

Joint statement on the Special Educational Needs provisions in the draft Children and Families Bill

The Children's Services Development Group, National Autistic Society and National Association of Special Schools have joined together to express our concern that the draft Children and Families Bill precludes parents from stating a preference for an independent special school (ISS). This will make it likely that children with the most complex needs will be denied access to the specialist support they need.

Currently, 86% of children with profound and multiple disabilities and 43% of those with autism spectrum disorders rely on provision in special schools.¹ We know that if given the choice, parents of children with severe needs will more often than not express a preference for an independent special school place: the most recent data shows that in 60% of school appeal cases, parents were fighting for a placement in a non-maintained or independent special school (NMISS).² This is because NMISS provision is often the most specialist care for children with complex special educational needs.

The inclusion of the non-maintained special schools in the draft Bill is welcome but will not provide sufficient capacity given that they provide just over 3,000 places for children with statements of SEN whilst independent special schools provide nearly 8,000 places.³

By preventing parents from expressing a preference for this specialist care, the reforms as they stand will do little to stop many parents having to spend their time and energy fighting through the tribunal system simply to secure an appropriate place for their child or could prevent their access to specialist care completely.

Currently the Department for Education (DfE) does not have a separate legal definition of an independent special school as distinct from independent mainstream schools. Independent special schools differ from independent mainstream schools in that they are funded by the local authority and are required to register as "specially organised for SEN provision".⁴

Therefore, we have come together to call for the DfE to clearly define what constitutes an independent special school, as distinct from mainstream independent provision. The Independent Schools Council also supports this call for a clear definition in law.

This would allow independent special schools to be included in the provision from which parents can express a preference, ensuring that children with the most complex needs have access to the support they require. In working together, we hope to demonstrate the unanimous support in the sector for this solution.

Only by including clearly defined ISS provision in the remit of the Bill will the DfE meet its aims of increasing parental choice and reducing the adversarial nature of the system so that it works to the benefit of the children and young people who rely upon it.

¹ <http://www.education.gov.uk/rsgateway/DB/SFR/s001075/sfr14-2012v2.pdf>

² http://www.sendist.gov.uk/Documents/Publications/AnnualReports/SEND_AnnualReport_09_10.pdf

³ <http://www.education.gov.uk/rsgateway/DB/SFR/s001075/sfr14-2012v2.pdf>

⁴ <http://www.education.gov.uk/childrenandyoungpeople/send/sen/a0013111/independent>

Children's Services Development Group

The Children's Services Development Group is a policy coalition of leading independent providers of specialist services for looked after children and young people with complex needs. Its members: Acorn Care & Education, Cambian Group, Hesley Group, National Fostering Agency, Options Group, SENAD Group, Witherslack Group and Young Foundations, provide services to vulnerable young people, delivering excellent outcomes and value for money across the UK.

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National Autistic Society

The National Autistic Society is the UK's leading charity for people affected by autism. It was founded in 1962 by a group of parents who were passionate about ensuring a better future for their children. The National Autistic Society founded the first school for children with autism. Today it has 20,000 members, over 100 branches and run seven schools for children with autism and complex needs..

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National Association of Independent Schools and Non-Maintained Special Schools

The National Association of Independent Schools & Non-Maintained Special Schools is a membership organisation working with and for special schools in the voluntary and private sectors within the UK. Its aim is to provide information, support and training to its members through a range of media in order to benefit and advance the education of young people with special educational needs.

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