transition to post 16 provision, co-ordinating the process and ensuring accountability.
- Key worker to track progress of YP in Post 16 provision and to provide support if difficulties arise.
- Well informed specialist IAG.
- Ensure all staff have appropriate training.
- Environment should be suitable.
- Ask the young people to have an input on areas of interest - increasing choice
- Making funding available to ensure accessibility (adaptations)
- Make it a requirement for all Post 16 providers, including sixth form colleges and FE colleges to have a Special Educational Needs Coordinator. Ensure that this SENCo has the same level of qualification as SENCos in Primary and Secondary Schools (i.e. QTS and National Diploma).
- Encouraging Educational Psychology Services to offer consultancy to training providers, colleges and universities on how they can make reasonable adaptations to accommodate the needs of young people with an SEN or disability.

34 When disabled young people and young people with SEN choose to move directly from school or college into the world of work, how can we make sure this is well planned and who is best placed to support them?

Comments:

- Key worker system to track, and if necessary support, these young people.
- A personal adviser (Connexions) is crucial to help the young person to maintain their work placement/employment. Establish specialist posts within Connexions teams to support young adults with special educational needs and disabilities and ring fence funding for these posts. Ensure that post holders complete initial training and CPD and build links with Education services, Employers and Adult and Child Health Services
- Needs to be more support both financially and physically for employers to ingrate them into the workplace.
- Training and advice for employees.
- Employer engagement workers.
- Set these up as a legal requirement instead of expectations.

35a) Do you agree that supported internships would provide young people for whom an apprenticeship may not be a realistic aim with meaningful work opportunities?

Yes

No

Not Sure

Issue with unpaid internships for YP. Supported training places should lead to employment.

35b) How might they work best?

Comments:

- See 35 (a) above
- Offer a training allowance to YP to incentivise them.

36 How can employers be encouraged to offer constructive work experience and job opportunities to disabled young people and young people with SEN?

Comments:

- Employers should be encouraged to provide work experience as short 'taster' placements or longer work experience placement as an integral part of accredited training course.
- Work experience to meet national standards through providers of education/training covering costs of work experience.
- Support
- Advice
- Training
- Financial help -there has to be some reward or incentive for employers to help.
- Creating flagship/beacon employers where it has worked effectively.
- Work with existing organisations, such as investors in people to build recognition of work with disabled young people and young people with SEN into existing awards, (e.g. IIP Health and Wellbeing award).
- Encouraging Educational Psychology Services to offer consultancy to small businesses (who may not have in-house occupational psychology services) on how they can make reasonable adaptations to accommodate the needs of young people with an SEN or disability. Make small businesses aware of this service and agree a funding mechanism.

37 How do you think joint working across children's and adult health services for young people aged 16 to 25 could be improved?

Comments:

- Greater consistency in the age for transition from children's to adult services.
- Having the right professional (lead professional/key worker) to coordinate. Which service/ professional will depend on nature of disability/SEN and may indeed need to change over time.
- Having an SEN Coordinator in all Post 16 provisions will help with this.

38 As the family doctor, how could the GP play a greater role in managing a

smooth transition for a disabled young person from children's to adult health services?

Comments:

- GP's either need to be involved at an earlier stage than they are currently, or specialist consultants will need to be involved closely in advising GP commissioning boards.
- Unsure. However, doing so would need to involve communication with services from **both** child health **and** education.
- Supporting children with mental health and learning difficulties requires specialist knowledge and understanding. GPs may need additional training.

39a) Do you agree that our work supporting disabled young people and young people with SEN to prepare for adulthood should focus on the following areas: *(please tick those with which you agree)*

<input checked="" type="checkbox"/> ensuring a broad range of learning opportunities	<input checked="" type="checkbox"/> moving into employment	<input checked="" type="checkbox"/> independent living
<input checked="" type="checkbox"/> transition to adult health services	<input type="checkbox"/> none	<input type="checkbox"/> not sure

Comments:

As long as this doesn't result in less health services available to adults with SEN.

39b) What else should we consider?

Comments:

- Raising aspirations from a very early age.
- Gain experience of extended training provision and work experience long before they reach 16.
- Steps towards independent living from much earlier age - young people involved in the timescales and individually planned.
- Smooth transition and avoid critical times such as exams which can be detrimental to the young person.

Chapter 5: Services Working Together for Families

40a) Do you agree with the following three core features of the role of local authorities in supporting children and young people with SEN or who are disabled and their families? *(please tick those with which you agree)*

strategic
planning for
services

securing a range
of high quality
provision

enabling families to make
informed choices and
exercise greater control over
services

none

not sure

Comments:

- Enabling families - control over services should be in the context of overall fairness and equitable access. Some families will be more proactive, informed and skilled at accessing resources. Others will need advocacy. Parents do not have oversight of the needs of all children in a setting/LA. Ensuring clarity of context and ensuring equity in access to services are core functions of the local authority.
- We agree with the first two and partly agree with the third as we are querying what does “exercise greater control” mean? This will need to be agreed/arranged carefully to prevent conflict. It won't help to appear to offer choice if/when this is only available for some, for example, responses to secondary placement where not every parent can get their first choice. Parents are often vulnerable to influence when trying to decide what is best for their child. Not everyone is able to conduct research of options and understand all

the implications. They need someone impartial who understands the child's needs, what different schools offer and how the two fit together. A potential role for VCS.

- Parent Partnership Services could be strengthened with professionals who have appropriate qualifications and experience.
- Local Authorities should support schools to continue to build their capacity to provide effectively for children with a wide range of SEND.

40b) Are there others? If so, please specify.

Yes

No

Not Sure

Comments:

- Provision of high quality SEN & Inclusion teams to support local children and families in an equitable fashion.
- Quality assurance of provision.
- Mechanisms to facilitate good working partnerships across SEN and Inclusion Services to deliver positive outcomes for pupils eg. termly planning meetings with schools, federation of services with common processes.
- Ensure that schools and services provide high quality information and support through staff holding recognised qualifications. Staff also need opportunities to develop their knowledge, experience and skills. Parents currently receive 'advice' from many who may have an incomplete understanding of the implications/opportunities of special educational needs and the implications for learning.
- Performance management of schools/academies on SEND.
- Commissioner of services with overview of provision.
- Advocate for parents/carers, children and young people.

41 How can central government enable and support local authorities to carry out their role effectively?

Comments:

- Clearly mandate the crucial role of LAs and recognise the central importance of the roles they perform with children and young people, families and with schools/academies.
- Disseminating good practice.
- Retaining central budget to allow SEN & Inclusion services to continue.
- Provide adequate funding so that LAs can take a lead in planning and delivering local services and have flexibility in how this is managed to respond to changing communities, for example, new arrivals and diversity.
- Make sure that LA representatives on boards are equal partners with others. Many situations arise where health professionals may express opinions about a child's educational needs which are very different to those reached by education professionals. Decisions on local provision must be driven by a response to needs and context and not by a medical model of disability.
- Also provide adequate funding for LAs to undertake research at a local level to inform evidence-based practice.

42 What would be the best way to provide advice to GP consortia to support their commissioning of services for children and young people with SEN or who are disabled and their families?

Comments:

- Is this not confusing special educational needs with a medical diagnosis? Most children and young people with SEN will only go a doctor for illness totally unconnected with their SEN. Children and young people with SEN are not necessarily ill and cannot be 'cured' So what does this mean? Are GPs going to be in a position to commission SEN services?
- We do not agree with this as a way forward, we believe strongly that issues related to SEN are best dealt with by educational professionals within a "biopsychosocial" model as opposed to a medical model which tends to focus on a "within child difficulty/problem" model.
- Specialist services for disabled children and young people should not be commissioned by GPs, but by LAs working with DoH commissioners.

43 What would be the most appropriate indicators to include in the NHS and public health outcomes frameworks in the future to allow us to measure outcomes for children and young people with SEN or who are disabled?

Comments:

- Evidence of supportive networks in place for vulnerable families to ensure children's safety, security and well-being.
- Evidence of children and young people and families building their resilience to cope with the challenges of their life circumstances, for example, decrease in the number identified with childhood depression, self-harm and other mental health difficulties. There would also be a reduction in LAC, teenage pregnancies and anti-social behaviour thus leading to a decrease in youth-offending and custodial sentences.
- Children and young people would be accessing appropriate education, employment or training from early years to post 18, thus resulting in a reduction in the NEET population.
- Children and young people's participation and engagement in learning would be improved so that they are able to achieve consistent progression and development in relation to their health, education, social and communication skills. This would result in better attendance figures and reduction in exclusions and better learning outcomes/attainments.
- All of the above would be apparent in children and young people making a successful transition to adult life – job, higher/further education/training etc. and successful social integration and positive contributions in their communities.

44 What are the ways in which the bureaucratic burdens on frontline professionals, schools and services can be reduced?

Comments:

- Reduce fear of litigation.
- Simplify and shorten report writing requirements.
- High quality, centralised ICT record system.
- Use of provision management in schools provides transparency in both intervention and use of resources.
- Developing a common front sheet for requesting support from professionals with Service specific attachments.
- Less emphasis on the need for comprehensive written documents/reports to free up time for more face to face interactions with children and young people, parents and staff. If evidence of involvement from professionals is required, this could be provided in a more succinct format.
- Use of the Common Assessment Framework to provide a common approach and common language between professionals and which can be understood by families, children and young people.

45 In addition to community nursing, what are the other areas where greater collaboration between frontline professionals could have the greatest positive impact on children and young people with SEN or who are disabled and their families?

Comments:

- NHS providers - removing barriers to information sharing.
- Educational Psychology, Speech & Language Therapy, Occupational Therapy, Physiotherapy, CAMHS, Primary Mental Health Team.
- Integrated plans for CYP (e.g. "My Plan") to incorporate recommendations from health and education professionals.
- Out of hours Service to provide for children in relation to emergencies such as, threatened suicide which does not involve hospital treatment.
- Developing agreed protocols and Pathways, for example, in Coventry and Warwickshire there is a Social Communication Pathway in place and there is one being piloted for Emotional Health and Well-Being.

46 What more do you think could be done to encourage and facilitate local services working together to improve support for children with SEN or who are disabled?

Comments:

- LAs are given the role as the commissioner for all services for SEN & Disability led by Health and Wellbeing Boards.
- Coventry has a very good model of collaborative working in SEN & Inclusion services.
- An over-arching strategy (in Coventry this is the “Overcoming Barriers to Learning Strategy” - OB2L).
- Developing the role of area-based multi-disciplinary teams.
- Establish agreement on information sharing – health professionals can be reluctant to do this. One recording system if possible.
- Greater use of "team around the child" principles i.e. multi-disciplinary working.
- Joining up funding streams, enabling flexibility to develop local partnerships.
- Joint local projects that support the evaluation of timely access to Services and outcomes for CYP and families.

47 How do you think SEN support services might be funded so that schools, academies, free schools and other education providers have access to high quality SEN support services?

Comments:

- Centrally – essential for maintaining high quality, coherent, comprehensive services.
- Partnerships between schools and the LA , working collaboratively to improve quality and value for money.
- Reliable year on year sustained funding is essential for services to develop effectively for responding to the changing national and local contexts.
- Core LA funding plus the flexibility for Services to raise additional income to extend the range of services for children and young people and educational settings for which there is local demand or need.
- An element of delegated funding to schools so that schools can access LA services tailored to their needs.
- The recognition of the value of centrally-provided specialist services for low incidence SEND is very welcome.

48 What are the innovative ways in which new models of employee-led organisations, such as mutuals and cooperatives, could improve services for children and young people with SEN and their families?

Comments:

- We are not in favour of this suggestion on any significant scale as we believe it carries significant risks of fragmentation and/or disintegration of specialist provision. Mutual and co-operative models of service provision have both advantages and disadvantages and would need to be explored with caution, and on a small scale, so as not to undermine existing models of effective practice.
- Direct services ie school / parent commissioned might have a place in improving services but they must be genuinely available to all.
- Cluster model of schools sharing funding to jointly commission a range of work from LA services.

49 In addition to their role in the assessment process, what are the innovative ways in which educational psychologists are deployed locally to support children and young people with SEN or who are disabled and their families?

Comments:

- Educational psychologists (EPs) already work far beyond the assessment remit. This question mis-understands the current role fundamentally.
- EPs can continue to:
 - support positive mental health in schools and early years settings through group work;
 - develop collaborative steps to solutions through consultation;
 - develop solution focused approaches;
 - provide information and understanding of child development/learning including developments in neuroscience and SEN and therapeutic work with CYP
- EPs provide workshops/training on a range of topics with a focus on the emotional health and well-being of children and young people and their educational development.
- They also work with schools and other educational settings on organisational development based on identified needs and this can be through Action Research projects.
- EPs also undertake research and development work on behalf of the LA (eg. work on NEET in Coventry).
- EPs are involved in supporting schools and early years settings following critical incidents (Critical Incident Response Team in Coventry) and in jointly supporting children and young people in relation to "school refusal" difficulties with other LA services.
- EPs manage and work within multi-disciplinary teams and support national and local initiatives both at LA level and in schools and early years settings.
- EPs also participate in primary and secondary schools cross-phase cluster group meetings to improve outcomes for children and young people and families based on locality priorities.

50 How do you envisage the role and service structures of educational psychologists evolving to meet local demands?

Comments:

- Schools and individuals often request time from the service that cannot be found. An expanded/ing service employing graduate psychologists as well as qualified staff could be provided with the freedom to develop a business arm/cooperative system.
- EPs to lead and manage expanded/ing service. However unless it is free at the point of delivery for parents some families could never access it.
- EPs would lead on SEND and Emotional Health and Well-being within the LA, Action Research.
- EPs would be more involved in therapeutic work for children and young people and their families and in decision making prior to foster placements and in training and support for foster carers.
- EPs to work more directly with pre-school providers offering assessment, support for inclusion and staff training.
- EPs to provide training to social care staff on identified topics.
- EPs will be required to continue to be flexible in their models of service delivery to respond to the needs of individual schools.
- EPs will need to be more visible in school, supported by more face to face interactions and reduction in the volume of bureaucratic demands.

51 What are the implications of changes to the role and deployment of educational psychologists for how their training is designed and managed?

Comments:

- Trainee EPs (TEPs) will continue to need a rigorous grounding in psychology and applied psychology, research methodology and research based practice, child development, range of SEND, therapeutic approaches, assessment, intervention and review cycle.
- It is essential that TEPs continue to have placements within EPSs.
- TEPs should also continue to have training to understand the roles of other professionals who work with children and young people and families.
- They should also learn about and experience effective multi-disciplinary working.

52 What do you think can be done to facilitate and encourage greater collaboration between local authorities?

Comments:

- Improved opportunities for networking.
- Financial incentives.
- Geography has a large part to play in this. Where a number of LAs share a small number of boundaries collaboration is more straightforward although still potentially very time-consuming to establish.
- LAs to identify and share work which exemplifies best practice.
- LAs to share outstanding/innovative practitioners for short periods.

53 What do you think are the areas where collaboration could have the greatest positive impact on services for children, young people and families?

Comments:

- Improved communication and collaborative working.
- Information sharing between services, shared protocols and training

54 How do you think that more effective pooling and alignment of funding for health, social care and education services can be encouraged?

Comments:

- Those in the services have to see the advantages either in better use of or more funding but at the same time being able to retain their distinctive roles.
- Increased understanding of professional roles can support effective collaboration. In Coventry, psychologists in education and health have worked together very effectively to improve services to Looked After Children and children and young people with Speech, language & Communication Needs.

55 What are the ways in which a Community Budget approach might help to improve the ways in which services for children and young people with SEN or who are disabled and their families are delivered?

Comments:

- If a Community Budget approach means pooling of resources and funding in localities, then having shared goals and objectives to achieve specific outcomes for CYP and families would be effective and avoid duplication.
- A Community Budget approach could support relevant training and resources to deliver training and early interventions for positive outcomes.

56 What are the ways in which we could introduce greater local freedom and flexibility into the ways in which funding for services for children and young people with SEN or who are disabled is used?

Comments:

- Give proportionally more direct funding to service providers.
- Consider with some urgency the means by which specialist services, which are best provided over a significant geographical area, can be protected from the real risks of fragmentation/disintegration which are posed by some of the wider policy developments. Many of these services have taken 30-40 years to develop and could be seriously damaged by allowing individual schools to make purchasing decisions which are not based on a “whole-LA” view.
- Direct payments.

57 What are the areas where the voluntary and community sector could have the greatest positive impact on services for children and young people with SEN or who are disabled and their families, and what are the ways we can facilitate this?

Comments:

- Knowledge of local options, information about needs, a listening ear, recreational experience.
- Evening and week-end facilities, respite care, voluntary work within schools, counselling and therapeutic work, after schools clubs.
- Advocacy and parent, children and young people support services.

58 How do you think a national banded funding framework for children and young people with SEN or who are disabled could improve the transparency of funding decisions to parents while continuing to allow for local flexibility?

Comments:

This idea is too simplistic and we are not in favour of it. The very individual needs of children with pronounced SEN & disability should be viewed on a multi-dimensional range of needs leading to individualised levels of funding. Coventry uses a system known as 'Dimensions of SEN' for this.

- An amount of money isn't necessarily the answer to everything; what you do with what you have is just as important.

59 How can the different funding arrangements for specialist provision for young people pre-16 and post-16 be aligned more effectively to provide a more consistent approach to support for children and young people with SEN or who are disabled from birth to 25?

Comments:

- Improve effectiveness of transition review at 14+.

60 Please use this space for any other comments you would like to make

Comments:

61 Please let us have your views on responding to this consultation (e.g. the number and type of questions, was it easy to find, understand, complete etc.)

Comments:

- It does not feel as though the process has presented open questions. It feels more like decisions have been made and ideas are being sought about how to implement them more effectively.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Donna Harrison, DfE Consultation Co-ordinator, tel: 01928 738212 / email: donna.harrison@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 30 June 2011

Send by email to send.greenpaper@education.gsi.gov.uk or by post to: Consultation Unit, Department for Education, Area 1C, Castle View House, East Lane, Runcorn WA7 2GJ.