



# Education and Home Affairs Scrutiny Panel

A 3D illustration of a stack of books with various colored spines (blue, green, yellow, red, orange, white).

## Special Education Needs

A large, 3D orange arrow pointing downwards and to the right, starting from the left side of the page and ending under the 'Special Education Needs' text.

Presented to the States on 14<sup>th</sup> July 2015

S.R.3/2015



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## **1. TERMS OF REFERENCE AND PANEL MEMBERSHIP**

1. To establish, within the remit of the Panel, if the legislation and policies relating to Special Educational Needs in Jersey are considered to meet the requirements of special needs pupils in education in Jersey.
2. To examine the impact that legislation and policies relating to Special Educational Needs in Jersey has within education in Jersey.
3. To obtain evidence from the public and other stakeholders.
4. To hold public hearings with the Minister for Education, Sport and Culture and any others individuals or organisational representatives considered necessary.
5. To report to the States Assembly with the Panel's findings with any recommendations that arise from the evidence.

The Education and Home Affairs Scrutiny Panel comprised the following members:

Deputy L. M. C. Doublet, Chairman

Deputy J. M. Maçon, Vice-Chairman

Deputy S. Y. Mezec

Deputy J.A. Martin was co-opted to the Panel for the review.

## **2. CHAIRMAN'S FORWARD**

As a new panel, when deciding on our first review it was unanimously important to us that we chose a topic which would have a positive impact on children in the island. Combining this with our awareness of relevant issues felt by parents we settled on a review of Special Educational Needs (SEN) provision in the hope of adding value to the services provided to some of the most vulnerable children in Jersey. The policies of the Minister for Education, Sport and Culture were new in this area, which made SEN a perfect choice for a Scrutiny review.

Given that our focus as a panel throughout the review has been to help children and put their needs first, we have found much common ground with the ESC Minister and staff within his department. A constructive relationship has been built around which to facilitate the scrutiny process. The panel has been challenging yet fair, and as a result has found the Minister, Director and their department to be cooperative and reflective in the way they have interacted with us. It is never easy to hear criticisms of the work you do, and as a whole we have found that the Minister, Director and SEN department certainly work very hard and try to do their best for children with SEN. Of course, because no human being is perfect, no processes designed by them are perfect and there is always room for improvement.

This review has found that the ESC Department and all teachers and staff in Jersey schools can be immensely proud of the work they do to help children with SEN. The areas that we have found with potential for improvement have been condensed into three main recommendations which we believe are reasonable, achievable, and once implemented will add value to the service that children with SEN receive in Jersey schools.

Visits to numerous schools in the Island have evidenced that the provision of SEN in Jersey is of an exceptionally high standard. The teachers provide caring and efficient learning environments and seem to be working very hard at integrating the new SEN provision policies into their classroom routines. The creation of the new processes & policies relating to SEN, which the panel has found to be generally reasonable and potentially very effective, appear to have been implemented upon the teachers with limited consultation and insufficient training. It seems clear that changes need to have been made to the workload or policy in other areas to create capacity within teachers' time to actually implement the new policy. The new SEN policies appear to be very good when viewed in isolation and would be even more effective if a holistic view was taken as to how they fit in with classroom/school life as a whole. This could be achieved by engaging more with teachers at the consultation stage and again when the policies are first implemented to keep them under review and adjust them

once they are in place to make any necessary improvements. I'm sure teachers will be looking forward to hearing details of specific areas of unnecessary paperwork which the Minister has committed to cutting down (at the public hearing) so that they can focus on the important tasks of directly interacting with and planning for the children in their care.

The Panel has heard, first hand, of some heart-breaking personal circumstances, where parents and children have had a difficult relationship with schools and the Department. Despite many changes recently, there are still many who believe there is insufficient information available, information is difficult to access or that they are excluded from decision making processes which relate directly to their child. The Department has worked hard on making information available, however the problem still exists. It was noted by the Panel, with appreciation, that the Director of Education recognised this as a problem despite robust defence from his staff at the hearing and that more needed to be done.

This report discusses how parents need a single point of contact to help with SEN matters. We could look to the Scottish example of appointing each child a named person at birth, or a dedicated Liaison Officer but anything along those lines would be an improvement. It is important that the processes are humanised so parents and children don't feel like they are just data or being 'managed' but that someone actually cares and will advocate on their behalf.

I would like make it clear once again that the provision of SEN in Jersey stands up very well to national standards and the problems the Panel has evidenced are minor adjustments to a sound process. I look forward to seeing which particular initiative the Minister will work on first to provide support to parents - as however good the provision of SEN may be, good communication with the parents is essential in giving the child the best learning experience that the Island can provide. As I have said throughout, it is all about the needs of the children. I hope that this report will assist the Minister to add value to this important area of education in Jersey.

I would like to see our education system designed around the needs of children, appropriate to their stage of development, and based on what they need to grow up to be decent, functioning human beings – rather than focusing on numerical targets. It is important to recognise that, rather than the child's behaviour not being appropriate for school, it is the school system that should be appropriate for the child's needs. The provision of SEN has changed significantly in the last couple of years and in general has gone some way in the right direction.

Finally, I would like to thank the Minister and Director of Education for their support, but particularly, the Head of SEN and his dedicated staff, who have provided the Panel with huge amounts of information which has taken much of their valuable time. They supported the Scrutiny Process from the start including spending the whole of one day joining the Panel in school visits. Thanks also must go to the panel's officer, who has steered us expertly along an objective path for this review and worked extremely hard in organising visits and public meetings and gathering all the evidence together. Thank you also to my panel for their time and especially Deputy Judy Martin who was co-opted for this review. We have greatly benefited from Deputy Martin's experience and wisdom. I could not miss this opportunity of thanking the head teachers, teachers and all staff of each school we visited for their provision of wonderful learning environments, enthusiasm, professionalism and caring attitudes. You are doing an amazing job for Jersey's children – keep going!

Most importantly of all, I want to directly thank all of the children at the schools we visited, from special schools/ special provision through to mainstream schools. It was an absolute pleasure to talk to you on the visits and see the fantastic learning you are doing. I hope this report helps you to have the things you need to flourish.



Deputy L.M.C. Doublet  
Chairman  
Education and Home Affairs Scrutiny Panel.

### **3. KEY FINDINGS AND RECOMMENDATIONS**

#### **Key Findings**

- 4.7. Key Finding: The general provision of Special Educational Needs support in Jersey is of a very high standard.**
- 5.19. Key Finding: The legislation and policies relating to SEN in Jersey provide a suitable framework for the provision of a high quality service.**
- 5.26. Key Finding: Parents do not understand the system.**
- 5.29. Key Finding: The Department should use outside organisations to reduce the cost and widen access to expertise in some areas of SEN.**
- 6.12. Key Finding: For teachers, recent SEN policy has proved challenging and may have intruded in the provision of high quality teaching.**
- 6.19 Key Finding: Introduction of new policies would benefit from consultation at an early stage.**
- 6.29. Key Finding: Training of staff at all levels requires more attention than it currently receives.**
- 7.3. Key Finding: The Panel has had to disregard much information received on the grounds that it is historical.**
- 7.13. Key Finding: Information is not getting to the parents.**
- 7.18. Key Finding: There is a need for Parent Partnership Officers, as specific posts with responsibilities to liaise with parents and work closely with them, with sufficient coverage for all children age groups.**
- 8.3. Key Finding: There are several initiatives that the Minister could engage in, which would involve minimal cost but increase support and communication significantly to parents.**

**RECOMMENDATIONS**

**6.30. RECOMMENDATION: The Minister for ESC must increase the consultation and training provision for teachers and key workers in relation to the provision of SEN.**

**7.14. RECOMMENDATION: The Minister for ESC must improve lines of communication with parents of SEN children.**

**8.4. RECOMMENDATION: The Minister for ESC must engage in initiatives to provide appropriate forums to support parents of SEN children.**

## 4. INTRODUCTION

*“The inclusive provision that we have seen in Jersey is something that the States are rightly proud of.”<sup>1</sup>*

- 4.1 This review was undertaken because the Panel recognised that parents of children with Special Educational Needs (SEN) had expressed concern that some cases the children may not receive the attention necessary, causing distress for the individuals concerned and disruption for others in their classes. The Panel decided to undertake a review to consider:
- if the legislation and policies relating to Special Educational Needs in Jersey are considered to meet the requirements of special needs pupils in education in Jersey and
  - To examine the impact that legislation and policies relating to Special Educational Needs in Jersey has within education in Jersey.
- 4.2 To do this, it recognised that it would have to obtain evidence from the public and other stakeholders by holding public and private meetings with parents and hold hearings with the Minister for Education, Sport and Culture and any other individuals or organisational representatives considered necessary. It also recognised that there was a need to visit schools in the Island, both with provision for SEN children and those without.
- 4.3 The Panel understood that SEN is a complex and specialist subject in itself. During recent years, there have been many changes in standards and best practice both throughout the United Kingdom and in Jersey. It was quickly recognised that outside assistance would be needed in the form of an advisor to assist with comparisons of the SEN provision in Jersey and the comparisons against provision in other jurisdictions. To that end, the Panel followed a procurement process to appoint an independent external advisor. At the conclusion of the process, the Panel engaged Real Group Ltd. who provided specialised knowledge in this area.
- 4.4 The aim of this review was to report to the States Assembly with the Panel’s findings with any recommendations arising from the evidence obtained and ultimately, to add value to the provision of Special Education Needs received by the children.
- 4.5 The Panel visited various schools in Jersey<sup>2</sup> with varying degrees of provision for SEN children. At this point, the Panel wishes to state that at its visit to each school it noted

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<sup>1</sup> Real Group Ltd Report.

that all the children appeared to be happy and all were known and referred to by their first names by the head teachers leading the tour. The Panel were warmly welcomed by staff who were without exception professional, knowledgeable and passionate about providing the very best for all children in their care. The schools were pleasant, airy and colourful places to visit, in buildings of modern, high standards. The Panel would like to extend its thanks to the Head Teachers and Staff who gave so enthusiastically of their time to prepare for and provide the tours around their schools.

- 4.6 More importantly, the Panel found that provision for those with the highest level for SEN provision, were catered for to a very high standard.
- 4.7 The Policies of the Minister for Education, Sport and Culture are suitable for the needs of the Island and the Departments Staff and Teachers do a very good job in delivering those policies in order to meet the needs of the children in their care. The Panel advisors have stated in their report:

*“There is much to be proud of within these schools; the outcomes as they were presented indicate really good practice which could be shared widely.”*

**Key Finding:** The general provision of Special Educational Needs support in Jersey is of a very high standard.

- 4.8 The Panel would also like to thank the Minister and staff at the Education Department who have given large amounts of their time to assist the Panel in this review. They have been helpful and co-operative at all times. The Panel recognises that they are a small team and some of the information requested has required additional work to be undertaken to provide it in a clear and understandable format.
- 4.9 It is in the light of the tremendous successes achieved by the Minister, Department, Teaching Staff and Key Workers, that the Panel has recognised that there are areas of the current SEN policies and provision that would benefit from some detailed attention. The nature of the Scrutiny function is that it will always concentrate on the areas where there is room for improvement, so this report will focus in those areas.
- 4.10 So without wishing to detract from the good work recognised above, this report discusses the problems revealed by the review. At the conclusion of the review, Real Group Ltd. provided the Panel with its report which is contained in full in Appendix I.

<sup>2</sup> St Clements Primary School, La Rocquier Secondary School, Rouge Boullion Primary School, Bell Royal Primary School, First Tower Primary School, Grouville Primary School and Mont a l’Abbe Primary School.



## 5. PROCESS

*“...what we are trying to achieve is that every child is given an equal opportunity and where that is not available because of a learning difficulty, extra provision is given.”*

*Minister for Education, Sport and Culture.*

### 5.1. Legislation

The Education (Jersey) Law 1999 (See Appendix II), describes when a child has Special Educational Needs (SEN), it describes what ‘Special Educational Provision’ means and it lays out the duty and powers of the Minister in relation to children with SEN. This law also sets out the rights of parents in relation to SEN.

5.2. Importantly, it also lays out the appeal processes available should the need arise.

5.3. It also provides for the Minister to make Orders relating to the procedures, provision and funding of SEN.

### 5.4. Policy

It is normal for Ministers to cause the creation of policies to ensure that their legislative requirements are provided. The Panel was provided with a significant amount of documentation that provides policy direction for SEN.

5.5. Best practice suggests that it is more appropriate, wherever possible to include children with SEN into the mainstream education process. This is a recognised approach in most European countries and those further afield.

5.6. The Minister reflects this in the ‘Inclusion Policy’ of May 2014. This policy states:

- *for everyone in a school community barriers to learning and participation are reduced to allow inclusion*
- *pupils are placed in the educational environment which best meets their needs, taking into account the views of all concerned and the effective and efficient use of resources*
- *where possible pupils with special educational needs are educated within mainstream catchment schools*

5.7. The Panel recognises that a significant document to achieve implementation of the Inclusion Policy is probably:

‘Entitlement of Pupils in Mainstream Schools

“Ordinarily Available Provision”

For pupils with Special Educational Needs in Jersey Schools’

5.8. This document (referred to as ‘Ordinarily Available’) reflects the legislative demands upon the Minister and sets out how the Inclusion Policy, will be met. It creates a shared understanding of SEN and SEN arrangements. It is a working document for the Department and School staff. It provides a requirement of accountability in a strategic, organised manner, so that all schools undertake the same processes when considering the approach to meeting the SEN of any individual child. It deals with measuring progress to ensure children are moving forward in an appropriate manner and provides a graduated intervention response where progress is below expectations.

5.9. The graduated response is as follows:

School Action.

School Action Plus.

Exceptional Need.

5.10. School Action.

There is a given expectation that high quality teaching will be the normal provision in Jersey Classrooms. However, where this level of teaching is not achieving appropriate progress, School Action will be initiated. This is action taken by the School to provide additional learning support for the child. It is funded by the school from the dedicated SEN budget and may involve one to one key worker assistance or small group work outside the normal classroom teaching environment. It may be short term to bring the child back into the appropriate position, or it may need to be long term support. All of this process is recorded.

5.11. School Action Plus

Where it is recognised that School Action is not sufficient to achieve the appropriate progress, School Action Plus is initiated. In this case, the school brings in outside support and services to meet the identified need of the child. The child may then move back to School Action or high quality teaching where appropriate or may remain at School Action Plus on a long term basis to maintain progress. Once again, this is funded from the dedicated SEN budget provided to the school.

5.12. Exceptional Need

Again, where School Action Plus is evidenced to have failed to provide the required progress or where a child's needs are clearly exceptional and beyond the normal facilities that a school might be expected to provide, the process of Exceptional Need will be initiated, subject to a multi-agency assessment. It is at this point that a Record of Need may be provided for the child. This process is administered and funded from the Department, rather than the School.

5.13. Record of Need.

This document is reviewed annually and outlines the Exceptional Needs to be provided by the Department.

5.14. 'Ordinarily Available' goes on to deal with specific areas such as:

- Behavioural, Emotional and Social Difficulties
- Cognition and Learning Difficulties
- Communication and Interaction
- Speech Language and Communication Needs
- Sensory and Physical Needs and Impairments

5.15. Each area has specific reference documents to assist staff in assessment, planning and reviewing needs. Areas such as Teaching Environments, Curriculum and Teaching Methods and Partners and Resources are discussed.

5.16. Schools Understanding

It seems that the 'Ordinarily Available' document is designed to provide guidance to the schools, particularly at the level of Head Teacher and the Special Educational Needs Co-Ordinator (SENCO) in the schools. During visits to the schools, the Panel asked questions on many occasions. Some of these questions related to information contained within the 'Ordinarily Available'.

5.17. During the first school visits, senior staff from the Department were present and were able to answer these questions quickly and efficiently and even advised Members where the information could be found. However, similar questions to staff when Department Officers were not in the room, created several very telling discussions between Head Teachers and SENCO staff about what the correct answer actually was. It was very clear that the school staff did not have the clear understanding of the document that Departmental staff had.

5.18. The Department also has a Special Education Needs Code of Practice that explains exactly what is expected to be provided by the Department. Amongst other things, it lays out the requirement for schools to have an Education Needs Co-ordinator (ENCo, sometimes referred to as SENCO) and a clearly defined SEN policy. It states that SEN relates to children from 3 to 19 years old. The document is a comprehensive set of requirements for the Department and schools to ensure best practice is followed in the Island.

5.19. All of these documents create a SEN provision of a high standard. The Panel has been informed by its advisor that the provision is of a high standard.

**Key Finding:** The legislation and policies relating to SEN in Jersey provide a suitable framework for the provision of a high quality service.

5.20. The Parents.

The Panel spoke at public meetings to over 50 parents and to others privately. The parents seen by the Panel during these meetings repeatedly informed the Panel that they did not understand the system. They told of insufficient information to understand:

- the decisions made about their child
- the benchmarks that instigate support,
- how they access additional help or
- who they should go to for information.

5.21. They had no idea of what was available, what their entitlements were by legislation or policy, or what was provided by the benevolence of the school or staff.

5.22. Some had seen a leaflet but most had not.

5.23. Some parents had made requests to schools and been told that policy prevented that option. When the policy was requested, this was refused. Those parents were frustrated and believed that the policies did not exist but that they had been ‘fobbed off’ to prevent the school having to undertake something that might have been new or inconvenient for them. The Panel heard several such stories, some may have been historic but others were more recent.

5.24. Much of the information parents had obtained had come from other parents of SEN children. This means that much of the information had been inaccurate or not appropriate for the particular child concerned.

- 5.25. The Panel considers that despite the best efforts by the Department, there are still some areas of information relating to the process that is not getting through to parents. The Panel appreciated the acceptance of this point by the Director of Education during the Public Hearing.
- 5.26. The Panel has approached this subject with no specific knowledge of the new SEN and inclusion policies in Jersey. It took several attempts by the Department officers, numerous visits to schools and the reading of a huge amount of documentation for the process to become clear in the Members minds. It is very clear to the Panel that parents of SEN children frequently have very hectic and stressful lives and it would be unreasonable to expect the amount of time Panel Members needed to understand the process to be available to them.

**Key Finding:** Parents do not understand the system.

- 5.27. The issues of communication are discussed in greater depth in chapter 7 of this report.
- 5.28. One area of the process that the Panel was unable to resolve was an apparent reluctance for the Minister to accept the expertise of outside agencies or Third Sector Organisations. Third Sector Organisations are an integral part of the Health Department, for example, are regulated by Service Level Agreements and have a very positive impact on the provision of healthcare in many areas by providing a required service which may be cheaper to the department because of outside charitable funding obtained by the organisation<sup>3</sup>.
- 5.29. The Panel is aware of independent, charitable organisations such as 'Dyslexia Jersey' and 'Words and Numbers Matter' that would be happy to work with the Department in assisting SEN children to reach their learning potential, but have been excluded. They informed the Panel that they would be happy to enter meaningful dialogue with the Department about providing assistance.

**Key Finding:** The Department should use outside organisations to reduce the cost and widen access to expertise in some areas of SEN.

<sup>3</sup> Example: Family Nursing and Home Care

5.30. The Panel has also heard from parents who disagree with the 'Inclusion Policy' or simply feel the Department is not providing the best that could be provided for their SEN children. In some cases, they have elected to, either home educate, or to send children to other specialised schools elsewhere for their education.

## 6. TRACKING AND ACCOUNTABILITY

*“Where are we supposed to get the time from?”<sup>4</sup>*

Teacher at a public meeting

- 6.1 It is an unfortunate realism, that any form of progress can only be tracked by establishing a starting point and monitoring at various points. When this comes to children, there are various schools of thought on how this should best be done. It is of the utmost importance that any measuring or testing regime must avoid two often neglected areas:
- It must not subject teachers to excessive amounts of paperwork for reasons of accountability, thus taking them away from tasks which improve children's learning experiences, and
  - It must not subject children, particularly the younger ones, to stressful testing experiences, which can reduce the entire learning process to a negative experience.
- 6.2 Therefore, any process the Minister introduces to measure the overall Special Education Needs (SEN) provision, either from the point of view of the Minister and Department, setting overarching policies, through to the progress of an individual child, needs to have minimal impact on the individual child and be a process which is understood and manageable for the Teachers.
- 6.3 All schools are provided with an SEN budget, according to their needs. This is expected to cover all costs involved in the provision of additional staff and facilities required to meet the requirements of the Minister's policies. Most schools have to top this budget up from other school funds in order to provide the level of SEN provision required.
- 6.4 Some schools use their allocated budget to provide a dedicated, full time Special Education Needs Co-Ordinator (SENCO), who supports the teachers in administering the differentiation, additional needs and special educational needs of each child in the school. Others spend their allocation on a part-time SENCO and other options, such as a counsellor etc. In cases such as that, the work relating to the SEN provision may be covered by the SENCO or may be split between the SENCO and the Teacher.

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<sup>4</sup> Quote from individual at public meeting.

- 6.5 The Department believes that the paperwork required at various stages of a child's progress through the system, is not onerous. They consider they are asking for a synthesis and analysis which is about six pages long.
- 6.6 The requirement to have a SENCO work more days is partly due to the demographics of the catchment area of the school, but also points to an increase in paperwork due to a greater accountability burden on the school overall. It follows the unfortunate trend of education becoming less about the children, providing learning experiences and direct teaching to them and more on paperwork and management functions.
- 6.7 Evidence received by the Panel suggested that despite the best efforts of the Department, training for SENCO's could be patchy, with an unconfirmed allegation that one of the Islands SENCO's in a non-provided school has no qualifications at all.
- 6.8 As has been pointed out in the Advisors report to the Panel, it seems to be best practice that training is mandatory for SENCO's. As SEN funding goes to some non-provided schools the expectation could be universal.
- 6.9 Evidence about the administrative requirements has varied. One Head-Teacher stated that the paperwork had proved to be extremely time consuming for the teachers at first but that now they were getting used to it, it was becoming manageable.
- 6.10 Evidence was heard at a public hearing, that the requirements of the system stretched teachers and reduced the time available to provide the high quality teaching expected in the classroom for other children. One individual made the quote at the top of the chapter:

*"Where are we supposed to get the time from?"*

That particular individual, who was clearly a teacher, went on to state that their days were overfull already.

- 6.11 Record keeping was examined and it was noted that throughout the whole education system, the Department is looking at a completely new system which will consolidate existing records. The project will involve reviewing all aspects, from the input and updating of records at the point of classroom interaction with the child, to the needs of the Department. The Panel noted the recognition that improvement is needed and that there is movement within the Department to do something about it. It is also recognised that this project is at a very early stage, so there are no details at this time on how it will actually look.

- 6.12 The Panel's advisor report deals in detail with data. The Panel have not gone into detail in relation to this as it recognises that the Department is working on significant changes in that area.

**Key Finding:** For teachers, recent SEN policy has proved challenging and may have intruded in the provision of high quality teaching.

- 6.13 As current record keeping was considered by the advisors to the Panel, it was noted that the difference in the local document trail from that used in the United Kingdom makes national comparisons difficult. That being said, it allowed tracking to take place for SEN children, with SEN registers and other documentation being considered on a termly basis.
- 6.14 Once again, this is the result of the recently established policies and allows tighter controls over the overall SEN provision and budget than was the case in the past.
- 6.15 A representative of the National Union of Teachers (NUT) provided evidence on behalf of those he represented, that the new SEN policies had been introduced with a brief Power-Point presentation for the teachers in the particular senior school they worked at. It had been imposed upon teachers without proper consultation and, for a significant part, falls apart in the classrooms of Secondary schools. Perhaps, because the teachers themselves do not understand the complexities of the policies.
- 6.16 Further evidence was produced to suggest that many teachers consider that children have been, "dumped back in the classroom and the teacher is expected to deal with it." Where one child takes up a large amount of a teacher's time, the others lose out.
- 6.17 Teachers in secondary schools may see up to 120 children through their classroom in a day and although they may see that child anything between daily to once a week, they have little time to understand the specific needs of numerous SEN children who they are presented with.
- 6.18 The NUT accepts that consultation has happened, because teachers know that the SEN policy exists. However, rather than simply having policies imposed upon them, the teachers need to be involved and consulted at all stages, including the proposed model, the support to be provided and the success criteria.
- 6.19 The principles of the LEAN method are that those doing the work may know better ways to get to the end result. Full consultation and communication with the teachers at

the development stage of the new SEN and inclusion policies could have resolved any issues before the policies were introduced.

**Key Finding:** Introduction of new policies would benefit from consultation at an early stage.

6.20 As part of the evidence gathering process, the Panel wanted to discuss these matters with the Teachers. It wanted to hear directly from the teachers as to how the policies were transferring to the best learning experience available. The Panel is sure that the teachers would have much that is positive to say about the process as well as being able to provide some useful feedback for improvements. However, right at the start of the review, the Department reminded the Panel of the “Political Activities by States of Jersey Employees Policy”, which states that,

*“Commenting on existing States’ Policies in an immoderate manner;...such behaviour may be considered as “gross misconduct”. Also, that a similar approach would be applied where an employee takes a public part in a political matter and behaves in a manner similar to that described above.”*

6.21 This policy may have no connection with Scrutiny however, it seems to have been used to prevent teachers, or any other employee of the Department talking to the Members of the Panel and discussing their perceived problems with the policies of their Minister. The Panel requested, therefore, that the Minister and Director would allow the Panel to hold informal, private meetings with teachers, with or without department or school representatives present. Despite the Minister and Director looking favourably upon this request and attempting to facilitate it, it was ultimately refused.

6.22 This matter relates to a policy that is well outside the remit of this review. However, the Panel recognises that it prevents those with first-hand knowledge of the delivery of States services from talking to the Scrutiny Panels and thus from extracting the most value from the scrutiny process which is ultimately funded by taxpayers money. The Scrutiny Code of Practice deals with this issue from the point of view of Scrutiny and has been tested in many forums, frequently allowing interviews with front line staff.

6.23 There are outstanding concerns about the training of all involved in the SEN provision. Department staff were crisp with all their interpretations and knowledge of such documents as ‘Ordinarily Available’ etc. SENCOS have set training sessions each year and seem to have a good understanding of the new requirements. However, it was

noticed that when Head Teachers and SENCOS were asked a question, there was frequently some discussion between them to arrive at an agreed understanding of the answer. Head Teachers and SENCOS at different schools also seemed to interpret the requirements differently.

- 6.24 For example, one school stated that they had to show that they had been providing 15 hours of additional adult support over two terms to be able to obtain the external assistance contained within 'Exceptional Needs'. Another school stated that they had to show that 'School Action Plus' was failing to provide the progress expected.
- 6.25 The Panel is satisfied that the officers at the Department assist the schools and guide them through the process and that all involved have the children's welfare and learning at heart. However, there is clearly a need for some improvement in how standardised practice is communicated to Head Teachers, SENCOS and other staff to achieve consistency in understanding across all Island schools.
- 6.26 Perhaps one of the greatest influences in the learning of SEN children is the Key Worker. The Panel was informed that specialist trained Key Workers are in very scarce supply. Schools have to fund training of their own staff as they have difficulty finding suitably qualified candidates for these roles. Training tends to be provided by the schools and is frequently 'in house'.
- 6.27 During visits, staff appeared to be professional and caring towards the children. That applied to every school the Panel visited. That their intentions are the best they could be is not in doubt and not questioned by this Panel.
- 6.28 At the public meetings with parents, the Panel found that teachers give differing advice from class to class and school to school. A parent may be told one thing one day and the opposite the next. Then they hear of what appears to be a better option that has been made available to another parent.
- 6.29 The Parents do not understand who is trained for what, who is the appropriate person to obtain information from, or who they should believe when they do get information.

**Key Finding:** Training of staff at all levels requires more attention than it currently receives.

**6.30 RECOMMENDATION: The Minister for ESC must increase the consultation and training provision for teachers and key workers in relation to the provision of SEN.**

## 7. COMMUNICATION

*“a fight every time I want information.”*

Parent at a public meeting

- 7.1 Personal information about children became a concern for the Panel. Parents spoke to the Panel. They gave detailed information relating to their children that, due to the relatively small number in the Island, made them easily identifiable to persons connected with SEN in Jersey. The Panel was very aware of issues of data protection and confidentiality. Therefore, the Panel has collected the problems expressed together into groups. Wherever possible, everything spoken about in this report has come from multiple sources.
- 7.2 The Panel was very cognisant of the problems parents have endured from the system in the past and accepts that parents who are very happy with the service from schools and the Department were probably at home watching TV. They were definitely not at the meetings.
- 7.3 Many of those who spoke to the Panel told tales of incredible hardship and heartache caused by the system as it used to be. Many of those people will potentially never be happy with whatever is provided. They are scarred and understandably so. Others had to agree that things were bad but had changed and were much better than they used to be.

**Key Finding:** The Panel has had to disregard much information received on the grounds that it is historical.

- 7.4 The Minister for Education and his Department have, in the last two years, created and implemented new policies which bring SEN in Jersey up to best practice standard. The Panel has found, after consultation with its advisors, little concern about the policies themselves.
- 7.5 The Panel recognises that the Department has produced numerous leaflets and other documents for the information of parents of SEN children. There have been training sessions for teachers and forums for parents.
- 7.6 In addition, there is a significant amount of information on the States web site which has details of support for parents of children with SEN, contact details for officers and

numerous other areas of advice and guidance. When the Panel discussed these matters with the Department at the public hearing, the response was very precise. The list of what had been done to present information was lengthy and comprehensive. It sounded like the Department had worked hard and done a good job.

- 7.7 So why, when the Panel spoke to parents was there such an opposing story about the information and communication in general?
- 7.8 At a workshop held at the Town Hall, people were asked a series of questions and discussed them as a group. It was made very clear that the Panel was interested in current problems and not historic issues. It was clear that some of the opinions were based upon historic problems and the Panel has recognised that. The answers were presented to the meeting and discussed openly and the matter of historic problems was challenged frequently.
- 7.9 Parents still have to tell the same story about their children over and over again. Not just to specialists but to every new teacher, every key worker and every outside agency that becomes involved with their child. The problems seem to have been even worse at transition from primary to Secondary schools. The Panel looks forward to the concept of 'Tell us Once' being put into effect within the Education Department.
- 7.10 Both the questions and the answers are reproduced in Appendix III but below is a synopsis of some of the problems experienced by parents.

1. How does the SEN process or system work and how did you find the information?

- *There was agreement between parents that they had limited knowledge of the SEN provision.*
- *Some felt they were not in the system as child had no diagnosis.*
- *If you shout loud enough you may get heard.*
- *The process is very unclear and a flow chart would be useful to show who does what and how they fit into the system.*
- *Class teacher is everything. If you can't get them to act, you can't get into the system*
- *Outside assessments are not accepted.*
- *Dealing with the system is always a fight*

2. What can you can obtain in the way of help?

- *There is a disconnect between Health and Education*
- *Parents are identifying problems in children. Schools are informed but dispute findings.*
- *Long waiting lists for assessments*
- *Process needs to be more transparent.*
- *Most help is through word of mouth...Mum to Mum etc.*

- *Some staff are very keen but only a few seem to have the training and skills*
  - *TA spend most time with children but are not available to parents.*
  - *Transition is a nightmare.*
  - *Parents need to be listened to, prevent the big battles.*
  - *More access is needed to assessment documentation.*
  - *Helpline would be useful*
  - *System needs to be transparent*
3. *Have you been given any documentation that explains how things are?*
- *No.*
  - *Small document from school on 'School Action and School Action Plus.*
  - *Specialist reports are difficult for parents to access.*
  - *Parents have to chase all documents. Not freely given.*
  - *Need info on Information and support available*
  - *Professionals do not release information from UK.*
  - *No one talks to each other, info being given many times*
4. *How many different people are involved in assisting you and who are they?*
- *Both groups were able to produce a long list of people who were involved in help.*
  - *Many were confused about who does what.*
  - *Many had no idea how they fit in with each other.*
  - *Need flow chart of how it all fits together.*
  - *Long waits for Educational Psychologist.*
  - *Class teacher was not correct point of contact in Secondary Schools.*
  - *Parents not aware of how it works or where to get info.*
  - *Info to class teacher but nothing gets back to Head Teacher*
  - *Lots of people involved, no communication between them.*
  - *Info is lost in transition.*
  - *Health Dept. have case worker to act as liaison.*
  - *New Administrator in Early Years is good.*
  - *Less help as child gets older.*
  - *Could use a working group of parents.*
5. *How have things improved over the last 18 months?*
- *No improvement*
  - *There have been changes but not necessarily improvements*
  - *Aim of inclusion questioned*
  - *Support is worse for older children.*
  - *Funding is clearly short*

7.11 Every one of the lines of concern listed above, and those in the appendix that have not been reproduced here could be dealt with by a paragraph of explanation or even a page of explanation. The point is that every parent had problems of some description in obtaining information. Perhaps not generically, but about their child, about the system, about the future, about the decision making process. It was described by one parent at a public meeting as;

*“a fight every time I want information.”*

For example, obtaining reports prepared by specialists such as the Educational Psychologist, about their child, has been a major issue for some.

7.12 The Panel has no intention of turning this into something it is not. The Department, schools, teachers and key workers are doing a good job, but not every parent is getting the message. The problems listed above are very real for those who gave up their evenings and came out to talk to the Panel.

7.13 When broken down, every problem listed above could be resolved by better communication. None seem to be connected with an ineffective policy, lack of commitment by staff or an uncaring and unsupportive system. So despite all the efforts of the Department and school staff, the message is not getting through.

**Key Finding:** Information is not getting to the parents.

**7.14 RECOMMENDATION: The Minister for ESC must improve lines of communication with parents of SEN children.**

7.15 As previously explained, the Panel wanted to talk to the teachers. They are the people who could have told how the communication they have received allows the policies to be delivered in the classroom.

7.16 The NUT stated the lines of communication with teachers needs to start much earlier in the policy creation process. Teachers are the people who have to make the policy work and need to understand what the policy will look like in the classroom. They are a very well educated and dedicated workforce and could be a useful resource in policy creation.

7.17 The new role of Parent Partnership Officer was recently created to provide a link between ESC, HSS, Schools and parents for first 5 years of a child’s life.

7.18 When the Panel spoke to parents, they agreed that the principle of a single point of contact was a good idea. Whilst accepting that this was a new initiative, parents could not understand why this was only rolled out to children between birth and 5 years of age. It was considered that this process needed to be rolled out families with SEN children of all ages.

**Key Finding:** There is a need for Parent Partnership Officers, as specific posts with responsibilities to liaise with parents and work closely with them, with sufficient coverage for all children age groups.

## 8. FUTURE

- 8.1 As a separate consideration, the Panel recognised that information travels very quickly between parents. This has its own problems because misunderstandings or lack of understanding create misinformation. Other jurisdictions have created parents' groups which have functioned with varying degrees of success.
- 8.1 This is a very different role to that of the Parent Partnership Officers mentioned previously. Parents recognise an understanding in each other and benefit significantly from interaction. Should the Minister choose to provide facilities and support for a Parents' Group, there could be a level of involvement to keep the information being disseminated accurate, yet still providing the confidence of peer group support which might assist with some of the communication problems outlined previously.
- 8.2 Additionally, other jurisdictions have engaged 'Volunteer Individual Supporters'. As the title suggests, unpaid, but trained individuals who can offer independent advice and support on aspects of the SEN provision when called on.

**Key Finding:** There are several initiatives that the Minister could engage in, which would involve minimal cost but increase support and communication significantly to parents.

- 8.3 RECOMMENDATION: The Minister for ESC must engage in initiatives to provide appropriate forums to support parents of SEN children.**

## 9. CONCLUSION

*“The provision visited is really well set up and the commitment to inclusion was very real.”<sup>5</sup>*

- 9.1 The purpose of this review is to add value to the already high quality product that the Minister and Department have provided the Island with. It will be noted that the Panel has not discussed the funding of SEN in Jersey. That was a deliberate consideration as in the current financial climate, it is recognised that the £11.5m currently available is unlikely to grow.
- 9.2 It interested the Panel to note that many of the schools visited were using their general budget to support their SEN needs over and above the funding provided. That included one school that had suffered two recent cuts in its SEN budget as a result of a departmental redistribution of funds to meet demographic pressures elsewhere.
- 9.3 The Panel’s advisors were very positive about the overall provision in Jersey and described the policies as a “coherent ‘fit’”. The report recognises that the policies of the Minister have created an environment of fundamental buy-in by schools to the inclusion principle. The advisors report stated:

*“The provision visited is really well set up and the commitment to inclusion was very real.”*

The Panel has seen the evidence supporting that comment and concurs entirely.

- 9.4 The advisors report contains many wonderful references to what was observed in the Jersey schools, such as:

*“The Panel all saw some fabulous instances during the school visits, where children had been cherished and they had blossomed.”*

- 9.5 The advisors report deals with significant detail. It will be noted that there are many recommendations contained within their report. The report will make interesting reading for the Minister and senior officers of the Department because it provides an independent view, from respected national figures within the SEN profession.

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<sup>5</sup> Real Group Ltd Report.

- 9.6 The very process of Scrutiny means that the problem areas will be examined. It is hoped that the discussions on those areas have not detracted from the recognition that Jersey provides a very high level of SEN provision overall. The Panel has restricted its recommendations to very few. It has done this because the problems recognised are contained within just a few areas and in the main, the resolutions are straight forward.
- 9.7 There are clearly funding implications within the recommendation relating to consultation and training, however this will be considered money well spent as it is a direct investment in children and their future.
- 9.8 The other recommendations are considered to have minimal funding implications.
- 9.9 The Panel believes it reasonable to ask the Minister to meet the requirements contained within the few recommendations made in this report in order that the children of the Island might benefit.

## **APPENDIX I**

Canterbury Innovation Centre, University Road, Canterbury, CT2 7FG

# **Review of SEN Policies and their impact in the States of Jersey**

*A report for the Education and Home Affairs Scrutiny Panel*

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# 1. Executive summary

## 1.1 Introduction

In order to support a review of Special Educational Needs (SEN) within the States of Jersey, with the aim of holding the minister to account for the impact of his policies, the Education and Home Affairs Scrutiny Panel followed a procurement process to appoint an independent External Advisor. Through that process, the services of Real Group Ltd were engaged. This report is written by Real Group Ltd and follows an extensive period of evidence gathering carried out alongside and on behalf of the Chair of the Education and Home Affairs Scrutiny Panel and the other panel members.

Within the evidence-gathering process reports and policies were made available, and site visits were made by Dr Mark Turner, Juliet Sevier and Brian Lamb (OBE) (referred to below as the 'External Assessor'). The list of documents examined as part of the evidence-gathering process is attached. These are numbered and throughout this report, where evidence is drawn on, the number of the document being used as source evidence will be given.

The fieldwork included interviews with officers, visits to mainstream schools offering additionally resourced SEN provision (sometimes referred to as units), mainstream schools and a Special School.

The Scrutiny Panel were committed throughout this process to gathering the views of parents. To that end:

- There were two public meetings organised and held during the evening
- Parents were invited to make their views known by letter or email if they were unable to attend meetings.
- Additionally, Parents and other members of the public were invited to the evening

Hearing where the Minister was questioned, and were given an opportunity prior to the start of the Hearing to talk with the panel.

The Hearing is an important part of the evidence-gathering process. It is also important in being an opportunity for the Scrutiny Panel to hold the Minister to account in public.

The information and evidence received throughout the review fell broadly into three categories or themes. These were:

- Processes
- Accountability
- Communication and parental engagement

## 1.2 Contextual information

It is important to set this report and the review into context. In terms of timing, the Jersey SEN system had recently been completely overhauled. The Education Department's senior leadership team were relatively new in post and had taken on what they viewed as a no longer functional, and poorly monitored set of policies and had worked with schools to set out a new, tighter and more accountable framework.

There are 31 primary schools on the island of Jersey; nine are fee-paying and the remainder are free. Two of the fee-paying primary schools are run by Education Sports and Culture Directorate (ESC) and the remainder are private schools. Four of the fee-paying primary schools are single-sex, including the two run by the ESC.

Jersey has nine secondary schools, seven of which are run by ESC.

Four of the States' schools (Les Quennevais, Grainville, Haute Vallée, and Le Rocquier) are non-fee-paying, non-academically selective and coeducational. The States operate two single-sex, fee-paying, academically selective secondary schools, namely, Jersey College for Girls (JCG) and Victoria College (VC). Entrance to both schools is on the basis of an entrance exam. One of the States' non-fee-paying schools (Hautlieu) is academically selective and caters for years 10 to 13<sup>18</sup>. The level of selection at secondary level inevitably means that pupils with special educational needs will be concentrated in one of the four non-academically selective schools as above.

For benchmarking purposes, the States of Jersey frequently refer to the mainland United Kingdom. In relation to that it is helpful to know that the Jersey school population would make it the sixth smallest Local Authority in England. Interestingly, States' schools have never had 'local management of schools' (LMS) which introduced greater levels of delegation (budget and autonomy) to UK schools and increased the competition between the schools on the mainland. This implies that the relationship between schools and the education department is very different to that currently within the UK.

### 1.3 Summary of findings and recommendations

The SEN system in the States of Jersey has been recently reviewed<sup>1</sup> and there has been a full-scale concentrated focus on putting new plans and tighter processes into place<sup>11, 12</sup>. These are still bedding in and it is thought that some residual parental concerns and beliefs have continued to impact on parental confidence in the system<sup>32</sup>. However, there has been to date no universally available independent advisor for parents; neither has there been a parent/carer forum to act as a mediating layer between parents and the Education Department within Jersey and which the Education Department can use consultatively<sup>35</sup>.

There is no centrally organised and universally available support for parents and carers to help them negotiate their way through the complexities of the SEN system. Neither is there a formalised way of consulting with parents when introducing changes or as an iterative evaluation of existing policy and practice. These are 'missed opportunities' as they can increase parental confidence within the wider system.

Jersey schools are welcoming, inclusive, well-resourced and have a collegiate sense of making a difference for Jersey children. There is a strong focus on the wider needs of the child. The Panel all saw some fabulous instances during the school visits where children had been cherished and they had blossomed. This did not appear to be at the expense of their learning. In relation to 'care' and 'academic process' there was a clear determination to deliver *both*, rather than to see the situation as *either/or*. There is much to be proud of within these schools; the outcomes as they were presented indicate really good practice which could be shared widely.

The data systems within school have not been sophisticated enough to enable systematic tracking and monitoring. It is difficult, therefore, to compare the progress that children with SEN are making within and between schools. This means that it has not been possible to differentiate outstanding practice and then share that across schools to improve outcomes more generally. The overall attainment in the States of Jersey is slightly behind that in the UK with gaps widening as pupils get older (from UK Statistical First Release) – and therefore that is likely to be the case for pupils with SEN as well.

However, the new Director is ensuring that new additional resources in the form of a systematic pupil data/tracking system, increased early years' budget and pupil premium funding<sup>34</sup> will enable a rigorous approach to raising attainment for all pupils. The aim is that will include those with SEN or those in danger of being identified as SEN if behind their peers through lack of early opportunities resulting from poverty.

Currently, there are likely to be some lost opportunities. Most importantly, this will be through failure to use best practice in a systematic way to develop and support outcomes across the widest group of schools. The foundations are already there to build on existing systems – for example as with the school inclusion audit - and to develop this into a Jersey-wide training audit which might then become the basis for mandatory Special Educational Needs Coordinator (SENCO) training.

The following, interrelated recommendations are intended to support the current direction of travel.

### **1.3 Recommendations**

#### **Process based:**

- Jersey should enable parents to have access to independent advice on SEN processes and entitlement.
- Jersey should appraise the new Education, Health and Care Plan (EHCP) process in the UK to see which parts may give an opportunity to have a more holistic assessment and plan for Jersey children, who are known to health and social care and who have SEN.
- Jersey should ensure that tracking shows which children are making less than expected, expected, or better than expected progress.
- School-to-school support via partnerships should be used to embed continual improvement by sharing best practice. For example, schools where SEN pupils consistently make outstanding progress could have additional funding to support other schools.

#### **Accountability based:**

- Jersey should make better, systematic use of the Inclusion Audit to support the development of a Jersey ENCO/SENCO 'certification' or similar with consideration given to mandatory training as a requirement. Since States funding goes to some non-provided schools the expectation could be universal.
- Jersey should use data to drive school-to-school support and sharing of best practice.
- Jersey should consider how a 'super ENCO/SENCO' who has completed a Masters-level degree in SEN could have a useful role in spreading and supporting best practice across school clusters.
- Jersey should use data to track the performance of the school improvement partners/support services holding them to account for impact of the support delivered.
- Jersey should establish a methodology that enables schools to be held accountable for outcomes without destabilising the current inclusive system.

### **Parent engagement/communication based**

- Jersey should consider promoting and funding the setting up of a parents' group or forum.
- Jersey should consider helping to train a number of Individual Supporters to provide independent support to parents provided on a voluntary basis.
- Jersey should consider creating a specific post with responsibilities to liaise with parents and work closely with them.
- Jersey should consider introducing the Schools Information Report. This would enable them to provide parents with more information about their schools, increase accountability and show SEN spend. The availability of this information would help promote a culture of ensuring that the needs of children with SEN are being addressed at the schools' level.

## 2. Main Report

### 2.1 Processes

In order for the States of Jersey to support the effective education of pupils and students with SEN, a number of strategic documents have been developed. It is the implementation and the coherent 'fit' of these documents, taking policy into practice which forms the core thrust of the SEN review being undertaken by Scrutiny Panel<sup>4</sup>.

The SEN system is described within Jersey's Special Educational Needs Code of Practice<sup>3</sup>. This Code must be followed by all schools which are 'provided for' i.e. are fully States-funded. The Code sets out levels of support for children who have been identified as having SEN. These are:

- **School Action** - whereby a school puts in strategies and monitors the progress a child is making;
- **School Action Plus** - whereby an agency external to the school supports them to have a better understanding of the child's needs and may put in place a specialist programme for the child. Such agencies can include the Educational Psychologist, speech and language therapist, behaviour support and others;
- **Exceptional action** - when a child's needs are so great or so complex that they are not able to make progress from what is 'ordinarily available' to the school
- **A Record of Need (RoN)** - issued following a comprehensive assessment and sets out what must be in place for a child to be able to make progress. It also quantifies the resources that will be made available to support the child and in some cases this may mean placing the child in a specialist educational setting.

A Special Educational Needs Policy is in place (dated May 2014)<sup>8</sup>.

*'this policy document describes the arrangements that must be implemented to ensure that pupils and students with special educational needs have an entitlement to effective learning opportunities'*

The policy sets out the relevant Jersey Education Law and definitions, references the Code of Practice and then details the responsibilities of key professionals in implementing the policy – the DfESC, the governing body, the headteacher, the Educational Needs Co-ordinator (ENCo – sometimes known as the SENCO) and school staff.

All schools have a delegated budget from which they are expected to meet the needs of all children. This includes an element specifically for meeting special educational needs. This funding is passported to **provided schools** using a funding formula<sup>15</sup>. Under a Service Level Agreement, a grant is given to some non-provided schools to subsidise their provision of education<sup>33</sup>. No specifically ring-fenced SEN funding is included in this, although there are children and young people with SEN within those schools.

The total SEN budget is circa £11.5 million and includes the costs of the special provisions and the support services<sup>15</sup>.

The funding for SEN is delegated to schools via a formula which takes account of attainment and deprivation. The Carstairs index is used as the proxy measure for deprivation. It is widely accepted internationally that deprivation levels correlate well across a population to SEN but it is understood that there is no absolute correlation at an individual level.

Schools are expected to support children with SEN from their delegated resources and it is expected that only a small number of children will ever require 'exceptional action'. In order to clarify thresholds and expectations, guidance has been provided to schools outlining what is 'ordinarily available'<sup>8</sup>. The education support services are State funded and are available to *all* schools irrespective of whether they are provided, non-provided or private. A handbook has been produced that explains the offer to schools from these services and how schools can access them. This includes the teams who support specific low-incidence needs such as hearing impairment and visual impairment, as well as more common needs such as autism or social and emotional difficulties. A 'Well Being' team is available to support resilience at the whole school level as well as for individual pupils. This education support offer to school also details the work of the educational welfare officers and the SEN team<sup>13</sup>.

A comprehensive overarching plan for the Inclusion and Family Support Services is in place which themes the areas for development<sup>11</sup>. The aims for this plan are clear:

- Ensure the highest quality of provision and services for children and young people with SEND.
- Build on and develop systems to improve future outcomes for children and young people with SEND.
- Simplify and coordinate processes for statutory and non-statutory assessment.

Each service plan then 'sits' underneath this<sup>12</sup> and very clearly references the strategic plan so that it is possible to see how each service area contributes to the overarching aims. More recently, a Directorate Business Plan has been published which locates the work of this division more broadly within the rest of the education department<sup>29</sup>.

The majority of children with SEN are educated within a mainstream school. The entitlement of pupils in mainstream schools – 'ordinarily available provision'<sup>8</sup> supports schools to do this equitably. The 'ordinarily available' documentation gives relevant SEN definitions within Jersey Law, specifying who is responsible for SEN pupils at all levels of need and across categories of need. For each level of the SEN Code and for each category of SEN it outlines:

- The assessment planning and review.
- The teaching environment and grouping expected.
- The curriculum and teaching methodology.
- The partner and resources.

The expectation is that schools will use their delegated budgets to effectively support children, reviewing and changing the interventions should children still not be making appropriate progress. If children continue to fall behind their peers and the school are struggling to support them, in spite of implementing strategies and working with external agencies, the school can instigate a request for an 'exceptional action' assessment, which may or may not lead to a RoN being issued. The expectation is that schools will use the ordinarily available methodology and will put in the equivalent of 15 hours of support before applying for an assessment.

A proforma application form is available to schools and nurseries to request exceptional action. This clearly sets out the stages and the levels of support a school is expected to follow before making such an application<sup>25,26</sup>.

Every term, the school settings meet with their linked educational support team members via a review meeting known as a 'PARM' and discuss the children they have concerns about. This review meeting serves several functions. It enables the school to prioritise children for external agencies including the Educational Psychologist (EP). Where children are 'stuck' with their learning it provides an opportunity for consultation and advice – enabling further strategies to be discussed and agreed. If a school is intending to put forward an exceptional action request it is discussed with the EP first and any psychological involvement is planned. A psychological assessment is required if the exceptional action assessment is agreed.

Additionally, each term, settings are required to return a list of all the pupils/students identified as having SEN along with their 'provision map'. The provision maps outline exactly how and where SEN funding is being spent to support children. In this way the department is able to:

- a) Test whether a school is over identifying the number of pupils with SEN.

b) Provide a systematic overview of use of delegated SEN budget.

Both points are important. It is possible for schools to assume that a child making little progress has SEN when in fact they need better quality teaching; the SEN budget is finite and must be focussed on supporting the right pupils with the most effective, evidence-based interventions.

Where a school believes that a pupil or student requires exceptional action an application as described above is submitted to the Department. A multi-agency panel, made up of senior officers, considers the submissions. The panel is formally constituted with terms of reference:

*'The task of the panel is to reach agreement on:*

- *The nature and level of the pupil's difficulty.*
- *The proposed level of support.*
- *The arrangements required to effectively meet the pupil's needs.'*<sup>27</sup>

The panel does not simply agree/not agree to the assessments. It considers information from annual reviews and whether a pupil with a RoN has successfully met their objectives, and whether their RoN should be formally 'ceased'. The available data showed that RoN were being ceased, i.e. the interventions had been successful, and also showed that on occasion the panel was cancelled because there were no requests put forward<sup>16</sup>.

### **2.1.1 Pre-school and nursery**

A multi-agency forum is held every half term. The representatives on this forum are drawn from the specialist support services, Jersey Child Care Inclusion Trust, health visitors, the child development centre, schools and paediatricians. They meet once every half term and can build a picture of which children may need close monitoring, who needs particular input immediately, and which children are likely to require a specialist provision (base or school) once they are of compulsory school age<sup>26</sup>. The Scrutiny Panel were informed that there are 'few surprises' on school entry indicating that the systematic sharing of information and planning for children at this age is effective. Children are tracked through the States' nurseries and private settings through to their Reception year<sup>34</sup>.

In terms of delegated SEN funding an anomaly existed. Private nurseries were able to draw on funds from the Jersey Child Care Trust to support SEN – but no such funding was available for the States nurseries. Additional funds have now been made available (£200,000) to enable funding and support staff to be in place to support pre-school settings to meet the needs of their children who have SEN. This was announced at the Hearing<sup>34</sup>.

## 2.1.2 Schools and school visits

In order to see the impact of the policy in practice a range of school visits were undertaken. This covered mainstream schools with additionally-resourced bases that were funded to meet specific SEN and were for students who had RoNs; mainstream schools who had children with specific categories of SEN on their roll and the States Special School.

A summary of the visit to four resourced provisions is appended to this report. However, the final paragraph is replicated below as it expresses the panel's view of the special provision across the settings.

*'It was a joy to have the opportunity to visit such well-run, inclusive, special provision for children and young people who have significant barriers to overcome in order to access learning. All the schools visited were calm, with children purposefully engaged in their learning. Some models of special provision have children segregated and taught in discreet grouping. The model in these Jersey schools is not this – rather it is one where children's differences and individual needs are celebrated and diversity is valued. This enables children's confidence to grow and for them to make progress. Progress other than academic progress is hard to measure. However the impact of this is evident through the confident, happy children forming friendships and who participate in the extracurricular activities within their schools.'*

*Officers accompanying our visit had detailed knowledge of the children with RoNs, greeting them by name and discussing live issues with members of school staff during the visit. It would appear there is a systemic approach to ensuring that these inclusive provisions meet the needs of the children and that the commitment to translating a policy into practice is being embedded.'*

A subsequent visit to Mont a l'Abbe showed a well-resourced special school with an ethos of community inclusion and high expectations. It was led by a focussed uncompromising head teacher who led her school with energy, focus and clarity.

The mainstream schools visited were able to talk about policy and practices with ease showing that it has been internalised. The importance of early intervention was well understood with headteachers talking about taking children off the SEN register. Some issues of budget were highlighted with headteachers/ENCOS stating that it was a struggle to put in the 15 hours of support needed before being able to apply to the Department for exceptional action/RoN. This was also raised prior to the Hearing and was addressed by officers during the Hearing<sup>34</sup>. At the same time, concern was flagged with respect to the paperwork requirements of the RoN.

Officers are clear that the devolved SEN budget is formula-based and is required to be spent on pupil support. Additionally, funding is delegated to schools based on their size and level of SEN to enable them to employ an ENCO<sup>15</sup>. The school will then make choices about how their budgets are spent. Some schools will choose to have a full time ENCO and others will have additional classroom assistants instead or may employ a counsellor. Officers were not sympathetic to the concern about paperwork and the load on a classroom teacher with regard to applying for an RoN. The Centre provides funding for the ENCO who ought to be the one completing the bulk of the paperwork; children requiring an RoN are by definition a rarity and the process has been streamlined. It was thought that this might be an historical concern<sup>34</sup>, however, the perception of burden had remained. In two of the schools visited, the headteachers had stated that the RoNs were concise documents which succinctly described the needs of a child and set out the required provision quite clearly.

As part of the evidence-gathering process an anonymised RoN was provided<sup>32</sup>.

This document was far more 'child centred' than the UK's equivalent 'statement' and certainly shorter. However the current Educational Health Care Plan (EHCP) introduced into the UK in September 2014 is more person-centred and takes account of the social and health needs of the child in a way that the Jersey document does not. The Minister was asked about this difference at the Hearing and while he is confident that a record of need is the right process to be using now, his officers were travelling to a UK conference to learn more about the EHCP so that Jersey could make an informed choice as to whether they would adapt the current RoN process to align it more with the current UK model<sup>34</sup>.

During the lifetime of this Scrutiny Review, the States have announced that they are introducing the pupil premium and have been looking at a methodology that will identify specific children to target for intervention (this was discussed during the Hearing). This is less straight forward to administer than in the UK which already uses pupil premium, as the States do not have free school meals. Pupil premium will be piloted in a small area and then rolled out across the States. While there is some overlap with children who have SEN, pupil premium children will be a discrete group. The relevance of mentioning it within this report is that children from poorer backgrounds are more likely to be identified as having SEN since poverty makes it harder to give the rich, high quality early experiences that give children from privileged background a good start in life. Studies carried out in different countries have highlighted the link between poverty and educational achievement. Pupil premium, as a way to fund an early intervention, may reduce the identification of some children as having SEN as they go through their education, since they can 'catch up' with their peers rather than fall further behind

### 2.1.3 Parental perspectives on the process

During the public meetings and from the parental submissions during the evidence-gathering process it became quite clear that there is a mismatch between the way in which the Department thinks processes are understood and the reported experience of some parents<sup>30,31</sup>. While it is entirely accepted that such meetings will be attended by parents who have (for whatever reason) been dissatisfied, there was a common thread that should be taken seriously. Parents who expressed their views said that they had not understood where and how to get information; that they hadn't known their child had an RoN; that there were time delays in accessing professionals and that their child's needs were not always well understood – and therefore their needs were not well met. However, the *processes* are published on websites and as the Assistant Director explained<sup>34</sup>, every request for exceptional action (and therefore RoN) is signed by the parent. In relation to professional delays, the school will prioritise which children see the external agencies – but as pupils are reviewed with the multi-agency team each term there is confidence that the *right* children are being prioritised. However, if parents are struggling to find information then the department must find other ways of communicating with them (stated by the Director at the Hearing<sup>34</sup>).

Threaded through the discussions around the SEN processes was a theme of 'diagnosis'. The Scrutiny Panel wanted to be reassured that it was not necessary for a child or young person to receive a diagnosis to enable them to access support. The officers from the education department were clear in interview and during the Hearing that the SEN system is predicated on need and that diagnosis is not necessary<sup>34,35</sup>. This is reassuring as it would have built barriers to support, time delays, and ended up with perverse incentives to provide a specific label. However, there remains some evidence from parents that there may be some differences in beliefs about this between education and health where older children are concerned. The preschool forum seems to facilitate communication at the early year stage.

### 2.1.4 Recommendations

**The processes within SEN have recently been reviewed, are bedding in and are held within a cogent action plan. Therefore the following are suggestions which may support the direction of travel already identified:**

- Jersey should enable parents to have access to independent advice on SEN processes and entitlement.
- Jersey should appraise the new EHC process in the UK to see which parts may give an opportunity to have a more holistic assessment and plan for Jersey children who are known to health and social care and who have SEN.
- Jersey should ensure that tracking shows which children are making less than expected, expected or better than expected progress.
- School-to-school support should be used via partnerships to embed continual improvement by sharing best practice. For example, schools where SEN pupils consistently make outstanding progress could have additional funding to support other schools.

## 2.2 Accountability

In determining the effectiveness of any policy, and whether resources are particularly focussed and targeted, it is essential to examine the extent to which monitoring and tracking are used to evaluate that effectiveness and to then hold deliverers to account for their spend.

The starting point for this must be how well children attain and what progress they make, that is: 'How well is the SEN budget enabling children and young people to achieve educationally – both in relation to their peers in Jersey and benchmarked against similar children elsewhere?'

Within the UK educational system a very large body of data is available that enables schools to compare their results against other schools nationally and against other schools with a similar demographic, and also for children with similar starting points. The term 'narrowing the gap' is extensively used by Ofsted and within DfE publications in the UK to indicate the value a UK school is able to add to achieve accelerated progress. Schools in the UK are given a comprehensive data set (Raiseonline) which shows attainment and progress broken down by pupil characteristics colour coded to show how their results compare nationally and to similar groups. Each school's data set feeds into an overarching data set for the Local Authority showing how its collective performance compares to that of children in other local authorities at each key stage. There is a focus on vulnerable groups since the overall headline figure could obscure pockets of significant underachievement in specific groups of children. This is in place for the most able, the least able (SEN), by gender, by deprivation by ethnicity and combined performance for each assessed subject. At GCSE level it will even say which children underperformed in specific subject areas given their performance in others, enabling a school to explore the impact or lack of impact of individual subject teachers. Data tracking at the UK level of sophistication is not currently available within Jersey. However, the Director is introducing a school management system that will track children's attainment and achievement (progress) in all settings – including the private sector<sup>35,34</sup>.

Data presented showed that overall results for each key stage in the States tracks just below the UK averages, with the gap widening as children get older<sup>20</sup>(comparison taken from DfE Statistical First Release). Within the UK, Key Stage 2 performance is dependent on the combined results for maths, reading and writing and a school has been judged by the percentage of children achieving a 'good' Level 4 in all three subjects – as measured on the old national curriculum. This means that the outcomes are limited by the lowest result a child achieves.

The data presented from the States did not enable this type of comparison with the UK, so it cannot be properly benchmarked for the purposes of this report. In future, the UK will not report on levels so other methods of benchmarking will need to be agreed.

Individual school data and school results are discussed with their school improvement partners who set targets with schools. There was evidence that schools then set targets for pupils and that these were tracked. In the absence of a full data set it is not easy to say if these targets were rigorous and appropriate. Certainly, in some of the schools visited during the course of this review the progress being made by all children was good. The Panel and the External Advisor saw schools where 98 per cent of pupils made two levels of progress in reading. All schools visited had results in at least one key subject area that were on a par with the UK averages, showing that in these inclusive schools the full range of abilities are making progress. It is really positive to note that no pupil has been permanently excluded from a Jersey school for over three years<sup>17</sup>. Managed moves and additional interventions are used to support those struggling with their behaviour.

Pupils are tracked at an individual school level. Attainment is looked at in pupil progress meetings held termly and at the PARM to ensure that all pupils, including those with SEN, are on track.

SEN registers must be sent to the Education Department termly, along with a provision map showing where the budget is being spent. Over the past 18 months this has enabled the registers to be challenged where there was apparently over-identification of SEN and has brought a tighter scrutiny to budget spend<sup>9,35</sup>.

All schools submit their registers – including those within the non-provided sector. Public funding via a grant goes to some non-provided schools but none of the funding is *specifically* for meeting SEN needs. There are SLAs in place for this grant<sup>33</sup> but the SLA has no detail about performance expectations which makes it difficult for the commissioners to hold them to account should performance be unsatisfactory – or to determine whether one establishment is actually giving ‘better value’ – including to those pupils at school action or school action plus.

The SEN Panel conducts an annual review of RoN. Targets are set and the review measures progress towards any targets and objectives. Once the objectives are met, there is no longer a requirement for the RoN and it is ceased<sup>16</sup>.

### **2.2.1 Support for the ENCO/SENCO role**

The terms ‘ENCO’ and ‘SENCO’ are both used at different times within the literature supplied for the review. However, as the Inclusion Audit referred to in this section of this report uses the term SENCO, that is how they will be referred to in this section.

The public meetings gave rise to some concern about how SEN, and the level of a child's need was recognised and identified – as this is a prerequisite to the child accessing support via a targeted intervention. The Panel had some concerns about consistency and were left with some anxiety about the role, the expertise and the development of the SENCO. However there is evidence of well-supported SENCO forum/network meetings and a training programme for SENCOs<sup>29</sup>. A comprehensive SEN Inclusion Audit<sup>19</sup> has been developed which has clear good practice standards and would go some way to providing a common standard or benchmark for the 'Jersey SENCO'. The results of the audits are discussed with individual schools and help to shape the support offer for the coming year.

There was no evidence seen of these results being used systematically to plan States-wide priorities for SENCO development - the obvious next step. In the UK there is mandatory training for SENCOs, which has helped to 'professionalise' the role and bring a sharper focus to evidence-based practice and improved outcomes for children with SEN.

### 2.2.2 Performance

Jersey schools know how their performance compares to other Jersey schools based on attainment and progress (albeit that this is a recent development). Schools are not placed in 'league tables' and this may help to foster the inclusivity and positive supportive ethos which was apparent on every school visit. However, the high level of public accountability within countries such as the UK is thought to have driven standards up where Jersey school standards have fallen slightly behind. In contrast, the highest achieving Western countries (e.g. Norway) do not have such a public 'naming and shaming' procedure where a school's reputation is won or lost on its latest results – rather they have a high level of internal professional accountability and professional development.

### 2.2.3 Recommendations

**The processes within SEN have recently been reviewed, are bedding in and are held within a cogent action plan. That includes plans to improve the data, the accountability and improve school performance across the board. Therefore these are suggestions which may support the direction of travel already identified**

Jersey should make better, systematic use of the Inclusion Audit to support the development of a Jersey ENCO/SENCO 'certification' or similar with consideration given to mandatory training as a requirement. Since States funding goes to some non-provided schools the expectation could be universal.

- Jersey should use data to drive school to school support and sharing of best practice.
- Jersey should consider how a 'super ENCO/SENCO' who has completed a Masters level degree in special educational needs could have a useful role in spreading and supporting best practice across school clusters
- Jersey should use data to track the performance of the school improvement partners/ support services holding them to account for impact of the support delivered.

- Jersey should establish a methodology that enables schools to be held accountable for outcomes without destabilising the current inclusive system.

## **2.3 Communication and parental engagement**

### **2.3.1 Issues for Jersey parents**

The Panel heard a number of concerns from parents that information was not available or that they did not know the best place to go for advice and support<sup>30,31</sup>. At the individual level there were also a number of concerns from parents. These included a lack of clarity on how information could be obtained from schools, and how their concerns over progress, the approaches available, and what was on offer from the school would be addressed.

Parents also raised issues with the committee that schools were not always open to engagement and a feeling that there were sometimes kept 'at arm's length'<sup>30</sup>.

With respect to parents raising issues at the level of individual concerns with the authority, there was clearly a very open policy of engagement from senior officers including the head of SEN, assistant director and director of education services. This is very helpful and speaks of an open culture, at the level of individual officers and a willingness to engage and listen to parental concerns.

This does not necessarily translate into the overall way strategy is developed or the culture at the level of individual schools. There were a number of areas where the External Advisor felt that there could be additional support provided at the individual level for parents. For those parents who feel less confident about raising issues, or want to understand good practice and support, it would be helpful to have access to an individual supporter or advisor. This person would be someone who could provide support at meetings (especially valuable for parents who did not have confidence to raise issues), provide advice around policy requirements, as well as generally help parents navigate the system. This support could be provided either via volunteers recruited and supported by the proposed parents' group, or through the engagement of voluntary sector supporters via specific impairment groups.

### **2.3.2 Supporting Parent Groups**

There are some good models of this type of support to draw on from the English reforms. Parent and career groups provide support to individual parents and act as a support network and general link into the Local Authority. To help with the reform process in England parent career groups have been given a greater formal role within Local Authority areas and there is a statutory requirement for the authority to consult with them as part of delivering the 'Local Offer', which is a description of what

is available for parents and young people within that area across Education, Health and Social Services. Jersey may want to think about how a group could be encouraged and supported to provide strategic advice and input to the authority.

### **2.3.3 Individual Support**

The role of Individual Supporters has been established to support parents through the transfer process from statements to EHC plans. These are volunteers who are trained in the basic requirements of the policy and can help parents through the process. While in the England they receive some financial support it could be delivered on a totally voluntary basis or as part of a funding agreement with the voluntary group or parent's forum providing this. The idea of Individual Supporters could be 'borrowed' and shaped to have a Jersey-specific role.

### **2.3.4 An Information and Advice Service**

More broadly, Jersey may want to look at what support might be provided through a more directly employed but independent officer role. In England this is performed by the Special Educational Needs and Disability Information and Advice Service (SENDIAS) (formally Parent Partnership Service). The role of the service is to ensure that parents are supported with information and advice on any of the key issues affecting the welfare of their children in respect of education, health and social care. The service also has a role in supporting parents in answering inquiries about what the legislation and policy process is in respect of any provision and can also liaise with the authority and officers to help smooth the path for parents. While employed by the local authority they are required to be neutral between the authority and the parent and are managed from outside the send management team. It was clear to the External Advisors that the authority was providing significant amounts of information to parents, but that this was not always being accessed or understood by parents. Details of the parent carer grant are available from [http://www.cafamily.org.uk/what-we-do/parent-carer-participation/parent-carer-participation-grant-and-monitoring-\(england\)/](http://www.cafamily.org.uk/what-we-do/parent-carer-participation/parent-carer-participation-grant-and-monitoring-(england)/)

### **2.3.5 Schools Information Report**

An innovation in the English system is the requirement to produce a Schools Information Report, sometimes called the 'Schools Offer' or 'Schools Local Offer'. It requires the school's governing body (through the staff) to report on how the school

is meeting the needs of children with SEN and Disabilities across a range of issues from how schools identify SEND, to what support is available for children with SEND in that school, the schools overall approach to ensuring that children with SEND are included and how parents views are taken into account by the school. Some LA's in the UK have provided templates of how this could be done. This helps parents understand what is available within the school and also encourages schools to be clearer about what they are delivering for their delegated budget which might be particularly helpful in Jersey.

A good example of an individual school's SEN Information Report can be seen here: <http://sen.lampton.org.uk/>.

Further examples of templates can be provided should this be of interest.

For information, the English requirements can be found at: <http://www.legislation.gov.uk/ukxi/2014/1530/contents/made>

### **2.3.6 Recommendations**

**These recommendations are all helpful in their own right but the overall strategic aim of the proposals in this area is to ensure that there is an expectation and culture created which ensures a focus on parents and family's needs and aspirations. It is the cultural change we are seeking here through these policy changes.**

- Jersey should consider promoting and funding the setting up a parents' group.
- Jersey should consider helping to train a number of Individual Supporters to provide independent support to parents provided on a voluntary basis.
- Jersey should consider creating a specific post with responsibilities to liaise with parents and work closely with them.
- Jersey should introduce the Schools Information Report to help provide more information to parents about their schools; increase accountability on SEN spend and help promote a culture of ensuring that children with SEN have their needs addressed at the schools level.

## 2.4 Conclusion

It was a real privilege to have access to the SEN provision in Jersey. The provision visited is really well set up and the commitment to inclusion was very real. The school leaders and the officers were all extremely welcoming and open, facilitating a very constructive review process. We are very grateful for their time and all the work they have done to give us access to the relevant information.

There is wide commitment to the ethos of inclusion. A fundamental principle is that children should be educated together – to grow and learn together in an atmosphere that celebrates diversity and difference. The caveat here is always that children should have their needs met. The inclusive provision that we have seen in Jersey is something that the States are rightly proud of. The facilities are very good and the relative progress being made by children in the schools visited was also very good. It is unfortunate that due to the timing of the review, the States-wide data, monitoring and tracking systems were not yet sufficiently in place and so it is not possible to give an unequivocal judgement on the attainment of children with SEN as a whole.

The SEN systems and process have all been revised and a much sharper, focussed approach is being taken. This continues to have the presumption towards inclusion which is encapsulated by Jersey Law (as it is in UK Law) with the criteria that children have their needs met. The current strategic thrust towards consistency, skills development, monitoring and accountability will ensure that this continues to be the case.

SEN Docs and source information from Education Sports and Culture

1. Review and Development of Send
2. Education Jersey Law 1999
3. Code of Practice
4. Project Initiation Document (Inclusion Review)
5. Briefing Paper – Previous reports and Context.
6. Briefing – Jersey Law and Special Educational Needs
7. Presentation – Educational Inclusion
8. Entitlement of Pupils in Mainstream Schools – ordinarily available
9. Inclusion Register
10. Structure of Education Support team
11. Business Plan
12. Action Plans for Business Meetings
13. Education Support Team Handbook for Schools
14. Parental Leaflets.
15. Finance information including formula
16. SEN panel decisions
17. Exclusion data
18. Equality in Education Report of the Jersey Community Relations Trust
19. Jersey self evaluation tool – SEN/ Inclusion
20. Attainment data
21. Destination / NEET data
22. Destination report
23. All schools census data September 2014
24. SEN data – category and key stage
25. Request for exceptional action - proforma
26. Request for exceptional action – Nursery and reception aged proforma
27. SEN panel Terms of Reference

28.       Preschool forum Terms of reference
29.       Directorate Business Plan
30.       Public meetings – summary of issues
31.       Public contributions to the scrutiny process - summarised
32.       Redacted Record of Need
33.       Service agreement non provided schools
34.       Hearing – transcript available
35.       Discussion with senior officers

## **APPENDIX II**

### **Relevant Articles of the Education (Jersey) Law 1999**

#### **4 Special educational needs etc.**

(1) For the purposes of this Law, a child has “special educational needs” if the child has a learning difficulty which calls for special educational provision to be made for the child.

(2) For the purposes of this Law, subject to paragraph (3), a child has a “learning difficulty” if –

(a) the child has a significantly greater difficulty in learning than the majority of children of the child’s age;

(b) the child has a disability which either prevents or hinders the child from making use of educational facilities of a kind generally provided for children of the child’s age in provided schools; or

(c) the child is below compulsory school age and is, or would be if special educational provision were not made for the child, likely to fall within sub-paragraph (a) or (b) when the child is of compulsory school age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which the child is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in the child’s home.

(4) In this Law –

“special educational provision” means –

(a) in relation to a child who has attained the age of 2 years, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of the child’s age in provided schools (other than special schools); and

(b) in relation to a child under that age, educational provision of any kind; and  
“special school” means a school which is specially organized to make special educational provision for pupils with special educational needs.

## **PART 5**

### **SPECIAL EDUCATIONAL NEEDS**

#### **28 Interpretation of Part 5**

In this Part, “child” does not include any young person who is not in full or part time education.

#### **29 Duty of Minister in relation to child with special educational needs**

(1) The Minister shall ensure that the identity of every child who has special educational needs is determined, and the special educational provision required by the child assessed from time to time.

(2) The Minister shall ensure that there is available to every child who has special educational needs the special educational provision required by the child.

(3) The Minister shall ensure that, if the conditions described in paragraph (4) are satisfied, a child who has special educational needs shall be educated in a school which is not a special school, unless it is incompatible with the wish of the child’s parent or, in the case of a child who has attained the age of 16 years, the child’s own wish.

(4) The conditions are that educating the child in a school which is not a special school is compatible with –

- (a) the child's receiving the special educational provision which the child's learning difficulty calls for;
- (b) the provision of efficient education for the children with whom the child will be educated; and
- (c) the efficient use of resources.

### **30 Power of Minister to require assessment**

The Minister may cause any child who is believed or known by the Minister to have special educational needs to be assessed as to the child's special educational needs and the special educational provision required by the child.

### **31 Parental rights in relation to special educational needs**

(1) A parent of a child shall have the right to request an assessment of whether or not the parent's child has special educational needs and, if the child has special educational needs, the special educational provision required by the child.

(2) The parent of a child in relation to whom it is proposed to make an assessment of special educational needs and special educational provision shall have the right –

- (a) except where the assessment is to be made at the request of the parent, to be notified of the proposal to make an assessment;
- (b) to be informed about the procedure relating to the assessment;
- (c) to be informed about the parent's rights under this Part in relation to the assessment;
- (d) to make representations about and produce evidence for the purposes of the assessment;
- (e) to be present at any examination of the child carried out for the purposes of the assessment;
- (f) to be notified, in writing, of the results of the assessment;
- (g) to appeal against any part of the results of the assessment.

(3) An appeal under paragraph (2)(g) shall be made to the Minister no later than 15 days after the parent is notified of the results of the assessment, and shall be determined by the Minister.

(4) The Minister may by written direction delegate the power to receive and determine any appeal under paragraph (2)(g) to the Chief Officer or to a panel of persons appointed by the Minister for the purpose, subject to the conditions, exceptions or qualifications that the Minister may specify in the direction.

### **32 Power to make Orders relating to children with special educational needs**

The Minister may by Order make provision facilitating the discharge of any duties and the exercise of any rights under this Part, including, but not by way of limitation, provision for –

- (a) the procedures applicable to the determination of the special educational needs of a child and the assessment of the special educational provision required by the child;
- (b) the persons who are to determine the special educational needs of a child, and assess the special educational provision required by the child;
- (c) the persons to be consulted prior to the making of an assessment or determination;
- (d) the circumstances in which a statement of special educational needs is required to be maintained in respect of a child;
- (e) the preparation, content, distribution and retention of a statement of special educational needs;
- (f) special educational provision otherwise than in a provided school, or otherwise than in Jersey;
- (g) enabling a child with special educational needs to be exempted from all or any part of the Jersey Curriculum;

- (h) monitoring of and preparation of a report on a child with special educational needs by the school at which the child is a pupil;
- (i) the frequency of and procedure in relation to further assessments in respect of a child;
- (j) the procedure applicable to any appeal under this Part; and
- (k) funding and the payment of costs where special educational provision is made outside Jersey.

## APPENDIX III

Education and Home Affairs Scrutiny Panel

Public Workshop

1<sup>st</sup> June 2015

Town Hall.

The Panel held an open workshop for the public in the main hall of the Town Hall. There was a break off room available for any parent who wished to discuss matters in private with Members of the Panel.

The Panel was aware that there had been numerous problems in the past and in an attempt to avoid historical issues, reminded the meeting that it was reviewing the current policies.

The public were asked to discuss the following questions in groups:

1. How does the SEN process or system work and how did you find the information?
  - How to get into the system?
  - What does a Record of Need mean?
  - How does a diagnosis make a difference?
  - What do you need that is not there?
2. What can you obtain in the way of help?
  - What are your entitlements or options?
  - How did you find out?
  - What do you need and why?
3. Have you been given any documentation that explains how things are?
  - What documentation?
  - Who provided it?
  - What information do you need?
4. How many different people are involved in assisting you and who are they?
  - Who do you need to talk to about specific problems?
  - Do you have a single point of contact?

- How could communication be improved?
5. How have things improved over the last 18 months?
  6. What would you do to improve the system?

The groups were required to make notes on flip charts and present their findings to the meeting. The discussion would then be opened up to the floor for any additional information.

The following information was presented to the Panel:

1. How does the SEN process or system work and how did you find the information?
  - How to get into the system?
  - What does a Record of Need mean?
  - How does a diagnosis make a difference?
  - What do you need that is not there?

There was agreement that the parents had limited knowledge of the SEN provision. Some felt they were not in the system as child had no diagnosis. If you shout loud enough you may get heard. The process is very unclear and a flow chart would be useful to show who does what and how they fit into the system. Details of individual support are required. There is no parental involvement in the Record of Need. Diagnosis is required but nobody in Jersey qualified to provide it. Not enough qualified people in the schools. Class teacher is everything. If you can't get them to act, you can't get into the system. People do not like upsetting teachers by going behind their back or over their head. Outside assessments are not accepted. Highlands has poor provision and insufficient suitable courses.

2. What can you can obtain in the way of help?
  - What are your entitlements or options?
  - How did you find out?
  - What do you need and why?

There is a disconnect between Health and Education  
Parents are identifying problems in children. Schools are informed but dispute .  
Long waiting lists for assessments  
Dealing with the system is always a fight.  
Record of need is useful for the professionals  
Process needs to be more transparent.  
It would be useful to know how funding is allocated. (On gov.je)  
Most help is through word of mouth...Mum to Mum etc.  
Some staff are very keen but only a few seem to have the training and skills  
TA spend most time with children but are not available to parents.

Transition is a nightmare.  
More support needed at Highlands  
Parents need to be listened to, prevent the big battles.  
More access is needed to assessment documentation.  
Helpline would be useful  
System needs to be transparent  
Other parents are the best point of contact.

3. Have you been given any documentation that explains how things are?
  - What documentation?
  - Who provided it?
  - What information do you need?

No.  
Small document from school on 'School Action and School Action Plus.  
Parents / ESC / School Charter? (PCP in Health)  
Transition at 14. ESC Know about child but info seems to disappear.  
Transition yr to yr always stress. New teachers new learning  
What extra help is available and are they entitled to?  
Access to further education is limited.  
Specialist reports are difficult for parents to access.  
Parents have to chase all documents. Not freely given.  
Frequently just comments and lack confidence.  
Need info on Information and support available

- What is available.
- Who supplies
- How to access
- Who will be involved
- Feedback
- Advice and help for parents
- Advice on how to help the child.
- Timescales

Professionals do not release information from UK.  
No one talks to each other, info being given many times.

4. How many different people are involved in assisting you and who are they?
  - Who do you need to talk to about specific problems?
  - Do you have a single point of contact?
  - How could communication be improved?

Both groups were able to produce a long list of people who were involved in help.

Many were confused about who does what.  
Many had no idea how they fit in with each other.  
Need flow chart of how it all fits together.  
Long waits for Educational Psychologist.  
Class teacher was not correct point of contact in Secondary Schools.  
Parents not aware of how it works or where to get info.  
Info to class teacher but nothing gets back to Head Teacher  
Lots of people involved, no communication between them.  
Info is lost in transition.  
Health Dept. have case worker to act as liaison.  
New Administrator in Early Years is good.  
    Less help at child gets older.  
Could use a working group of parents.

5. How have things improved over the last 18 months?

Focus should be on 'additional support in learning' not in labelling child.  
Research Scotland.  
No improvement  
There have been changes but not necessarily improvements  
Aim of inclusion questioned  
Support is worse for older children.  
Funding is clearly short

6. What would you do to improve the system?

Let teachers teach, others need to deal with SEN.  
Parents need independent access to experts – not through class teacher.  
Consistency needed – Central liaison worker.  
Information should follow child  
Insufficient early intervention  
Too many people on board all pulling in different directions.  
Transparent access to information.  
Sort out transition at 14+  
Need more opportunities after secondary school  
If crisis at GCSE there is nowhere else to go.  
10 additional hours in public nursery is not available in private nursery.