

## An overview of key issues for SLCN in the Draft Special Education Needs (SEN) Code of Practice

The Communication Trust believes that that draft Code has been significantly improved from the indicative version published in March. In order to ensure that the needs of children and young people with speech, language and communication needs (SLCN) and their families are met, we have suggested solutions under each of the areas that we feel could be improved. We would be delighted to work collaboratively with the Department to help implement these solutions and to ensure that the final Code meet the needs of the young people with SLCN and their families.

The Trust believes that the key issues in the current draft of the Code are:

- **Accessibility and structure:** while the draft Code has been significantly improved from the indicative version, the structure needs further consideration to make it more accessible for families and professionals. Information is often fragmented across the Code and it is difficult for both professionals and especially families to establish what should happen in what order. To avoid ambiguity, there should be more use of flowcharts and diagrammatic representation of pathways. There should be a glossary and FAQs; best practice case studies and a guide for families should also be considered.
- **Lack of accountability for families:** it is unclear where families should go if responsibilities that ‘must’ or ‘should’ be followed are not being met; we feel the Code should be clearer on lines of accountability. More broadly, we do not feel that Code as it stands is easy for families to use and suggest separate guidance. The Code often requires prior knowledge which will particularly be an issue for families new to the system. We are concerned that the aspirations of the Green Paper are being lost in regards to Independent Supporters and key working.
- **Lack of accountability for training and professional development:** workforce development was a key principle and aspiration of the Green Paper; without adequately trained and supported staff, the aspirations of the Bill will not be realised. This is particularly pertinent for children and young people with SLCN as highlighted in one of the overarching recommendations of the Better Communication Research Programme (BCRP).
- **Responsibilities within joint-commissioning:** the joint commissioning arrangements need to be strengthened and made more transparent; we are working with the RCSLT and the DfE on revisions to the legal language. We have specific concerns around what commissioning arrangements and responsibilities there will be for children and young people with SLCN who do not meet the threshold for EHCP but who do require specialist support.
- **Accountability for the Local Offer:** A fundamental issue remains the accountability of local offers. We are concerned that all the other positive recommendations in the Code regarding the local offer may be redundant unless local authorities are held accountability for meeting these recommendations. We do not believe the review

function is sufficient as a means of accountability for local authorities and we are unclear how concerns raised by young people and their families through the review process are escalated or where joint accountability lies. As the local offer will be the document most accessed by families, children and young people it is essential that it is fit for purpose, must illustrate pathways and be linked to outcomes for CYP.

- **Lack of structure and guidance within the information for settings:** although there is further detail in this draft, we feel settings need more guidance. We have specific suggestions from the Better Communication Research Programme around the graduated approach, monitoring and involving young people and their families in outcome setting. We feel the guidance to early years and further education setting needs further work.
- **Insufficient support in early years, particularly the 0-2 age range:** one of our strongest concerns as the reforms have progressed is how needs are identified and met in early years settings. It has been conveyed to the Trust by Ministers and officials that the Code will provide clear guidance. Whilst we welcome the repeated references to early years support through the document, especially in Chapter 6, we believe that guidance needs to be both strengthened and made clearer. We have particular concerns around PVI settings, the role of the early years SENCO and links to EYFSP
- **Lack of guidance on early identification** we are concerned over how the Code will ensure that the mechanisms for identification will work in practice across all educational phases and also on local authorities' ability to identify needs as early as possible, and to respond to these needs. There also needs to be clearer guidance across health, education and social care on how to identify SLCN, ensuring they are identifying to expected levels of prevalence for their context.
- **Transitions** are crucial for children and young people and evidence from the Better Communication Research Programme supports the importance of focus on transitions for children and young people with SLCN; we do not feel that the Code adequately explains or supports these transitions.
- **Lack of provision for young offenders** At least 60% of young people in custody have communication needs. In the majority of cases, these young people's communication difficulties have not been identified and their needs go un-met at great cost to both the public purse and the young people themselves. Therefore we remain extremely concerned that detained children and young people will not be covered by the provisions of the SEND Reforms.

The sections of the current draft that we particularly welcome and would like to see retained in the final version are:

- **Putting young people and their families at the centre of the process:** but this must permeate all areas;
- **The inclusion of guidelines for identification and support in early years settings,** although strongly suggest these are strengthened further;

- **That the process of EHCP assessments has been explained more clearly**, with the flow chart a useful tool for understanding the steps involved (although the inclusion of families in the flow chart of this process would be useful);
- **The recognition and references to complex needs throughout the document;**
- **The guidance around joint commissioning and the new duty on healthcare**, although we would encourage this area to be made clearer and are working with the RCSLT and the DfE on revisions to the legal language;
- **The recognition of communication and interaction as one of the four areas of SEN** and the specific mention of The Communication Trust on p.81;
- **The emphasis on high quality teaching** – but more guidance is required on how to ensure best universal provision possible and the training and support required to do so;
- **The emphasis on improving outcomes for all**– but we would welcome parallel statements for the local offer and greater emphasis on access to education and links to the anticipatory duties under the Equalities Act;
- We warmly welcome the **specific reference to specialist teachers of children with sensory impairment** (page 90) and the reference to the mandatory qualification - for the first time it says that teachers working in support services need to have this qualification too which is an excellent step forward. This needs to be retained.
- **The inclusion of a graduated response**, although we have suggestions on how the DfE may develop this area;
- We are very pleased that page 69 of the Code states that ‘in the final term of the year in which a child turns five the **EYFS profile must be completed for each child**. We are extremely concerned that in the Department’s proposals to transform Primary School Accountability, there was the suggestion that the EYFS Profile might be made non-statutory, particularly since the Better Communication Research Programme has evidenced how a monitoring approach such as EYFSP should be used ‘rather than a one off screening measure’ in order to best support identification of current and future educational need.

**The Trust has suggestions of practical, evidence-based solutions for each of our areas of concern. For more detail, please see our full submission to the consultation at [www.thecommunicationtrust.org.uk/policy](http://www.thecommunicationtrust.org.uk/policy)**

If you have any questions on our response to the Code of Practice or any other aspect of our work around the Children and Families Bill, please contact Catherine Hillis in the first instance, [chillis@thecommunicationtrust.org.uk](mailto:chillis@thecommunicationtrust.org.uk)