



**Edward Timpson MP**

Parliamentary Under Secretary of State for Children and Families

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Christine Lenehan  
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*Dear Christine,*

22 November 2012

## **SPECIAL EDUCATIONAL NEEDS PROVISIONS**

I am delighted to be writing to you as Parliamentary Under Secretary of State with responsibility for special educational needs and disability.

As you know from our recent meeting, I am committed to reforming provision for disabled children and young people and those with special educational needs (SEN) and am well aware of the challenges in doing so. Parents should not have to battle to secure the support that they think should be readily available for children and young people with special educational needs and disability. However, in reforming the system we will not lose the aspects that work well. **I want to be absolutely clear, the protections that parents and young people have in the current system will be carried forward into the new system.** I know first hand the importance of having the highest ambition for children with additional needs.

The Government's Bill will lay the foundations for our reforms alongside detailed statutory regulations and guidance. I know that parents will be nervous about changes, particularly where they have had to fight to secure the provision that their child is receiving. I want to reassure all parents that our intention is for a better experience for families in a reformed system with a new focus on helping young people towards real life outcomes, including independent living and paid work.

In the meetings that I've had with voluntary and community sector organisations and parents I've been reassured that we're moving in the right direction. But there have been some issues raised about the detail surrounding the draft clauses that we published. I want to provide reassurance where I can and ensure

clarity where I see misunderstandings have arisen.

The CDC has helpfully provided a list of the main areas in which misunderstandings appear to have arisen and I address these in turn.

1. There is no right to request a statutory assessment and hence no trigger for the right to appeal against the decision of a local authority not to assess

Parents will continue to have the right to request an assessment and the provisions will go further and ensure that others like a GP or health visitor are also able to make a request. I have heard parents' concerns about the lack of an explicit right for parents to request an assessment and as I made clear to the Education Committee, I am prepared to amend the clauses as necessary to clarify this.

2. There are no timescales

We will set out in regulations and a new code of practice the detail of the time that parents have to wait for an assessment to be decided. We will look at how we ensure we can reduce the overall time it takes for an assessment.

3. There is no duty to make the provision in an EHC Plan

There is an express duty on the local authority, in the draft clause 21(1) to secure the special educational provision set out in the plan.

4. There is no duty to 'specify and quantify' the provision to be made in an EHC Plan.

There was no intention to reduce the duty on the local authority by changing the wording of 'specify' in the Education Act 1996, to 'set out' in the draft clauses, and I have asked officials to change the wording back to 'specify'.

5. Mediation is compulsory and there are anti-parent penalties

There should be no delay in trying to resolve matters as a consequence of independent mediation. The two month period that a parent or young person would have to trigger an appeal would not be affected. The bill includes powers for regulations setting time limits.

The purpose of the pre-legislative scrutiny stage is to ensure the draft provisions will deliver what we want. Therefore, where the draft clauses are unclear, I have made clear that I am happy to go back and look again at what will reassure parents and give very clear messages to professionals

The 20 local area pathfinders that are testing the reforms are an essential element for learning how the proposed reforms will turn out in reality on the ground. That is why I have decided that we should extend the current programme for a further 18 months beyond March 2013, through to September 2014, and we are beginning to examine the best ways of spreading best practice from the

pathfinders to the remaining local authorities. I shall have more to say about this in due course.

Further, I have decided to extend funding for the Achievement for All programme, which has led to significant improvements in academic and wider outcomes for pupils with SEN.

I do hope that this reassures parents and would be very grateful if you could pass these messages on to them.

*Yours ever,  
Edward*

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