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# THE STATUTORY ASSESSMENT OF CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS: A BOURDIEUSIAN ANALYSIS

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University of Plymouth

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# UNIVERSITY OF PLYMOUTH

## **THE STATUTORY ASSESSMENT OF CHILDREN AND YOUNG PEOPLE WITH SPECIAL EDUCATIONAL NEEDS: A BOURDIEUSIAN ANALYSIS**

by

**BLANCHE RAINA GIBSON**

A thesis submitted to the University of Plymouth  
in partial fulfilment for the degree of

**Professional Doctorate in Education (EdD)**

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### **Author's Declaration**

At no time during the registration for the degree of Professional Doctorate in Education has the author been registered for any other University award without prior agreement of the Doctoral College Quality Sub-Committee.

Work submitted for this research degree at the University of Plymouth has not formed part of any other degree either at the University of Plymouth or at another establishment.

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Signed  .

Date **10.05.2024**



**Blanche Raina Gibson**

**The Statutory Assessment of Children and Young People with Special Educational Needs: A Bourdieusian Analysis**

Abstract

Research since the Children and Families Act (2014) and the SEND Code of Practice 0-25 (DfE & DoH, 2015) has focussed upon new processes for statutory assessment, the quality of Education, Health and Care plans and the success and/or failures of the bureaucratic systems put in place to administer these. This research uses the thinking tools of the French sociologist Pierre Bourdieu (1930 - 2002), to consider how statutory assessment is perceived within the field of SEND. A conceptual framework, influenced by Bourdieu's field theory (1984) and Crossley's social movement fields (2003), is employed to examine participants responses to questions about Education, Health and Care plans. Data is analysed to investigate the field of SEND; who the agents of the field are, what language is used about statutory assessment, where there are alliances and conflicts, and the cross-field effects. A Bourdieusian analysis is employed to carry out research which studies the values perceived in a statutory assessment and consider some reasons for the ever-increasing number of children and young people receiving EHCPs. Theories about the field of SEND and statutory assessment are discussed by illustrating the common-sense views surrounding Education, Health and Care plans, their metaphoric symbolism and perceived symbolic capital.

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## Glossary

CAMHS	Children and Adolescent Mental Health Services
C&FAct	Children and Families Act
CCG	Clinical Commissioning Group
CQC	Care Quality Commission
CoP	Code of Practice
CYP	Children and Young People
DSG	Designated Schools Grant
DCO	Designated Clinical Officer
DMO	Designated Medical Officer
EFSA	Education, Funding and Skills Agency
EHC	Education, Health and Care
EHCNA	Education, Health and Care Needs Assessment
EHCP	Education, Health and Care Plan
EP	Educational Psychologist
FE	Further Education
GCSE	General Certificate of Secondary Education
HNB	High Needs Block
IAG	Information, Advice and Guidance
ICF-CY	International Classification International Classification of Functioning, Disability and Health (ICF), Children and Youth version (ICF-CY; WHO, 2001, 2007)
LA	Local Authority
LDA	Learning Disability Assessment
NEET	Not in Education, Employment or Training
NHS	National Health Service
Ofsted	Office for Standards in Education
OT	Occupational Therapist
PfA	Preparing for Adulthood
PRU	Pupil Referral Unit

PSA	Parent Support Advisor
SATs	Standardised Assessment Tests
SENCO	Special Educational Needs Coordinator
SEN	Special Educational Needs
SEND	Special Educational Needs and/or Disabilities
SENDIST	Special Educational Needs and Disability Tribunal

## Chapter 1 - Introduction

My research uses Bourdieu's thinking tools of habitus and field to study the special educational needs and/or disabilities (SEND) reforms of 2014. I focus on the statutory assessment of children and young people (CYP) with SEND to consider the symbolic capital of Education, Health and Care plans (EHCPs). This area of study developed from my own personal history, my habitus and the period in which I am living. I have experiences of working as a special educational needs coordinator (SENCO) in primary schools which encouraged research as a method to support continuing professional development. I went to work for a local authority (LA) when the new legislation was introduced the Children and Families Act (2014) and 0-25 SEND Code of Practice (DfE & DoH, 2015), and my role was involved in developing the processes and procedures to implement these.

At the time, there was little opportunity to reflect upon the similarities and differences that constituted 'the SEND reforms.' One of the main reasons for this study, was to provide time to step outside of the day job, to consider the activities I was involved in. My understanding of statutory assessment and regular conversations about the expectations invested in statutory assessment, suggested ways in which EHCPs represent a form of currency which could be exchanged in education, something beyond the practical funding they bring. As a result, I wanted to research statutory assessment, why EHCPs are highly prized and attributed with magical effects, how the desire for statutory assessment can cause conflict and confrontation and to provide the chance to reflect upon the discussions I was having about these topics on a daily basis.

### 1.1 Background

Statutory assessment is part of a relatively short history of education policy surrounding SEND (Appendix A). The Warnock Committee (Warnock, 1978) was the first document to cite Special Educational Needs (SEN). The report encouraged inclusion within the British schooling system. It warned against classification and categorisation based on a deficit model, suggesting that children could be unnecessarily 'stigmatised' (Copeland, 1999). EHCPs are created through this assessment process, they were introduced by the Children and Families Act (C&FAct) (2014) and replaced the previous statutory assessment system of 'statementing' in England. This research considers how the statutory processes of the C&FAct (2014) and the Special Educational Needs

and Disability Code of Practice: 0-25 years, (CoP) (DfE & DoH, 2015) perpetuate an education policy surrounding SEND, by using Bourdieu's thinking tools to carry out a sociological study of the statutory assessment of children and young people (CYP).

EHCPs follow in a tradition of supporting the inclusion of CYP with SEND in the English education system, different arrangements are made in Scotland, Wales and Northern Ireland. In 1994, the Salamanca Statement set the objective 'education for all,' promoting inclusive education (UN, 1994). The first CoP for schools was published the same year, (DfE, 1994) and identified eight areas of need for children with SEN. It introduced statutory assessment in the form of statements to support inclusion, based upon a model of need. The Education Act 1993 detailed how local education authorities (LEA) and newly formed funding agencies would have oversight of the linked duties of these.

Since the terms inclusion and inclusive education came into use following the Salamanca Statement (UN, 1994) there has been a significant number of papers produced regarding inclusive mainstream education. Included, for example in the Genesis of SEND (Appendix A) are the Excellence for all Children Green Paper (DfES, 1997), the Inclusive Schooling document (DfES, 2001) and the SEND document towards inclusive schools (Ofsted, 2004). 'Inclusion' was based on the Education Act (1981) which recommended that all CYP be educated in 'ordinary' schools. The Act provided definitions of SEN and special educational provision, similar iterations of which continue in the current CoP (DoH & DfE, 2015) and caveats for when an ordinary school might not be appropriate. Although the intention of the inclusion of CYP with SEND to be included in mainstream schools, the government position was also evidenced in the education policies which encouraged parental choice of school. In 2005 Warnock provided 'a new look' to the 1978 report and suggested CYP should be taught, where they are able to learn 'best'. As a result of the changes over time in education policy, influenced by successive governments, the inclusion debate in education is ongoing.

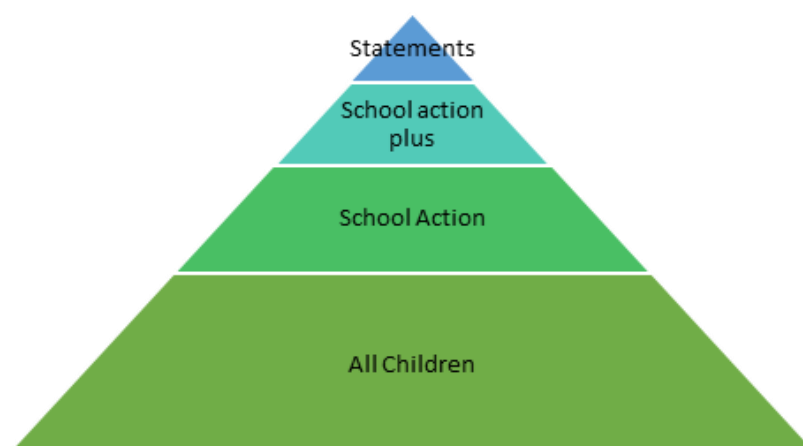
It is suggested that inclusion can benefit all students, "when the focus is more broad than just academic success" (Barton, 1998; p. 60). However, alongside discussions regarding inclusion are those surrounding expectations on the progress CYP should make, the number of GCSEs they are expected to achieve and league tables for schools. Although there is little scope in this thesis to discuss the inclusion debate fully, the themes of equality, diversity and inclusion do directly



relate to the statutory assessment of CYP and EHCPs. Statutory assessment provides funding to support 'special educational provision' for CYP with 'learning difficulties and attendance at a special school requires an EHCP. In periods of austerity and underfunding of public services such as education, health and social care, with academic expectations placed upon CYP, it is perhaps not surprising that the January 2023 DfE statistics of school age CYP demonstrate a 50/50 split of CYP with EHCPs in mainstream and special schools as mainstream schools struggle to include CYP with SEND.

The second CoP (DfES, 2001) promoted children's voices, with a focus on preventative work and developing partnerships between parents, schools, and LEAs. It introduced a graduated approach toward categorisation of SEN with school action (support/interventions in class, additional to or different from those provided for all CYP) and school action plus (support/intervention from multi-agency/external services). The 'top tier' of this approach was statutory assessment through a statement of SEN. All stages of support were monitored by the class teacher(s) with oversight from the SENCO through an individual education plan (IEP). These key documents relied upon a complicit understanding of what constitutes SEND within the education system and shaped a hierarchy of need.

**Figure 1.1** Visual representation of the hierarchy of need within the field of SEND based upon CoP (DfES, 2001)



The two levels of school action and school action plus made explicit a hierarchy of responsibilities from the teacher, SENCO and school setting *before* consideration of provision for those with the highest level of need, through a statement. Statements were for those children on the newly created SEN register monitored by the SENCO, whose needs could not be met at

school action plus. 'Top up funding' at this highest level, could be applied for, through statutory assessment and a written statement which brought the multi-agency professionals together.

In deciding whether to make a statutory assessment, the critical question is whether there is convincing evidence that, despite the school, with the help of external specialists, taking relevant and purposeful action to meet the child's learning difficulties, those difficulties remain or have not been remedied sufficiently and may require the LEA to determine the child's special educational provision (DfES, 2001; p. 80).

The legal element of a statement put a duty upon all those involved and an expectation that the LEA would ensure a child's progress through funding and monitoring.

The history of government policy surrounding SEND (Appendix A), provides an idea of how CYP with special needs are understood in society. It also demonstrates the expectations of schools as institutionalised spaces. The 1988 Education Reform Act is described as changing the perception of schools, portraying them as part of a marketplace, competitive and more accountable to parents (Selfe et al, 2020). One ideal of the Act was to raise academic standards, introducing a 'National Curriculum' with attainment targets which were to be measured by exam success. As a result, CYP with SEND became positioned as a sociological problem within the field of education. Ydesen argues 'interventions' for the 'problem child' or the 'ineducable child' (Ydesen, 2016; p. 614) is significant in the establishment of the English welfare state. He uses Bourdieu and Wacquant's concept of state, to conclude, "The public good functioned as a reservoir from which interventions could be legitimised." (Ydesen, 2016; p. 627) When SEND is depicted as a sociological problem, statutory assessment can be authorised as a solution.

Statements and in turn EHCPs represent a tool with which to provide support for CYP with SEND in education. Because the reforms were not as successful as hoped (Lindsay et al, 2020), the Special Educational Needs and Disability Tribunal (SENDIST) was established by the 1993 Education Act. In an educational marketplace EHCPs have the potential of presenting explicit and implicit symbolic capital, because of their position at the top of a hierarchy of need. EHCPs have perceived value in the field of SEND, as a consequence there is conflict and the assessment process itself can become 'divisive' (Boddison & Soan, 2021). In a climate of austerity, EHCPs theoretically increase in worth due to economic capital.

The significant increase in tribunals (Marsh & Howatson, 2020) illustrate a 'battleground' in the field of SEND. The expectations of what having an EHCP can bring in terms of resources, is likely to be one reason for this conflict. The imagery of struggle is reinforced by most of the existing research into the processes and procedures of the education, health, and care needs assessment process (EHCNA), perpetuating a discourse of frustration and dissatisfaction. Perhaps because of these challenges, it appears to be 'unexpected' that the number of CYP in receipt of an EHCP has risen by 49% since the new code (Marsh & Howatson, 2020).

## 1.2 SEN Support

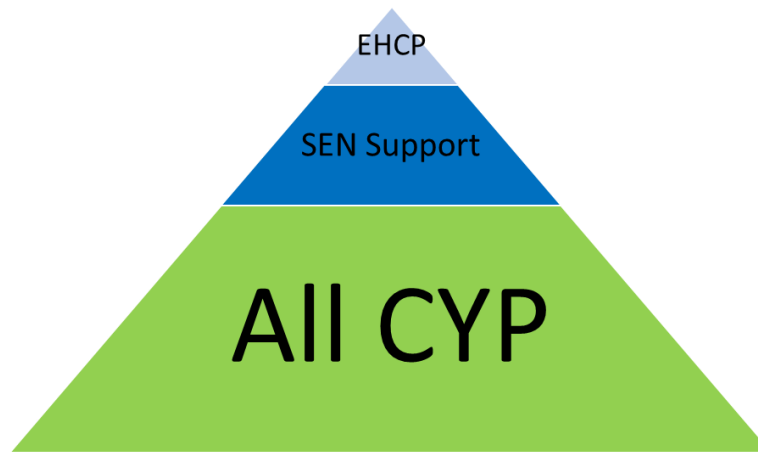
The CoP (DfE & DoH, 2015) is a substantive document, "probably never intended for the busy classroom practitioner or individual parent" (Lehane, 2017; p. 59). As a 'guidance' document, it is open to interpretation by local authorities (LA) and their partners. The longest chapter is chapter 9, 'Education, Health and Care needs assessments and plans' (DfE & DoH, 2015; p. 141). Chapter 9 discusses the statutory assessment process for an EHCP, the criteria is very similar to the previous code, although it does not mention the help of external specialists.

In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress (DfE & DoH, 2015; p. 145).

There is a business-like approach to the new code, perhaps in response to the lack of satisfaction with the previous iteration, evidenced in the Lamb Inquiry (Lamb, 2009) and the Green Paper (DfE, 2011). The new code implies those involved in the processes are 'customers,' and includes a chapter about disagreement resolution (DfE & DoH, 2015; Chapter 11) making clear the route of redress.

Perhaps one of the most significant changes in the new code, which has escalated the value of an EHCP, was the decision to create a single definition for all CYP on the SEN register under 'SEN support'. Without the clear graduated response of the previous code, there becomes those with, and those without an EHCP.

**Figure 1.2** Visual representation of the new hierarchy within the field of SEND based upon CoP (2015) the single definition of *SEN support* replaced school action and school action plus.



An understanding of the history of SEND (Appendix A) is helpful when carrying out a Bourdieusian analysis of statutory assessment. EHCPs are linked to codification, CYP are categorised through statutory assessment as having a ‘high’ level of SEND. Creating a two-tier hierarchy within an education system where EHCPs are considered a “Golden Ticket<sup>1</sup>” (Public Accounts, 2020), leads to perceptions of their symbolic capital within the field of SEND.

### 1.3 0-25

The C&FAct (2014) and CoP (DfE & DoH, 2015) increased the age range of CYP who could receive a statutory assessment; 0-25. The CoP (DfE & DoH, 2015) emphasises preparing for adulthood outcomes (PfA)<sup>2</sup> and part of the transfer to EHCPs was the conversion of several thousand Learning Disability Assessments (LDAs). LDAs supported the transition of young people (YP) with a statement to colleges; statements ceased if YP did not move to sixth form. The new policy ensured EHCPs could be used as a mechanism to provide financial support for YP in post 16 education and encourage employers to provide apprenticeships for YP with SEND.

### 1.4 A Sociological Study

A Bourdieusian analysis of statutory assessment provides the opportunity to consider the social construction of SEND, perpetuated by education policy.

It is in the realm of symbolic production that the grip of the state is felt most powerfully. State Bureaucracies and their representatives are great producers of “social problems” that social science does little more than ratify whenever it takes them over as “sociological” problems. (It would suffice to demonstrate this, to plot the amount of research, varying across countries and periods, devoted to problems

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<sup>1</sup> “Golden Ticket” coined in Road Dahl’s *Charlie and the Chocolate Factory* (1964) is a ticket that gave 5 children access to the factory and chocolate for the rest of their lives.

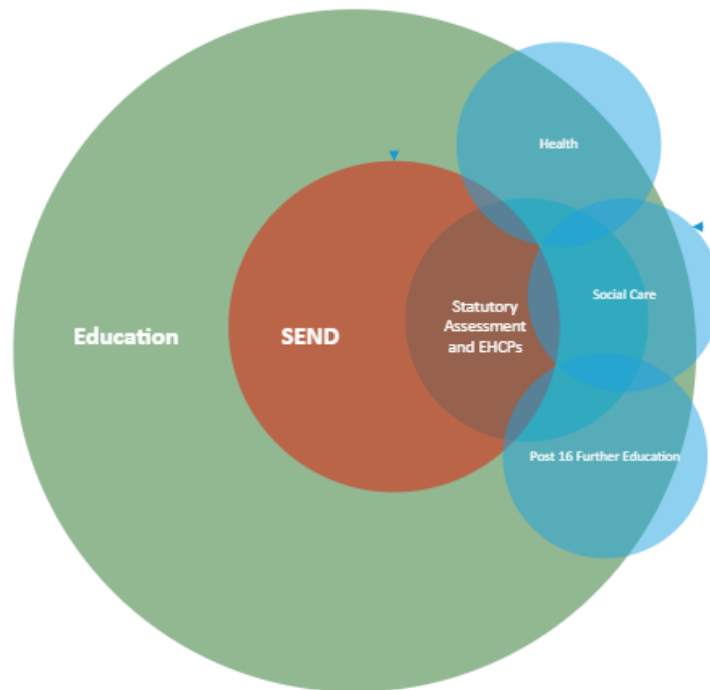
<sup>2</sup> Preparing for Adulthood Outcomes (PfA) Employment, Independent Living, Community Inclusion and Health (Council for Disabled Children, 2015)

of the state, such as poverty, immigration, educational failure, more or less rephrased in scientific language... (Bourdieu et al, 1994; p. 2)

When social policy treats education as a market, producing workers for the future, “what happens to the special or lower attainers after education becomes crucial” (Tomlinson, 2017; p. 11). Bourdieu’s field theory provides the thinking tools with which to carry out a sociological study of an education policy based upon educational attainment and normalisation. Theories about how EHCPs are perceived within the education marketplace, evidences their implicit and explicit symbolism as golden tickets.

Bourdieu’s field theory is adapted in this research, to consider how the statutory assessment of CYP is based upon an understanding that a field is a sociological system within which people or ‘agents’ interact. Those within the field of SEND observe the resources that are valued or provide power within the field, through the relationships and beliefs created by the discourse of education policy and statutory assessment. EHCPs are perceived to provide capital, implicit and explicit, because of an understanding within the field about what statutory assessment can bring. The language of the field is one of struggle and competition as the relationships between agents are dependent upon the amount of perceived capital they may have, or their ability to ‘play the game,’ perpetuated by a desire for capital acknowledged within the field itself. Fields interact with each other, and the field of SEND is a conglomeration of different fields, as demonstrated below; there are areas where fields overlap, which can lead to cross-field effects.

**Figure 1.3** The Fields of SEND



A pragmatic decision to define the field of SEND had to be made for this research, because as Crossley points out, “fields within fields, bordering upon further fields, is mind-boggling to say the least” (Crossley, 2003; p. 62). The field of SEND is regarded throughout this research as one created by government policy, with an inherent hierarchy due to the definitions of SEN support and statutory assessment. Within the field of SEND, EHCPs are viewed as a desirable resource, with metaphoric symbolic capital because of their status and values invested in them. The competition observed in the statutory assessment is deemed just and fair, according to the rules understood and accepted within the field. Although the field of SEND is within and overlaps many fields, the cross-field effects discussed in this research are with the fields of education, health, social care and Post 16.

### 1.5 Research Opportunity

The speed of the introduction of the new SEND policies in England, led to 3 iterations of the CoP (DfE & DoH, 2015). The first, published in June 2014, was updated in July 2014, a new code was published in January 2015, and updated in March 2015. For reference purposes, the final version is used, although dated January 2015, it was published in May 2015. With this significant amount of change, it was a difficult time to interpret, develop and reflect upon the actual policy and policy in use (Ball & Bowe, 1992). The evaluation of a pathfinder programme, (Thom et al., 2015) trialled early versions of new processes, but was published after the legislation. The CoP (DfE & DoH, 2015) is statutory *guidance* and each LA were expected to develop their own local

processes and standards using national performance indicators which were not published until 2016 (CQC & Ofsted, 2016).

My research is an empirical study based on personal experiences of working in the field of SEND. Participants who took part, represent agents in the field and shared their thoughts about statutory assessment and EHCPs. Quantitative data is gathered by the DfE each year about CYP with SEND, demonstrating that the numbers of requests for statutory assessment keep rising. The research question, methodology and qualitative methods of this research were all based upon personal experiences, consideration of real-life issues influenced by the perceptions of reality at the time and consider observations and experiences of those within the field, as to the reasons why there continues to be an increasing number of CYP with EHCPs.

To research statutory assessment of CYP with SEND through a Bourdieusian analysis provides the opportunity to contemplate the new SEND policies and guidance from a sociological perspective set in a historical timeframe. It is posited that the reforms were not 'radically new' (Norwich & Eaton, 2015), but continue a government policy based upon methods of statutory assessment, where middle-class practices and attitudes are considered normative and academic success and employment are primary goals. It is suggested that because of the expectations invested in EHCPs they have an increased perceived symbolic capital, providing explicit and implicit resources within the fields of SEND, education, health, social care, and post 16. The perceived symbolic capital, symbolism, and symbolic power of EHCPs is studied to understand some of the reasons they are highly prized.

A conceptual framework based upon Bourdieu's theory of practice (Bourdieu, 1977) and concepts of the field (Bourdieu & Wacquant, 1992), was developed to study the sociology of statutory assessment and deliberate how the dynamics of the field of SEND illustrate EHCPs perceived symbolic capital. The conceptual framework was influenced by the empirical mapping of Crossley's social movement theory (Crossley, 2003), and utilises four areas of study regarding EHCPs within the structure of the field: Who? What? Where? When? The research contemplates the language used, the alliances and conflicts, along with the cross-field effects of the field to reveal metaphors surrounding EHCPs perceived symbolic capital. Reflecting upon the sociology of SEND and EHCPs, the study also considers reasons for the increase in number of CYP with

EHCPs. How this may be influenced by assumptions indicated in education policy, when SEND is viewed as a sociological problem.

We believe that, with the right support, all children and young people with SEND can achieve their potential, with most achieving in line with their peers (Gov, 2022; p. 20).

When policy discourse suggests statutory assessment is the way to get 'the right support' for CYP with SEND, there is likely to be an increase in number of CYP with EHCPs. Carrying out a Bourdieusian analysis of statutory assessment demonstrates ways EHCPs are valued within a bureaucratic state to resolve a sociological problem. As the field of education has become more marketized, policy, processes and procedures for 'customers' have developed alongside. It is suggested the continued expectations of all CYP to meet academic targets set by government, increases the perceived value, symbolic capital of EHCPs, within the field of SEND.



Sociological questions are raised in this research as a result of studying policies and procedures surrounding SEND, and existing research about statutory assessment and EHCPs. Much of the research carried out about EHCPs since they were introduced has been about the new procedures for assessment. The conclusions generally include suggestions on ways to improve processes for CYP with SEND and their families, a theme following on from the research that influenced the new legislation itself. Although there is some research which considers the experiences of professionals in the field since the new legislation, this also often focuses on the processes of statutory assessment. The decision to carry out a Bourdieusian analysis developed because of a literature review which evidenced a gap in the existing research.

### 2.1 Radically New?

Research that influenced the new SEND policy, portrayed unhappy 'customers' of the previous system. The Lamb Inquiry (Lamb, 2009) focused on how parental confidence in the SEN system could be improved, "parents for whom the education system represents a battle to get the needs of their child identified and for these to be met". (Lamb, 2009; p. 2). The Green Paper (DfE, 2011) described parents' frustration with the current system of support, proposing;

a radically different system to support better life outcomes for young people; give parents confidence by giving them more control and transfer power to professionals on the front line and to local communities (DfE, 2011; p. 4).

Although the new CoP (DfE & DoH, 2015) was heralded as 'radically new', many felt the systems of statutory assessment and EHCPs were similar to the old statementing processes (Norwich & Eaton, 2015). Research since the new policy has continued in a similar vein.

The experiences of families, and particularly those of parents whose CYP have had an EHC needs assessment, constitute a significant proportion of the research undertaken to date regarding the EHC process (Cochrane & Soni, 2020; p. 374).

The previous CoPs (DfE, 1994; DfES, 2001), both discuss joined up working across education and health, the CoP (DfE & DoH, 2015) re-emphasises these expectations. Jointly written, the new CoP introduced the roles, Designated Medical Officer (DMO) and Designated Clinical Officer (DCO) adding weight to these expectations and accountability. At the same time, there is a recognition that this responsibility does not play out in the practical everyday lived experience of CYP with SEND.

Calling the new plans 'education, health and care plans' is misleading as they are basically educational plans where health and social care needs are included in so far as they relate to special educational needs (Norwich, 2014; p. 416).

What can be provided by health and social care for CYP with EHCPs is informed by instructions about completing 'their' sections and are quantified by the phrases, "which are related to their SEN"; or "which result in the child or young person having SEN" (DfE & DoH, 2015; pp. 164 - 169). Calling the new plans EHCPs can be misleading because it suggests they have a similar power to provide resources from both health and social care, as those in education.

## 2.2 Analysis of the new Code of Practice (CoP)

It is difficult to improve satisfaction without explicit directives regarding resources, the CoP (DfE & DoH, 2015) did not set out a clear threshold for assessment; "There is scarcely a word of direct advice about children's entitlements or what schools or others should actually offer" (Lehane, 2017, p. 61). It did not take the opportunity to set up a comprehensive system for the processes and procedures of statutory assessment throughout England or encourage inclusion through a graduated response to SEN as in the previous code. The CoP (DfE & DoH, 2015) increased the age range for statutory assessment, without considering how this linked with other policies for the 19-25 age group (Lenehan, 2016).

The longest so far, the 2015 CoP could be considered the most complicated and bureaucratic, suggesting SEND has increased as a sociological problem since 2001; "by dint of its sheer size and business approach, both 'ghosts' and assumes the 'othering' of learners with SEND" (Lehane, 2017, p. 64). The CoP (DfE & DoH, 2015) is based upon a historical deficit model of need, carrying out statutory assessment of CYP with SEND and defining those with the highest level of need, as appropriate for an EHCP.

## 2.3 Parental Confidence

Research since the implementation of the CoP (DfE & DoH, 2015) has been carried out in anticipation that it will improve systems of statutory assessment for CYP and their families. As a result, studies have often focused on the experiences of those going through the statutory assessment process. Early research, (Spivack et al, 2014) highlighted multi-agency working as a significant challenge for all the pathfinders, emphasising an area of difficulty and potential conflict in developing relationships between families and professionals using the new systems.

Commissioned by the DfE, Skipp and Hopwood (Skipp & Hopwood, 2016) examined user satisfaction and dissatisfaction with the new statutory assessment processes and provide practical and effective actions LAs could make to improve experiences. In 2017 Adams et al carried out a satisfaction survey to understand how satisfied CYP and their families were with the assessment and planning process and resulting EHCPs (Adams et al, 2017). They carried out a second qualitative investigation also on behalf of the DfE, into 'service user' experiences and satisfaction (Adams et al, 2018). Finding a disconnect between family satisfaction levels and experts' evaluations of the quality of EHCPs, they carried out their studies of the two separately. Using psychological frameworks, Cullen and Lindsay carried out a qualitative review of the new disagreement resolution processes (Cullen & Lindsay, 2017). They describe reasons for the distress of parents who are denied a statutory assessment for their CYP, explaining this is linked to the belief that without an EHCP their CYP's needs will not be met. They make suggestions for those working with families through the process of statutory assessment to ensure they take into account the emotional intensity within the field, submitting parental experience can be understood in the light of 'classic stress theory'.

The focus of research into the effectiveness of new processes of statutory assessment and whether they have improved for CYP and their families since 2015, is demonstrated by studies measuring satisfaction with LAs who must make the decisions. A multivariate analysis (Shepherd et al, 2018) provides lists of considerations for LAs to increase overall satisfaction. Sales and Vincent (2018) suggest there are inconsistencies in how legislation is interpreted and applied, and that funding can influence whether an EHCP is issued in different LAs. But they highlight that it can be about how educational settings choose to respond to EHCPs that can also create dissatisfaction.

#### 2.4 Customer Satisfaction

When the process of statutory assessment is updated by education policy influenced by papers about confidence and satisfaction, the focus of research is inevitably about how procedures take place and who makes the decisions (Nilholm, 2006). By framing research around processes and user experiences, papers imply customer satisfaction is enhanced with improved bureaucracy. This perspective advocates studies can only consider ways to work within the current system and as a result a significant proportion of research is about how to improve it. Research which

focuses upon user experiences, however, does not raise sociological questions about statutory assessment.

This research is influenced by social constructionism (Burr, 2015), “concepts of educational difficulty are socially constructed and must, therefore, be regarded as being highly problematic” (Ainscow, 1998; p. 8). Learning disabilities are not objective fact; “they are historically and culturally determined” (Reid & Valle, 2004, p. 466). When CYP go through the statutory assessment process, they are labelled as having SEND through a deficit, medical model. The discourse of education and SEND policy perpetuates the understanding of EHCPs as a common-sense solution, rather than the answer to a sociological problem.

education is a social construct which happens to have taken the particular form it has in our society for a variety of structural reasons-not the least of these being the ‘reproduction of existing social relations’. The education system thus produced is not equally favourable to every child who participates in it. On the contrary, the system is so constructed that it cannot satisfactorily educate children who deviate from the norm to any marked degree. The internal stress which is generated by such ‘deviants’ is managed by labelling those children as having ‘special needs’, and by treating them differently from other children (Dyson, 1990; p. 58).

Research into customer satisfaction, does not question how CYP with SEND are viewed within education. It can make recommendations about how to improve SEND processes but does not theorise about the reasons statutory assessment continues as the status quo. This type of research was carried out in the ‘early days’ of the new legislation because of the dissatisfaction which influenced the reforms. Research about service user experiences does not question assumptions about SEND or include a sociological analysis of the impact of having an EHCP. Another area of research, categorised here as impact analysis, does include elements of these.

## 2.5 Impact Analysis

Satisfaction with the processes and procedures and the impact of EHCPs are as Adams et al suggest, two different things (Adams et al, 2018). There is less research, so far, on the impact of EHCPs for CYP, perhaps unsurprisingly due to the extended timeframe of 0-25. Using a ‘Goal Functionality Scale’, Castro et al (2019) considered if the outcomes written in new EHCPs were SMART<sup>3</sup>. They found the quality of outcomes was considerably low, suggesting a lack of

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<sup>3</sup> Specific, measurable, achievable, realistic and timebound (SMART)

aspiration for CYP with SEND. In 2019, they used the ICF-CY<sup>4</sup> to consider the outcomes listed in young children's EHCPs (Castro-Kemp et al, 2019) and found a pattern of needs across similar diagnostic categories of SEND, reporting that more affluent LAs provide more detailed descriptions. They conclude that the status quo of SEND is characterized by marked social inequality and specialized work-force disparities.

The quality of education accessed is central when considering customer satisfaction with EHCPs. Webster and Blatchford (2019), study the results from descriptions of the day-to-day educational experiences for 13–14-year-olds with SEND in mainstream secondary school. They looked at the teaching, support and differentiation for these students and the impact of having an EHCP. They concluded there has been a systemic, long-standing failure to fully address the educational needs of CYP with SEND. Their investigation found under-theorised practices in secondary education were regularly presented as appropriate for CYP with SEND. By studying how CYP themselves experience support in practice, their research suggests ways this could also contribute to marginalisation.

## 2.6 Child and Young Person Voice

With the increased age range, it can be considered early days to discuss impact analysis of EHCPs upon CYP, but their voice is vital to this type of research. The Driver Youth Trust (Bernardes et al, 2015) makes recommendations to 'join the dots' to ensure the structures and practices secure quality for all CYP with SEND. Palikara et al (2018) analyse how the voices of CYP with SEND were captured on their EHC plans and concluded, there are no national guidelines, standardised procedures, or minimum requirements for those involved in the processes, they recommend further research is carried out. Franklin, Brady and Durell (Rip:Stars, 2018) use the social model of disability to carry out a piece of work with YP to ensure the voices of CYP are heard, and develop this alongside their research for an EHCP quality framework for professionals.

Gathering perspectives of CYP themselves about their experiences is crucial, however, much research focuses on their experiences of the processes and procedures of assessment, or the expectations of academic outcomes. Sharma (2021) gathers information on how SEND

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<sup>4</sup> International Classification of Functioning, Disability and Health (ICF) - Children and Youth version (ICF-CY; WHO, 2001, 2007)

professionals elicit pupil voice during assessments for EHCPs and annual reviews<sup>5</sup>. Their findings identify two distinct barriers; the ability of CYP to express their views, and the barriers created by professionals that impede their ability to elicit the views of CYP meaningfully. As a result, Sharma discusses the advantages of a person-centred approach.

What is described as impact analysis in this literature review is difficult to gather because the C&FAct (2014) and CoP (DfE & DoH, 2015) are still relatively 'new'. A comprehensive impact analysis of the first full cohort of CYP whose educational journey started with the new legislation could be planned, but for those in their infancy, potentially they could not be included until 2038/9.

## 2.7 Impact Upon Professionals in the Field

Research in the field of SEND suggests how multifaceted it can be and how this can impact upon professionals. Hellawell (2018), deliberates how professional identities within the field can be seen as a microcosm of the wider policy arena, one where traditional policy and bureaucracy are challenged by frameworks such as consumerism and individual rights. Other types of research focus on professionals' experiences of the reforms.

A variety of professionals have contributed to research in the field of SEND. Palikara et al (2019) surveyed 349 professionals' opinions on the ideology and implementation of the new policies. They found no significant differences between groups of professionals, although constraints were reported; tight timelines, budget cuts, difficulties in collaboration between education, health and care, the extension of the provision age range, how well the children's needs are described in plans, and professional requirements in the process. Overall, the perspective of professionals gathered in this survey, was that statutory assessment processes were still very much focused on education.

### 2.7.1 Special Educational Needs Coordinators

Curran et al (2017) carried out research with SENCOs six months after the introduction of the new CoP (DfE & DoH, 2015) and analysed their responses regarding the introduction of the new policy and procedures. They concluded upon a mixed picture of SENCOs experiences since the

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<sup>5</sup> LAs have a responsibility to ensure Annual Reviews are held each year for CYP with EHCPs to decide if the plan remains appropriate, (maintain), needs amending, or is to be ceased. Annual Reviews should be carried out with the CYP and their parent/carer and must include updates regarding their views, wishes and feelings.

reforms, many reported on the positive impact of their interactions with other teachers and parents, regarding engagement at a school level. But Curran et al, suggested it is important to consider whether this was achieved because of the SEND reforms, or in spite of them.

Boesley and Crane, (2018) also interviewed SENCOs, they found SENCOs felt their role had been made more challenging by a lack of involvement from health and care professionals, “Forget the Health and Care and just call them Education Plans” (Boesley & Crane, 2018; p.36). When health professionals become involved, they reported it could be unhelpful; “too many doctors tell parents they need an EHC plan without knowing what the hell they’re talking about” (Boesley & Crane, 2018; p. 39). Their conclusions included comments regarding the misconceptions about EHC plans which SENCOs were required to address, along with unrealistic parental expectations.

Even once an EHC plan was granted, many SENCOs felt that managing parental expectations was a continual challenge: ‘you have to quite often explain to parents that it’s not a magic wand – it’s just an increased level of support, but it’s not going to be an immediate solution ... I think there’s frustration afterwards that it hasn’t solved everything’ (Boesley & Crane, 2018; p. 40).

#### 2.7.2 Educational Psychologists

Atkinson et al (2015) discuss the field of Post 16 education, to reflect upon expectations and experiences of Educational Psychologists (EP) after the new reforms. They advocate training for new EPs which goes beyond early years and statutory school age, a new area of knowledge. Fox (2015) suggests EPs had hoped the new code would lead to more practice around “advocacy, practice based evidence and a social model of disability” (Fox, 2015; p. 382). They both describe moral challenges for EPs regarding statutory assessment, and how to keep CYP at the centre. Yates & Hulusi (2019) investigate some of the themes from involvement of EPs at SENDIST, highlighting the demands made upon EPs in their ‘expert witness’ professional role within an adversarial process.

#### 2.7.3 Careers Advisors

Robinson, Moor and Hooley (2018) examine the implications of the CoP (DfE & DoH, 2015) and EHCPs for careers advisors in England after the increase in age range from 0-25. They detail how statutory guidance issued to governing bodies of schools (DfE, 2015) makes clear the purpose of career guidance is to prepare YP to, “emerge from school more fully rounded and ready for the world of work” (DfE, 2015; p.102). In discussion about the cohort of YP with SEND, they highlight the DfE expectation that the ultimate destination for all YP is to be in paid work. They stress this

'ideal' is ideologically charged and diminishes the value of voluntary work. Of note, guidance to governing bodies of 'schools' has recently been updated and now includes Post 16 providers (DfE, 2023) it continues to focus on paid employment as an ultimate destination. Robinson, Moor and Hooley (2018) highlight the number of transitions CYP with SEND may have 0-25, not just those within education, but those also from child to adult services in health and social care. Their research demonstrates difficulties which arose from the new processes when transitioning YP with SEND into learning and work, at a time when universal careers provision for YP has diminished. Hunter et al (2019) discuss whether EHCPs can improve employment outcomes for YP with learning disabilities.

#### 2.3.4 Health Professionals

Joseph, McBride and Satterthwaite, (2019) carried out an audit on the quality of medical advice for EHCPs. They developed a proforma integrating health advice to parents with EHCP advice, reducing duplications without compromising quality. Hoskin (2019), explores whether young people with Duchenne muscular dystrophy, their parents and schools feel that the SEND reforms and EHCPs can support YP with life-limiting impairments to have the lives they want. Hoskins conclusion is that the new person-centred philosophy has been welcomed, but that parents and YP are still forced to fight for funding and support in a system of reduced resources.

Nesbitt and Moore (2021) carried out a review of CYP attending the NHS services for rare mitochondrial disorders to determine how many had EHCPs, and to investigate reasons why some did not. They advocate for all CYP to have appropriate support in place for them to meet their full academic potential, but also acknowledge the expertise of their education colleagues, for example when a school felt an EHCP was not needed to be able to meet a CYPs SEND.

#### 2.7.5 The 'Good' SEND Professional

A range of research with professionals in the field demonstrate debate surrounding the ethical challenges encountered by parent, carers, CYP and professionals. The expectations EHCPs bring these different groups, in response to guidance in the CoP (DfE & DoH, 2015), detail how complex the field of SEND can be. Hellowell (2019) suggests a pre-occupation with implementation, into the practical processes and systems surround SEND, can obscure a deeper unease, leaving moral doubt unexplored. To manage this, she suggests there has been the construction of a 'good' SEND professional, someone who conceals the complexity of the field,



employing professional certainties to be able to offer ‘straightforward’ advice. Her description highlights a reality which could be considered to also influence most of the research since the CoP (DfE & DoH, 2015), which focusses on improvement to processes and procedures.

## 2.8 Research use of Quantitative Data

Some research about SEND uses quantitative data gathered by the DfE to depict the field. Marsh and Howatson (2020), look at the variations of the number of CYP with EHCPs across LAs and how this links with tribunal appeals. They acknowledge and develop a methodology on the understanding that quantitative data gathered by the DfE is not comprehensively 0-25, a continuing issue in quantitative data regarding EHCPs. They report LAs with a low number of CYP with EHCPs are financed at significantly lower levels than LAs with a high number of CYP with EHCPs. Marsh and Howatson (2020) study the trends and variations in EHC plans and tribunals within English local authorities (LAs) as well as disparity in funding, to suggest the increase in the numbers of CYP with EHCPs may be due to a number of factors;

1. The extension of the age range up to age 25
2. Widespread perceptions and experiences of inadequate lower-level support in mainstream schools powering a crisis of confidence among parents
3. When a CYP has an EHCP, parents are concerned that the financial pressures on schools may result in their child’s support being reduced or even withdrawn
4. The focus on a child deficit model
5. The financial variations between LAs
6. The considerable variation in the support CYP receive across the country. (Marsh & Howatson, 2020)

Ideas about why there has been an increase in the number of CYP with EHCPs, also feeds into their perceived value; EHCPs are regarded as a tool with which to address concerns.

## 2.9 Analysis of Research since the new Code of Practice

Comprehensive literature reviews have been published concerning the field of SEND. Cochrane and Soni (2020), ask “What do we know so far?” They use a variety of search engines to review research with EHCP in the title and focus on three main themes: experiences of the EHC needs assessment process, reflections on the EHCP and outcomes of the EHCNA process. They submit their literature review will support staff involved in the processes and recommend the focus on

future research should be about, “how to effectively involve CYP with SEND in statutory processes and how best to implement the plan” (Cochrane & Soni, 2020; p. 385). Although they recognise much of the research about EHCNA processes has focused on experiences of those involved, they do not make suggestions about what other types of research could contribute to ‘what we know so far’, such as potential reasons for the increased popularity of EHCPs as detailed by Marsh and Howatson (2020).

#### 2.10 Dissatisfaction with Processes and Procedures

Research during the SEND Review, launched in 2019, continued to focus upon customer satisfaction. Boddison and Soan (2021), examine the ‘success and efficiency rates’ of EHCP assessments. They propose that policy and guidance in England requires revision to ensure consistent use of language, roles, and responsibilities. Castro-Kemp et al (2021), studied consistency between provision, outcomes and functioning needs in EHCPs, emphasising their position as statutory documents. Ahad et al, (2022) recognise much research since the new code has been based upon experiences of those involved and produced a literature review of research based upon ‘service users’ participation in assessment processes and EHCPs. In it they conclude, “Most service users were dissatisfied with the process” (Ahad et al, 2022; p. 1).

In terms of improving customer satisfaction through funding, Marsh et al (2021) looked at the high needs (HN) funding allocations and their impact upon specialist placement, concluding, “to ensure best value for money, “the Government should consider the potential benefits of more inclusive systems” (Marsh et al, 2021 p. 5). Marsh (2021) has also carried out a study of tribunals in England from 1994-2019. Reviewing the effects of socio-economic deprivation upon the rate of appeal to SENDIST, they found appeal and hearing rates in areas with lower socio-economic status are significantly lower than in the least deprived areas. In this study, Marsh (2021) links the increasing number of tribunals to challenges improving parental confidence about SEND, particularly the non-statutory offer of SEN support.

Research since the C&Fact (2014) and CoP (DfE & DoH, 2015) includes impact analysis, experiences of professionals and levels of satisfaction with new processes and procedures. It includes qualitative data analysis of statistics produced for the DfE each year and is summed up by some researchers in literature reviews. From reading this body of research it would appear most ‘customers’ continue to be dissatisfied with the systems put in place. The conclusion of

these types of research is to make recommendations for improvement. Another conclusion is that there is a gap in existing research which does not contemplate SEND from a sociological perspective. Within existing research, assumptions are made about SEND creating underlying reasons for EHCPs.

## 2.11 SEND Review

Although the C&FAct (2014) and CoP (DfE & DoH, 2015) are still considered new, it is due to continued dissatisfaction with the results of these policies, that there has been a SEND review taking place since 2019. Government reports feeding into this review continue to focus on failures within the current system and customer satisfaction.

- House of Commons Education Committee - Special educational needs and disabilities, First Report of Session, (HoC, 2019)
- Not going to plan? Education, Health and Care plans two years on - Focus report: learning lessons from complaints, (LGO, 2019)
- Support for pupils with special educational needs and disabilities in England, 2019 (NAO, 2019)
- Briefing Paper - Post-16 Special Educational Needs and Disabilities in England: FAQs (Hubble and Bolton, 2019)
- House of Commons Committee of Public Accounts Support for children with special educational needs and disabilities, First Report of Session 2019–21 (HoC, 2020)
- Briefing Paper - Special Educational Needs: support in England, (Long et al, 2020)
- Forgotten. Left behind. Overlooked. The experiences of young people with SEND and their educational transitions during the Covid-19 pandemic in 2020, (APPG, 2021)
- Ofsted Research and Analysis Supporting SEND, (Ofsted, 2021)
- An inconsistent approach to SEND, findings from analysis of Education Health and Care Plans (EHCP) from two local authorities in England (Children's Commissioner, 2022)

These papers and government reports continue to make recommendations for improving the existing processes and procedures because;

The reforms were the right ones. But their implementation has been badly hampered by poor administration and a challenging funding environment in which local authorities and schools have lacked the ability to make transformative change (HoC, 2019).

The reports continue to protract a positivist medical model within the field of SEND. They do not question assumptions within the discourse surrounding SEND, or with the processes and procedures of the English education system. The resulting Green Paper, 'SEND Review: Right support, right place, right time' (Gov, 2022) continues with the business discourse used in education since the 1988 Education Reform Act;

committed to examining how the system has evolved since 2014, how it can be made to work best for all families and how it can ensure the effective and sustainable use of resources (Gov, 2022; p.19).

The Government Improvement Plan (Gov, 2023) produced as a result of the 'Analysis of the consultation responses to the SEND review: right support, right place, right time' (Sinclair & Zaidi, 2023) highlights several areas of change, including;

- New National Standards
- Local Partnerships
- Financially sustainable system
- Standardisation and digitised processes and procedures for EHCPs
- More monitoring of CYP on SEN Support
- An integrated SEND and alternative provision system (Sinclair & Zaidi, 2023)

There is an underlying suggestion that these recommendations will reduce the number of requests for statutory assessment and the number of CYP with EHCPs, anticipating more money, more standardisation and more monitoring will address issues such as listed by Marsh and Howatson (2020). However, by perpetuating a hierarchical field of SEND, the recommendations do not consider the perceived symbolic capital of statutory assessment and EHCPs which make them a desirable object.

Although the Green Paper (Gov, 2022) preserves the belief that the reforms were the 'right ones,' it does not reference research or reports which influence this conclusion, like the Improvement Plan (Gov, 2023), it includes no bibliography. Quantitative data demonstrates an ever-increasing number of CYP being categorised as SEND and receiving EHCPs (DfE, 2022), these reports suggest this is due to failings in the education system to address the needs of CYP with SEND. This indicates a gap in existing research which focusses on recommendations for improvement to existing bureaucratic systems. A sociological study contemplating wider

systemic issues surrounding fields of education and SEND provides the chance to view these differently. Carrying out a Bourdieusian analysis of statutory assessment, the perceived symbolic capital of EHCPs, provides the opportunity to challenge the status quo.

## 2.12 The Status Quo

Analysis of research since the C&FAct (2014) and CoP (DfE & DoH, 2015) backs up the claim;

Much of what was proposed was not ‘radically new’, but involved extending, integrating and tightening up existing principles and practices (Norwich, 2014; p. 91).

Research since the reforms focus on the experiences of CYP, their families and professionals with the new processes and procedures. As a result, they are viewed as customers or service users. By extending, integrating and tightening up existing principles and practices surrounding assessment of SEND there is a, “taken-for-granted assumption that an education plan is a ‘good’ thing” (Hunter et al, 2019; p. 137). Many of the authors of research about EHCPs have theorised about satisfaction and dissatisfaction with changes since the reforms and analysed measures of what they consider good principles and practices without challenging common-sense views and marketisation within the field.

the fundamental stance on SEND remains unchanged in 2015, the radical change is instead delivering commissioning and procurement and a potentially arms-length approach to provision... the 2015 context for SEND is one of school diversity and choice and the model is of private sector competition and entrepreneurship in a context of austerity (Lehane, 2017, p. 51.)

Although the fundamental stance on SEND remains unchanged, there does appear to be a radical change in commissioning and procurement signified by the economic capital of EHCPs in a competitive SEND market, one where resources are limited. Research into customer satisfaction with the statutory assessment process, can challenge the model of private sector competition in the field of SEND, Hoskin (2019), for example, ponders the impact of austerity on the new reforms.

Overall, it is difficult to see how young people with SEND could hope to be aspirational or improve their life outcomes when the very services and resources that could support them to do this are being drastically reduced or removed (Hoskin, 2019; p. 46).

Research surrounding SEND continues to take for granted views about statutory assessment established by earlier policies and perpetuated by the C&FAct (2014). Influenced by the Lamb

Inquiry (2009), Ofsted (2010) and Green Paper (2011), conclusions of research carried out since, evidences the unhappiness of ‘customers,’ rather than questioning the sociology of the field itself. This research focuses upon EHCPs, the result of statutory assessment. Studying how EHCPs are perceived in the field questions the status quo, common-sense views about SEND. Applying Bourdieusian thinking tools to contemplate ways EHCPs create a hierarchy of need in the field of SEND, suggests ways statutory assessment can be viewed to perpetuate inequality.

### 2.13 Disability Studies

During the twentieth century the medical model became a tool for categorising people with SEND, just as it had been used historically to ‘rationalise’ sexism and racism (Ball, 2008a). This deficit model creates a negative discourse in the SEND narrative, and a culture of difference.

The notion of ‘normalcy’ has been historically deployed as a heuristic device to single out presumed abnormal individuals and to relegate them to the fringes of mainstream social and educational spheres (Liasidou, 2010; p. 228).

The positivist medical model of disability focuses on impairment, condition, or illness of a CYP. A medical diagnosis is scientific and held as a ‘truth,’ something which can be ‘fixed’ with interventions. This research attempts to understand how EHCPs are part of the sociology of education by using a theory of practice based upon Bourdieu (Bourdieu, 1977). Bourdieu suggests that education should be viewed through a lens where the state is able to produce and impose categories of thought, especially through the school system (Bourdieu 1998). Bourdieu’s sociology provides the prospect of questioning assumptions about SEND made by education policies which are based upon a medical model.

Theories behind disability studies are integral to the methodological relational paradigm of this research. The CoP (DfE & DoH, 2015) changed the language of the field from SEN to SEND; the term special educational needs *and/or* disabilities has virtually disappeared, literature now generally refers to special needs *and* disabilities (SEND). In contrast to a positivist model, the social model of disability focuses on the barriers put in place for CYP with SEND, how society disables a person, not their impairment (Hughes, 2010). The social model of disability highlights how disability is socially constructed and provides different ways to contemplate this (Goodley, 2017). Applying a Bourdieusian analysis to statutory assessment provides a lens through which

to view ways the education system produces and imposes categories of thought surrounding SEND.

#### 2.13.1 Social Model of Disability

SEND policy and legislation can encompass many CYP with different levels of SEND based upon a positivist model. Psychological diagnosis, cognitive assessment, and social care needs, create a hierarchy of CYP who are considered, “less able, disruptive or disabled” (Tomlinson, 2017, p. 127). Researchers in the area of disability studies identify the politics of SEND, through a social model of disability. Barton (1986) advocates a sociological study of the politics of SEND based upon examination of the ways ‘disadvantaged’ groups are treated;

I feel that sociology has a contribution to make towards a more adequate understanding of some of these issues by, for example, illuminating taken for-granted assumptions, the disjuncture between rhetoric and practice, the influence of economic and political forces on definitions and decisions and the way labels are constructed and responded to in given social contexts. (Barton, 1986; p. 274)

In research where SEND is viewed as a social construction, sociological research can illuminate taken for granted assumptions. Disability studies research into education (Connor et al, 2008), positions CYP within SEND legislation (Howie, 2010). Skrtic (2005) details how the structure and culture of the education system constructs learning disability. Slee (2010) reiterates points made by Barton linking the politics of SEND and sociological analysis of inclusive education.

Disability studies can employ Bourdieu’s thinking tools, to question the common-sense ‘rules’ in society which create dominant social norms. The concepts of habitus and disposition are used by researchers such as Edwards and Imrie (2003) to analyse ‘the body’ and theorise about social inequalities. Teachmen et al, (2020) use Bourdieu to study the marginalisation and social exclusion of young people who use augmentative and alternative communication systems in education in Canada.

Rather than focus upon user experiences of the policies and procedures surrounding SEND, the social model of disability provides a different lens through which to view research. Disability studies in education have influenced the research question posed in this thesis and provide the opportunity to acknowledge the dichotomy created by considering the positives of having an EHCP because they embody symbolic capital, whilst at the same time acknowledge the premise of EHCPs based upon a positivist medical model which categorises CYP with SEND.

We problematise the often taken-for-granted assumption that such plans are a 'good' thing in the lives of disabled young people; at the same time, we consider the rise in demand for plans which are understood by many as a crucial mechanism for achieving support (Hunter et al, 2019; p. 134-135).

Sociological studies about education (Ball, 2008b), provide opportunities to consider how inequality can be perpetuated through education policy. Sociological research about the C&FAct (2014) and CoP (DfE & DoH, 2015) can highlight how education legislation and guidance perpetuate a culture of normalisation.

The process of normalisation consists of the processes of comparison, differentiation, hierarchisation, homogenisation and exclusion (Copeland, 1999; p. 106).

Hunter et al (2019), view EHCPs as an 'artefact' of the SEND system in England. They identify how the assessment and labelling of CYP with SEND, includes a 'presumption' of deficit. They submit that researchers are diverted from questioning the different ways CYP become a 'problem' in education because EHCPs individualise educational needs using the within child model. They also recognise the dichotomy of statutory assessment because EHCPs can be a useful form of support, in an unequal society.

While disability studies are not discussed in detail, due to the scope of the research, it is recognised as having impacted upon the thesis paradigm and methodology, as well as upon conclusions made regarding the symbolic capital of EHCPs. Barton's response to Warnock (Barton, 2005) highlights how research regarding SEND and inclusion has developed since 1978. Barton emphasises research into SEND must include that carried out by those in the field of disability studies, exactly because it can challenge the status quo of existing research based upon a medical model. Disability studies provide a social model lens which can challenge existing research into customer satisfaction with new processes and procedures. This research studies education policy which provides 'support mechanisms' for those considered vulnerable, through EHCPs, but disability studies demonstrate how this can generate further questions, future areas of research when there is a focus on the individual.

#### 2.14 Why this Research?

EHCPs are part of a relatively short history of SEND policy in England. Since statements, agents in the field of SEND have been viewed as customers. The Green Paper (Gov, 2022) recommends ways to work within the current system to make things 'better'; a continuation of the status quo



of existing policy, rather than something 'radically new'. Applying a Bourdieusian analysis to research statutory assessment and perceptions of EHCPs symbolic capital, is to examine the reasons they exist, why there is investment in the processes and procedures surrounding them. Bourdieu's thinking tools provide different perspectives from which to research EHCPs by considering how they are viewed and why.

To carry out a sociological study of statutory assessment and theorise about EHCPs symbolic capital could be considered counter-intuitive when reviewing themes of the existing body of research into SEND. However, there does appear to be a gap in the literature regarding the processes and procedures of EHCNA and EHCPs. EHCPs are value laden, there are established ideas about SEND upon which EHCPs are based. There is evidence that the CoP (DfE & DoH, 2015) was not significantly different to the previous code, the statutory process of assessing CYP, creating a legal document to evidence what should be provided remains the same. There has been little research into the sociological questions regarding why this process continues to exist, this thesis carries out research to consider the perceived symbolic capital of EHCPs. Bourdieu's thinking tools can be used to question taken for granted assumptions, how government policies such as the C&FAct (2014) and CoP (DfE & DoH, 2015) reproduce a particular construction of social reality surrounding the statutory assessment of CYP with SEND.

Bourdieu's thinking tools are utilised in this research to explore how statutory assessment is part of the sociology of education. Field theory is adapted to consider how EHCPs are perceived to have symbolic capital when they are exchanged within an educational environment.

Theorising about the perceived symbolic capital of EHCPs provides an alternative way of studying statutory assessment processes. A Bourdieusian analysis supports the questioning of assumptions, in this instance about the obligations EHCPs bring when they have been created by an education policy which codifies CYP; comparing CYP to their peers within a social construct of education which values academic ability. Using Bourdieu's thinking tools such as capital, habitus and field theory, it is possible to study how EHCPs are perceived as having value and the prospect to deliberate the policy and discourse surrounding SEND.

### 3.1 A Bourdieusian Analysis of the statutory assessment of CYP with SEND

This thesis developed due to a gap in existing research. Providing an alternative way to study statutory assessment, a Bourdieusian analysis can ask sociological questions about EHCPs. Pierre Bourdieu (1940 – 2002) was a French sociologist who developed thinking tools, ways to think about the real and to help us to understand the social. These tools were developed from his study of power dynamics in historical society and how they apply to the modern day. Bourdieu's ideas about the field can help understand individual experiences. Through the concepts of habitus, capital and field, reflections can be made upon how human society functions, the realities of structures in which we exist. EHCPs perceived symbolic capital, derives from their value which is perpetuated through education policy. EHCPs can be exchanged for resources within the fields of education, SEND, health, social care and Post 16. Bourdieu's thinking tools are adapted to study the questions Who? What? Where? And When?

Bourdieu was prolific in his lifetime, his theories developed over many years, and he often described them through complicated metaphors, making them difficult to define. It is not within the scope of this thesis to study all these metaphors in detail, instead they have been personally interpreted to study statutory assessment and EHCPs. Bourdieu's field theory for example, is adapted to demonstrate how habitus, a social construct, can be used to consider the dispositions participants bring to the field of SEND, how EHCPs are viewed as a resource within this space and within related fields, using the metaphor of capital exchange. Through a Bourdieusian lens this research deliberates whether and by what processes, EHCPs benefit those

in the field of SEND and how the exchange mechanisms can create a hierarchy of need, which reflects a social reality.

### 3.1.1 Field Theory

Field theory was developed in the mid twentieth century to, “comprehend how one thing could affect another without some substantive mechanism” (Hilgers and Mangez, 2015; p. 39-40).

Bourdieu developed his own theory of practice based upon existing field theory; [(habitus) (capital)] + field = practice (Bourdieu, 1984; p.95). Bourdieu used different metaphors to define field, such as a magnetic field and battlefield, fields are not just one or the other, they can be many. Although Bourdieu provides several descriptions of the field, he generally viewed it as an area of cause and effect, dominance, and power. One way he defined the field, was to refer to the activities within it as a game.

... in a field, agents and institutions are engaged in a struggle, with unequal strengths, and in accordance with the rules constituting that field of play, to appropriate the specific profits at stake in that game. Those that dominate the field have the means to make it function to their advantage, but they have to reckon with the resistance of the dominated agents. A field becomes an apparatus when the dominant agents have the means to nullify the resistance and reactions of the dominated. (Bourdieu, 1993; p. 88)

There can be overlapping fields and hierarchical relations within and between fields because fields are the ‘arena’ in which capital plays out (Swartz, 1997). These relationships can be difficult to define as they are theoretical. Within and across fields there can be hidden relationships, which create a misrecognition of power. There are a variety of participants within the field, metaphorically playing a competitive game which, they may not necessarily be aware of due to a common-sense view of the world, something Bourdieu labelled *doxa*.

Doxa is a particular point of view, the point of view of the dominant, which presents and imposes itself as a universal point of view – the point of view of those who dominate by dominating the state and who have constituted their point of view as universal by constituting the state (Bourdieu, 1998, p. 57).

In *An Invitation to Reflexive Sociology* (Bourdieu & Wacquant, 1992) Bourdieu places the field firmly within it’s time and cultural tradition.

A field consists of a set of objective, historical relations between positions anchored in certain forms of power (or capital), while habitus consists of a set of historical relations “deposited” within individual bodies in the form of mental and corporeal

schemata of perception, appreciation, and action” (Bourdieu & Wacquant, 1992; p. 16)

Bourdieu’s theories about the field consider how those with power, evidenced in forms of capital, influence the thoughts and actions of individuals, their habitus, and dispositions. When adapting field theory to education, Bourdieu suggests the power of the state can, “produce and impose (especially through the school system) categories of thought that we spontaneously apply to all things in the social world” (Bourdieu, 1998, p.35). Education reflects a social reality which in turn influences habitus.

### 3.1.2 Habitus

The habitus is necessarily internalized and converted into a disposition that generates meaningful practices and meaning-giving perceptions; it is a general, transposable disposition which carries out a systematic, universal application – beyond the limits of what has been directly learnt – of the necessity inherent in the learning conditions. That is why an agent’s whole set of practices (or those of a whole set of agents produced by similar conditions) are both systematic, inasmuch as they are the product of the application of identical (or interchangeable) schemes, and systematically distinct from the practices constituting another life-style (Bourdieu, 1984; p. 166)

Habitus is a multi-layered concept, the interaction of habitus, capital and field generates Bourdieu’s ‘logic of practice’ (Bourdieu, 1984). In Bourdieu’s original theory of habitus, an agent’s social position is key, “habitus reproduces inequality because people in privileged positions act in ways to secure privilege for their children” (Dumais, 2006, p. 84). Habitus is structured by an individual’s past and present circumstances, such as family, upbringing, and educational experiences (Maton, 2012). It is these embodied histories that create a range of influences upon the self, conscious or unconscious, impacting on individual belief systems. Habitus and capital combine within the field to construct symbolic capital.

The dialectic of conditions and habitus is the basis of an alchemy which transforms the distribution of capital, the balance-sheet of a power relation, into a system of perceived differences, distinctive properties, that is, a distribution of symbolic capital, legitimate capital, whose objective truth is misrecognized (Bourdieu, 1984; p.168)

The status of a high achieving student for instance, can be viewed as a construct, due to the alignment of embodied history and capital valued in the schooling field. This status can then be misrecognised as forged through merit combining aptitude and hard work. Habitus is a significant element of Bourdieu’s field theory, used to contemplate how symbolic capital is

produced by the explicit and implicit behaviour, the moral code of agents in the field. It can also be used to challenge how dispositions are created by analysing the dominant groups in society and how 'subordinate' groups are dominated.

Habitus can be used to focus on the ways in which the socially advantaged and disadvantaged play out attitudes of cultural superiority and inferiority ingrained in their habitus in daily interactions (Reay, 2004; p. 436).

Habitus can be used to study families and institutions (Burke et al, 2013), and to highlight, the psychological aspects of living in an unequal society (Reay, 2015). It is one aspect of Bourdieu's conceptual toolbox. All participants in this research, which includes me as the researcher and writer, have their own habitus and dispositions as members of the field of SEND. A field is where there, "is a structure of relative positions within which actors and groups think, act and take positions" (Hilgers & Mangez, 2015; p.10).

### 3.1.3 Capital

Bourdieu developed his theories in the 1950s whilst carrying out anthropological research with the Kabyle people in North Africa. His concepts of capital were developed through observations of the customs and traditions of marriage, the different forms of implicit and explicit capital invested in marriage agreements (Bourdieu, 1990). Bourdieu's concept of capital in education uses similar ideas to consider how values of the 'higher' classes were embodied in the education system of France in the 20<sup>th</sup> century. Although capital is not fixed, Bourdieu uses the term to suggest capital is power, a method of preserving inequality by reproducing values because those that dominate a field such as education, have the means to make it function to their advantage.

The notion of cultural capital initially presented itself to me, in the course of research, as a theoretical hypothesis which made it possible to explain the unequal scholastic achievement of children originating from the different social classes by relating academic success, i.e., the specific profits which children from the different classes and class fractions can obtain in the academic market, to the distribution of cultural capital between the classes and class fractions. (Bourdieu, 1986, p. 17)

In *Outline of a Theory of Practice* (1977), Bourdieu introduces the role of capital as a relational force. By making visible how values of the 'higher' classes were embodied in the education system, Bourdieu demonstrates how economic, cultural, and social capital, the status of a family, influence a child's schooling. By promoting these values within education systems, children that arrive at school with certain behaviours and viewpoints because of their family's

status, are considered to have a head start on those without and will do well. Participants who start the game with particular types of capital are, “advantaged at the outset because the field depends on, as well as produces more of, that capital” (Thomson, 2012, p. 67).

Bourdieu explains economic capital is at the root of all types of capital (Bourdieu, 1986). In a capitalist economy, self-interest and money have value, for Bourdieu, cultural and social capital exist because of and beyond this traditional understanding of economics. By demonstrating the transubstantiation of economic capital in a traditional economic exchange, Bourdieu offers an explanation of implicit economic capital which provides a different type of ‘interest’ on your investment.

by reducing the universe of exchanges to mercantile exchange, which is objectively and subjectively oriented toward the maximization of profit, i.e., (economically) self-interested, it has implicitly defined the other forms of exchange as noneconomic, and therefore disinterested. In particular, it defines as disinterested those forms of exchange which ensure the transubstantiation whereby the most material types of capital—those which are economic in the restricted sense—can present themselves in the immaterial form of cultural capital or social capital and vice versa. Interest, in the restricted sense it is given in theory, cannot be produced without producing its negative counterpart, disinterestedness (Bourdieu, 1986; p.15).

Bourdieu defines cultural and social capital as forms of exchange which are economic, but not in the traditional sense.

Cultural capital can exist in three forms: in the embodied state, i.e., in the form of long-lasting dispositions of the mind and body; in the objectified state, in the form of cultural goods (pictures, books, dictionaries, instruments, machines, etc.), which are the trace or realization of theories or critiques of these theories, problematics, etc.; and in the institutionalized state, a form of objectification which must be set apart because, as will be seen in the case of educational qualifications, it confers entirely original properties on the cultural capital which it is presumed to guarantee (Bourdieu, 1986; p. 17).

Cultural capital is linked to habitus and dispositions, internalised practices, and perceptions of the social world. It is linked to the concept of culture in society which reinforces the beliefs about what is valued. It is demonstrated in the institutions that perpetuate these ideals through the policies of the state. The interest of cultural capital is evidenced by educational qualifications and career ambitions, accumulation of these resources provides the individual with increased cultural capital in the social world.

Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition—or in other words, to membership in a group—which provides each of its members with the backing of the collectively owned capital, a “credential” which entitles them to credit, in the various senses of the word. (Bourdieu, 1986, p. 21)

Social capital is linked to the habitus and dispositions of a group in which an individual has a certain status attributed to them as members of the group. This perceived social capital has value within the field and is recognised by different fields as they move within and between them. The power individuals are perceived to have within each field is due to possession of certain forms of cultural and social capital and resources valued within it. The economic metaphor continues when Bourdieu suggests the economic, social, and cultural capital acquired by individuals can be used to exchange for status within these fields and in turn within society.

It is within the field and across fields that the conversion of different forms of capital, transubstantiation, is being constantly constructed and renegotiated. The perceived values of capital create a hierarchy within the field.

Fields denote arenas of production, circulation, and appropriation of goods, services, knowledge, or status, and the competitive positions held by actors is their struggle to accumulate and monopolize these different kinds of capital (Swartz, 1997; p. 117).

The distribution of different types of capital creates a power dynamic to the field as individuals attempt to promote self-interest. The awareness of a power dynamic within the field illustrates misrecognised values suggesting arbitrary positions can be viewed as superior to other arbitrary positions. It is these power dynamics and misrecognition of arbitrary values, based upon perceptions of what *is* valued that can impact on symbolic capital.

#### 3.1.4 Symbolic capital

Symbolic capital is any property (any form of capital whether physical, economic, cultural or social) when it is perceived by social agents endowed with categories of perception which cause them to know it and to recognise it, to give it value (Bourdieu, 1998, p. 47)

Symbolic capital is perceived in the attributes that provide a higher perceived status both implicit and explicit, for example a professor; a professorship explicitly demonstrates a level of academic qualification and implicitly provides leverage or ‘interest’, social, cultural and economic capital. In its embodied state people recognise the title of professor and give it value,

specifically attributing it to intelligence and hard work. In its objectified state the title of professor is perceived as having significant cultural goods. In its institutionalised state the value is explicitly expressed with a signed piece of paper, ensuring it is clear they have membership to certain groups. The traditional economic capital of a professorship is transubstantiated in the perception of its cultural, social, and economic capital, ownership of the title of professor has symbolic capital when it can be exchanged as a form of currency, albeit in a non-traditional economic way.

This research is not set out or intended to be a political manifesto, but uses Bourdieu's ideas about habitus, capital, and field, to understand how EHCPs have become a valued document within the field of education. Bourdieu's thinking tools demonstrate how capital becomes symbolic. Like the professor's certificate, EHCPs have symbolic capital due to values attributed to them. Symbolic capital can be linked to commitments perceived within a paper document, expectations of what it can be exchanged for. Although the currency of symbolic capital is ephemeral, there is an alchemy in the transubstantiation of statutory assessment which legitimizes symbolic capital because EHCPs are perceived as having value.

### 3.2 Bourdieu and EHCPs

Bourdieu's thinking tools are a way of studying the period in which we are living. SEND policy in the form of the C&FAct (2014) and CoP (DfE & DoH, 2015) provide an intuitive half-understanding that springs from familiarity of the rational logic about statutory assessment as a way to support CYP with SEND. Bourdieu (1991) discusses how linguistic exchanges can provide an understanding of social conditions. The discourse of statutory assessment is based upon a medical model of deficit which influences the habitus and dispositions of those in the field. As a result, the language used in EHCPs is designated by their relational position with the field of SEND. Field analysis provides a way to study how educational policy utilises statutory assessment to both support CYP with SEND, but at the same time, consider the paradox and ambiguity within a field where EHCPs legitimised symbolic capital can be considered a mechanism reinforcing inequality.

The recent Green Paper (Gov, 2022) and SEND Improvement Plan (Gov, 2023) continue to consider ways to work within the current system to make things 'better', rather than suggesting something 'radically new'. They suggest a more inclusive society can be created through a



national SEND system (Government, 2023). Methodological relationalism is used in this research to query how government policies such as C&FAct (2014) and CoP (DfE & DoH, 2015) reproduce a social construction of SEND through statutory assessment. Bourdieu's thinking tools provide a lens through which to study the perceived symbolic capital of EHCPs and how this can be created and perpetuated within an institutionalised state, by the discourse surrounding SEND.

The conceptual framework developed during this research, uses Bourdieu's thematic, hierarchical, and horizontal thinking tools to consider the cross-field effects of EHCPs and ideas about SEND which influence value systems. Theories of capital, habitus and field can challenge well established ideas surrounding SEND education policy which reinforce the view of EHCPs as common-sense. The emotional investment evident in statutory assessment and EHCPs suggests they have both symbolic capital *and* symbolism for agents within the field. Bourdieu's theories of doxa, symbolic power and symbolic violence, question taken for granted assumptions and can demonstrate how EHCPs are value laden.

### 3.2.1 Field Analysis and EHCPs

The use of the term 'field of SEND' is used in this research with an understanding that Bourdieu used many metaphors when describing field theory;

a field is a patterned system of objective forces (much in the manner of a magnetic field), *a relational configuration endowed with a specific gravity* which it imposes on all objects and agents which enter in it (Bourdieu & Wacquant, 1992; p. 17 *authors italics*).

A field is simultaneously *a space of conflict and competition*, the analogy here being with a battlefield, in which participants vie to establish monopoly over the species of capital effective in it - ..- and the power to decree the hierarchy and "conversion rates" between all forms of authority in the field of power" (Bourdieu & Wacquant, 1992; p. 17-18 *authors italics*).

Bourdieu's concepts of field, habitus and capital provide thinking tools to consider how people think and act (habitus) within the field of SEND, the specific gravity that pulls you in. The magnetic field metaphor suggests there is an understanding about what capital can be gained by statutory assessment, according to the rules accepted in the field. The metaphor of a battlefield highlights the value of EHCPs capital which creates conflict and competition within the field and leads to customer dissatisfaction.

This research adopts Bourdieu's theory of practice (Bourdieu, 1977) and field theory (Bourdieu, 1984) to consider the symbolic capital of EHCPs.

1. Analyse the position of the field vis-à-vis the field of power (Bourdieu & Wacquant 1992, p. 104).
2. Map out the objective structure of relations between the positions occupied by agents who compete for the legitimate forms of specific authority of which the field is a site (Bourdieu & Wacquant 1992, p. 105).
3. Analyse the habitus of agents; the systems of dispositions they have acquired by internalizing a deterministic type of social and economic condition (Bourdieu & Wacquant 1992, p. 105).

The thinking tools used in this research are also influenced by Crossley (2003) who employed Bourdieu's field analysis to develop empirical mapping.

Practice, for Bourdieu, is an effect of actions and interactions which are shaped, simultaneously and in equal measure, by the habitus and capital of agents, as well as the context and dynamism constituted by their shared participation in a common 'game' or 'market' (field) (Crossley, 2003; p.44).

To assist, a decision to define the field of SEND (Figure 1.3) was made.

### 3.2.3 The instruments of social reality

A conceptual framework was developed to carry out this research, utilising both Bourdieu's field theory (Bourdieu & Wacquant, 1992) and Crossley's empirical mapping (2003). Crossley uses Bourdieu's field theory to examine the structure, dynamics, and effects of fields in his study of social movement theory, to engage in and acknowledge the empirical complexity of the world, "enrich our understanding of diverse 'arenas of struggle' and 'opportunity structures'" (Crossley, 2003; p. 60). A similar field analysis is employed to consider habitus and dispositions within the fields of education and SEND, how these are linked to statutory assessment an arena of struggle and the opportunity structures embedded in the implicit and explicit symbolic capital of EHCPs.

Bourdieu's sociological concept that education reproduces, "the instruments of social reality" (Bourdieu, 1998, p. 54), leads to a power linked to 'state-crafting' (Ydesen, 2016) as decisions must be made about who is most worthy. It is within this bureaucratic field that SEND can be viewed as a sociological 'problem,' and EHCPs as a rational response with which to resolve it. However, the symbolic capital of EHCPs can also be considered indicative of a hierarchy to the field and misrecognition regarding SEND policy.

symbolic capital/resources, educational credentials, selection mechanisms and cognitive classifications can be used to perpetuate positions of power (Swartz, 1997; p. 190).

Applying a Bourdieusian analysis to the processes of statutory assessment, provides a way to consider if education policy reproduces cultural and social inequalities. When viewed as a social construction, based upon an individualised model, EHCPs could be viewed as tool which make it more difficult to increase inclusion for those with SEND in mainstream society by impacting on the rights of CYP (Alderson, 2018).

Bourdieu's sociological thinking tools, highlight both explicit and implicit perceptions of symbolic capital represented by EHCPs. The symbolism of statutory assessment and the economic capital invested in EHCPs reinforces their desirability. Since 2014, there has been an increase in the number of CYP receiving statutory assessment and EHCPs (Marsh & Howatson, 2020; DfE 2022a). A Bourdieusian analysis can help understand some of the reasons for this increasing number.

### 3.2.3 Reproducing social relations and academic expectations

Considering the perceived symbolic capital of EHCPs can challenge common-sense assumptions reproduced by a social reality where EHCPs are viewed as valuable because education policy decrees statutory assessment as the way to support CYP with SEND. The field of SEND is 'a field of forces and a field of struggles' (Bourdieu, 2004, p.16) because statutory processes, 'legitimate manipulation of public goods' (Ibid, 2004; p. 16). The perceived symbolic capital of EHCPs creates a hierarchy to the field which generates and perpetuates this.

Bourdieu's field theory suggests it is through education that existing social relations and academic expectations are reproduced. The demand for social selection in a capitalist economy is expressed as human qualities and qualifications, ways to ensure individuals become part of the workforce. EHCPs reinforce and support the traditional ideal of capitalism by emphasising, "the social value of the human qualities and vocational qualifications which those systems produce, assess and consecrate" (Bourdieu and Passeron, 1977; p. 146). Middle class values of education, a focus on educational attainment, is used as a classification of those who are 'able', or less 'able', an indicator of SEN. The CoP (DfE & DoH, 2015) introduced PfA outcomes, one of the outcomes is employment. When social policy treats education as a market, producing

workers for the future, what happens to those who are less able, after education becomes significant (Tomlinson, 2017)?

#### 3.2.4 Bureaucratic Logic

Bourdieu discusses the authority of symbolic capital within linguistic exchanges, suggesting discourse provides an understanding of social conditions (Bourdieu, 1991). The language surrounding statutory assessment is based upon the medical model. The field of SEND has a significant number of acronyms providing knowledge capital (see Glossary). The discourse within the field is one of deficit, semantics perpetuate a binary culture, where SEND in education policy is posited as different to the 'norm.'

Publication is an operation which makes things official and thus legal, because it implies divulgation, unveiling in front of everybody, and authenticating, the consensus of everyone regarding the thing which is thus unveiled (Bourdieu, 1990; p. 82)

In the field of education, a view of 'academic success' is unveiled and authenticated in the publishing of certificates of qualification. The completion of statutory assessment results in the publication of an EHCP, a document which unveils and authenticates a discourse of need.

The linguistic exchanges surrounding statutory assessment processes, have historically been focussed upon customer satisfaction rather than the symbolism created by bureaucratic authenticated difference. By focussing on the lack of satisfaction with the processes, the perceived symbolic capital of EHCPs is reinforced and they are perpetuated as the 'answer' to this discourse of need.

The reforms were ambitious: the Children and Families Bill sought to place young people at the heart of the system. However, as we set out in this report, that ambition remains to be realised. Let down by failures of implementation, the 2014 reforms have resulted in confusion and at times unlawful practice, bureaucratic nightmares, buck passing and a lack of accountability, strained resources and adversarial experiences, and ultimately dashed the hopes of many (HoC, 2019; p.3)

Bourdieu's economic exchange metaphor highlights everyday self-interested social interaction. In a non-traditional economic exchange, EHCPs can provide capital. The semantics of SEND generates EHCPs symbolic capital through a cross-capital exchange process within an education marketplace 'constructed' by the state (Thomson, 2005). The perceived symbolic capital of EHCPs in the field of SEND occurs because of self-interest and misrecognition.

Bourdieu's thinking tools offer the opportunity to question assumptions behind education policies where values of the higher classes can be seen disseminated within society.

one of the major powers of the state is to produce and impose (especially through the school system) categories of thought that we spontaneously apply to all things of the social world (Bourdieu, 1998; p. 35).

Statutory assessment is viewed as common-sense, a model to support individual CYP struggling in the education system. EHCPs are legal documents setting out obligations, expectations of what they can bring. However, although they were introduced as 'new,' EHCPs can be considered to maintain a status quo (Norwich & Eaton, 2015). Contemplating the different kinds of capital created by EHCPs, can highlight how the concept of SEND is reproduced within education and in society through statutory assessment.

### 3.2.5 Cultural Capital

Bourdieu described cultural capital as one way to explain why children may perform more successfully in education than others, he suggested those who enter education with existing knowledge and skills valued by the education system are likely to achieve more. The field of SEND can be considered similarly because cultural capital is based upon achievement. CYP who are positioned in the field of SEND, are those 'expected' to struggle in an education system which values academic success, it is assumed that CYP with SEND are likely to perform less successfully. The field of SEND is one based upon processes of comparison, differentiation, hierarchisation, homogenisation and exclusion.

In a Bourdieusian analysis, it can be suggested that CYP with SEND arrive in education with a lack of cultural capital, without the skills valued by an academic education system, as a result they are likely to experience difficulty and exclusion due to a lack of accessibility. A hierarchy is created by this model of deficit when statutory assessment is considered a method to support the most in need. With EHCPs, the hierarchy within the field is made explicit, because membership to the field does not automatically translate in a uniform way for all members.

The perception of EHCPs as having value can arbitrarily elevate those with the 'most complex' SEND needs within the field above others through both cultural and symbolic capital. Viewed in this way, EHCPs symbolic capital could be said to perpetuate inequality by providing a process of promoting middle class values upon which the English education system is based.

### 3.2.6 Social Capital

Within field theory it is central to consider how social agents think, act, and take positions regarding resources. The habitus of agents in the field, can be viewed as part of a mathematical equation where capital is multiplied. Bourdieu's concept of social capital puts an emphasis upon conflict, how power functions within the field, suggesting reasons an agent is likely to attempt to advance their interests. Social positions and the division of economic, cultural, and social resources in general are legitimized with the help of symbolic capital.

Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition—or in other words, to membership in a group—which provides each of its members with the backing of the collectively owned capital, a “credential” which entitles them to credit, in the various senses of the word. (Bourdieu, 1986; p. 21)

Dispositions of agents within the field of SEND, influenced by a CoP which no longer includes the tier of school action plus, only SEN support and EHCPs, reinforces the idea that a statutory assessment is required for CYP with SEND to access resources.

The House of Commons report (2019) suggests parents need a combination of special knowledge and social capital to navigate the SEND system, suggesting an empirical complexity in its policy, processes, and procedures. Although the report is unlikely to be using the term social capital in its Bourdieusian sense, it does suggest those with SEND, without social capital in the form of statutory assessment, will be disadvantaged. EHCPs are viewed as providing social capital for CYP, because of a network of obligations, expectations of what they can bring.

An understanding of Bourdieusian social capital is key to understanding how the perceived symbolic capital of EHCPs is based upon middle class expectations of the English education system. Examples within professional relationships can be found in Forbes and McCartney, (2010) who reviewed how the interprofessional working and relationships in children's services created new forms of social capital. McKean et al (2017), explored this further to demonstrate how social capital is part of the co-professional collaborative co-practice for children and young people with speech, language, and communication needs.

### 3.2.7 Economic Capital

Bourdieu posits that economic capital is at the root of all types of capital (Bourdieu, 1986; p. 24). Traditionally considered financial, Bourdieu's use of economic capital is linked to other forms of

exchange which present as cultural or social capital. In education, economic capital succeeds in being recognised (Bourdieu, 1990; p. 118). With privatisation and academisation, education policy operates within a market and the field of SEND is linked to this economic field.

Marketisation of education has had an impact on the marginalisation of CYP with SEND (Selfe et al, 2020). The marketplace is hierarchical, within the field of education there are different arenas of production, circulation, and appropriation of goods, services, knowledge, or status (Swartz, 1997). Bourdieu's concepts of economic capital and the market make it possible to study the positions held by agents within the field of SEND and how they accumulate and monopolize these different kinds of capital.

Exley (2005) uses the term 'quasi-marketplace' to describe the education market for middle class and low-income families.

For multiple reasons relating to the unequal distribution of different forms of capital within society (Bourdieu 1986), parents within educational marketplaces are unequally able to exercise choice (Exley, 2005; p. 25).

EHCPs can create economic capital within the SEND marketplace, those within the field of SEND, without an EHCP, are not able to equally exercise consumer choice within the market; "pupils with SEND who do not have EHC plans are particularly exposed" (NAO, 2019; p. 11). The marketisation of the field of SEND (Tomlinson, 2017), is emphasised by the symbolic capital of EHCPs, bringing with them an unequal distribution of different forms of capital, goods, and services.

Economic capital creates a hierarchy within the market and in the field of SEND, EHCPs have become the signifier. Economic, cultural, social, and symbolic capital are perceived to come with a statutory assessment. Linked to the language of deficit, those considered with the most need have the most power, those with EHCPs have perceived symbolic capital and highest conversion rate in a cross-capital exchange. But it must be reiterated, this is linked to a Bourdieusian analysis of statutory assessment, although CYP are at the centre, they do not embody this power themselves.

Hierarchy within the field creates tensions for agents and perpetuates the perceptions of economic, cultural, social, and symbolic capital embodied in statutory assessment. Bourdieu's metaphor of capital provides a framework to understand power and exchange in the

reproduction of inequality (Thatcher et al, 2016). EHCPs are viewed as a tool for commissioning and procurement in an education market. The expectations and investment in an EHCP as a resource, reflects how EHCPs perceived symbolic capital is part of the symbolic economy in a SEND market.

EHCPs have explicit economic capital, providing 'top up' funding for CYP with SEND. It is difficult to improve customer satisfaction if funding is not in place to ensure *all* CYP, those on SEN support as well as those with EHCPs, can have their needs met. At the current time, those without an EHCP, do not have the same economic capital.

the funding system does not also address some of the underlying weakness in the SEN support offer which helps drive additional demand for EHCPs and special school provision (Lamb, 2019; p. 10).

An EHCP can have economic capital in its traditional sense across fields, if a CYP is known to social care and/or health services for example they may receive funding from these organisations in the form of direct payments or medical interventions. Accessing different 'pots' of funding involves negotiation, an EHCP can assist because it's a statutory document.

The ambiguity of the new CoP (Lehane, 2017), a lack of confidence by 'customers' (Marsh & Howatson, 2020) and a period of austerity (Hoskin, 2019; Hunter et al, 2019), has led to a focus of attention on the economic capital of EHCPs. The explicit economic capital of EHCPs is not fixed, each LA has their own bureaucratic systems and ways of working. LAs must ensure 'the efficient use of resources' (DfE & DoH, 2015; 9.79, p. 172); and not cause 'unreasonable public expenditure' (DfE & DoH, 2015; 9.84; p. 173). As a result, there are limits of what an EHCP can bring. 'The Sustainability in high needs systems' (DfE, 2022b) and resulting 'safety valve programme' (Weakley, 2023) aim to reduce the number of CYP with EHCPs, due to LA overspending.

### 3.2.8 Emotional Capital

The concept of emotional capital is mentioned here due to the ways emotion is intertwined with the perceived symbolic capital of EHCPs.

Emotional capital is a form of cultural capital that includes the emotion- specific, trans-situational resources that individuals activate and embody in distinct fields (Cottingham, 2016; p. 451).



Emotional capital is linked to moral and ethical considerations surrounding EHCPs because Bourdieu's concepts of capital;

are underpinned by an assumption of middle-class practices and attitudes as normative and within middle-class frames of reference, academic success is given primacy as a goal (Reay, 2004; p. 68).

Emotional capital can be perceived in the discourse of deficit, the habitus and dispositions surrounding EHCPs. There is an emotional element to the metaphorical game or battlefield of entry to the field of SEND. The hierarchy created by a system in which EHCPs are viewed as a prize, can result in the 'dashed hopes of many' (HoC, 2019). Emotional capital is in the language of investment in EHCPs and is evidenced in the discourse of those on the periphery, for example in newspaper articles (Appendix B). A Bourdieusian analysis of statutory assessment is underpinned by an assumption that academic success is an unmitigated good (Reay, 2004). EHCPs have an implicit emotional capital within the field due to the implication that CYP will 'fail' without one. SEND is an emotive topic, Cullen et al, (2017) discuss the depth of feeling generated by SEND disagreements, using examples to demonstrate the drama triangle at work.

Reay uses emotional capital as a way of deconstructing the education system to demonstrate inequality (Reay, 2017). Emotional capital is invested in the perceived symbolic capital of an EHCP which is viewed as a mechanism to further interests, providing a 'power' agents may not experience in other fields. Emotional capital surrounding EHCPs, like the perceived symbolic capital, continue a discourse of SEND. An EHCP is described as a 'golden ticket' (HoC, 2020). But they are a snapshot; "all symbolic resources are inherently fragile and dependent on time, place and their specific uses" (Basaran & Olsson, 2018; p. 105). Emotional capital, like symbolic capital is perceived in EHCPs, when they are viewed as a tool for inclusion and success. EHCPs are invested with emotional capital due to their perceived symbolic capital.

In a Bourdieusian analysis of statutory assessment the concept of emotional capital sits alongside symbolic capital, due to the interrelationship between habitus and field. Education policy perpetuates an understanding of the field of SEND, based upon a deficit medical model. Dispositions are reinforced by doxa when EHCPs are considered the answer to the concepts of SEND and inclusion.

The deployment of the unverifiable and provocative term *normal* establishes a hierarchy which privileges and includes most children, though it has to be said the membership of this club is surely dwindling as we witness the inexorable growth of classifications of disorder and impairment (Slee, 2018, p. 68 – *authors italics*)

When the concepts of habitus and field, emotional and symbolic capital are used to deliberate the statutory process, they provide an understanding of systemic reasons for the ever-increasing number of EHCPs issued, 10% more each year (DfE, 2022a). However, as more CYP are classified in this way, it also suggests we question the word ‘normal’.

### 3.2.9 Juridical Capital

Bourdieu described juridical capital as, “an objectified and codified form of symbolic capital” (Bourdieu, 1998; p. 47), linked to bureaucratic logic and power of the state (Bourdieu et al, 1994). Juridical capital suggests legislation can produce and impose categories of thought people apply to things in the social world, making them appear to be common-sense. It can be problematic to carry out a sociological study of statutory assessment processes when there is a collective recognition, a habitus that EHCPs are helpful for CYP who struggle in the current academic education system.

By carrying out a Bourdieusian analysis of statutory assessment, EHCPs can be viewed as having ‘bureaucratized juridical, symbolic capital’ which Bourdieu describes as, “codified, delegated and guaranteed by the state” (Bourdieu et al, 1994; p. 11). EHCPs symbolic capital is the perception of what they can bring. The obligations within an EHCP are bureaucratized because they are statutory documents.

Beyond the intuitive half-understanding that springs from our familiarity with the finished state, one must try to reconstruct the deep sense of the series of infinitesimal and yet all equally decisive inventions – the bureau, signature, stamp, decree of appointment, certificate, register, circular, etc. – that led to the establishment of a properly bureaucratic logic, an impersonal and interchangeable power that, in this sense, has all the appearances of “rationality” even as it is invested with the most mysterious properties of magical efficacy (Bourdieu, 2004; p. 31).

The bureaucratic logic of statutory assessment produces conflict and hierarchy within the field of SEND. The discourse surrounding EHCPs is influenced by their juridical capital which can be employed to bring explicit resources. The hierarchy of the field is shaped by the position of agents within it, those who have power over resources, are those involved in the statutory

assessment process and those with EHCPs. The resources decreed by the legal document of an EHCP, can also be measured across fields, suggesting cross-field effects contribute to their symbolic power.

Within and across fields, the semantics of SEND is linked to government policies, based upon a deterministic, social, and economic portrayal of CYP who struggle to achieve academic success. Assumptions are made in education policies which suggest without an EHCP, CYP are likely to 'fail'. The habitus of SEND policy, is internalised, and converted into dispositions, based upon middle class values of academic success. EHCPs magical efficacy is shaped when bureaucratic logic legitimises interpretations of need through the statutory assessment process. Research is then able to focus on customer satisfaction rather than challenging the rationality of the system (Hunter et al, 2019). A Bourdieusian analysis suggests a different viewpoint, when a request is made for statutory assessment, it is a request for more symbolic power within the field of SEND. Statutory assessment, as detailed in legislation, provides EHCPs with juridical capital. However, "no document is innocent" (Rose & Grosvenor, 2001; p. 51), and a Bourdieusian analysis of can provide a sociological study of ways education policy can perpetuate inequality. As we, "witness the inexorable growth of classifications of disorder and impairment" (Slee, 2018, p. 68), the requests for access to symbolic resources and symbolic power increases. With the number of requests, there is an increase in SENDIST tribunals, from 3,126 in 2015 to 9,184 in 2021 (MoJ, 2021).

The habitus and dispositions surrounding statutory assessment creates expectations of EHCPs, which are 'almost magical'. EHCPs symbolism, is increased by their juridical capital.

Just as the sorcerer mobilizes the capital of belief accumulated by the functioning of the magical universe, the President of the Republic who signs a decree of nomination or the physician who signs a certificate (of illness, invalidity, etc.) mobilizes a symbolic capital accumulated in and through the whole network of relations of recognition constitutive of the bureaucratic universe (Bourdieu, 1998, P.51).

Juridical capital is objectified and codified by a SENDIST Judge. Case law surrounding EHCNA suggests the mystic's wisdom of a crystal ball is required to mobilize this capital; "The issue at the initial stage is a provisional and predictive one" (IPSEA, 2016b). The perception of capital, cultural, social, economic, emotional, and juridical represented in an EHCP portrays the magical powers of statutory assessment; to support CYP within school spaces, (Holt et al, 2013), to

access education, (Slee, 2019) and to improve employment outcomes for adulthood (Hunter et al, 2019).

### 3.2.10 Language of EHCPs

Bourdieu (1991) discusses how symbolic capital can be viewed within linguistic exchanges and highlight social conditions. The text of EHCPs is based upon a language of need which sets expected outcomes for improvement. Although a good EHCP will also provide a clear picture of the CYP, their hopes and aspirations and how outcomes and provision link to these, the reports used to write the plan focus on the CYPs difficulties, a language of deficit. The implicit language bound within statutory assessment is a transactional one, EHCPs are used as a way to distribute resources to CYP who are considered 'lower attainers'. The language surrounding statutory assessment communicates that those with an EHCP are those with the highest level of need, creating symbolic power through their relational positions within the field of SEND.

### 3.2.11 Capital Exchange

Bourdieu and Wacquant define the concepts of habitus and field as relational, describing how agents wish to enter the space of play to, "actively pursue the prizes it offers" (Bourdieu & Wacquant, 1992; p. 19). Within the field of SEND, those with particular types of capital are advantaged at the outset and are more or less likely to be able to join. The field also depends on, as well as produces more capital as it expands and influences other fields. Bourdieu and Wacquant name the phenomenon whereby individuals are invested in and, "taken in and by the game" (Bourdieu and Wacquant, 1992, p. 116) as *illusio*.

SEND education policy makes assumptions within the field, habitus, and dispositions of which perpetuate the perceived symbolic capital of EHCPs, because of the resources they can bring. Rawolle & Lingard (2008) employ Bourdieu's concepts of capital, habitus and field theory to study capital exchange and cross field effects.

Bourdieu's work helps with considerations of education policy as text, produced in a field of policy text production with its specific logics and implemented in a field of professional practice with its different logics of practice. (Rawolle & Lingard, 2008; p. 729).

Rawolle & Lingard illustrate how one field influences another, how education policy can be influenced by the fields of the state, schools, education systems as well as journalism.

Journalism can illustrate perceived cross-field effects of statutory assessment (Appendix B). The

fact that newspaper articles exist suggest EHCPs are valued enough within society to be written about and reported on in mainstream media. The language used in articles reinforce a disposition surrounding SEND which creates the illusion of an EHCP as an 'answer'.

#### 3.2.10.1 Statutory Assessment for who?

The cross-field effects of EHCPs can be interpreted as a struggle for power or dominance. Winter (Winter, 2015) uses Bourdieu to analyse the decision-making processes in review meetings for Children in Care (CiC), the cross-field effects in a capital exchange between social workers and parents. Howie (2010) uses Positioning Theory, to explore the positioning of children with SEND in legislation. Both these studies highlight the lack of power for CYP within the field, suggesting sub questions in a Bourdieusian analysis of statutory assessment; when considering the symbolic capital of EHCPs, *who* is perceiving EHCPs as having value? *Whose* interests are being met when an EHCP is issued?

The capital exchange of EHCPs can be considered a struggle for dominance over 'knowing the child' (Winter, 2015) and Bourdieu's theoretical tools used to query whose interests are being met. In this research the field of SEND is defined by the cross-field effects of statutory assessment in education, health, social care and Post 16. A sociological study of EHCPs offers opportunities to challenge their perceived symbolic capital and the ethical judgements contained within and perpetuated by SEND policy and the CoP (DfE & DoH, 2015), to consider who in the field has influence or power.

Middle-class values inherent in the policy of the English education system created statutory assessment. As a consequence of their relationship with policy and state, EHCPs represent 'cultural consumption' with the possibility of 'educational advantages,' (Mikus et al, 2020). Developing a conceptual framework to disentangle perceptions of symbolic capital in EHCPs and the conversion mechanisms of their capital in different fields, illustrates ways in which EHCPs potentially perpetuate a system where CYP with SEND are 'othered'.

#### 3.2.10.2 Fields within Fields (Figure 1.3)

The cross-field effects of statutory assessment reveal the perceived status of EHCPs and expectations invested in them within, and on the periphery of the field of SEND. Although this can become complicated because of the number of fields involved, carrying out a Bourdieusian analysis of statutory assessment reveals a 'buy-in' to the processes and procedures. Field

analysis can be used to study the cross-field effects of EHCPs within different fields, to understand, “diverse ‘arenas of struggle’ and ‘opportunity structures’” (Crossley, 2003; p.60). EHCPs symbolic capital is demonstrated by their ‘conversion rates’, their perceived value in the exchange systems within the fields of SEND, education, health, social care, and Post 16.

Through the process of statutory assessment, implicit and explicit values are attributed to EHCPs. As a statutory document, EHCPs perceived symbolic capital is accumulated by relations in the field of SEND. Agents within the field position themselves and others using objectification and classification, creating symbolic cross-field effects. There is a cultural, social, economic, emotional, and juridical capital to this symbolic capital. The symbolism of EHCPs gives weight to these positionings, delineating between their almost magical power, and their perceived symbolic capital.

Adapting Crossley’s (2003) field analysis provides a conceptual framework to study perceptions of EHCPs, by reframing symbolic capital as symbolic resources. The symbolic resources of EHCPs are provided by the state through a capital exchange system resting upon middle-class values of the English education system. A study of EHCPs perceived symbolic capital and resources, problematises normative societal and educational judgements regarding SEND, deconstructing common-sense ideas and the assumptions upon which policy is based.

### 3.2.12 Doxa

EHCPs perceived symbolic capital, is made evident when SEND is viewed as a sociological problem and related to habitus and dispositions created by statutory assessment processes and the educational system. Bourdieu’s doxa provides a lens through which to consider ‘traditional’, common-sense views.

Bourdieu suggested that a doxa works as misrecognition; doxic narratives deliberately obfuscate how the game (re)produces social inequality through the (re)production of the hierarchy of positions and capitals. Furthermore, he suggested, the doxa provides a teleological rationale through which failure is able to be attributed to poor playing, rather than the nature of the game itself (Thomson, 2005; p. 746).

Doxa provides a way of understanding the ideology of EHCP as a tool of support, how this is created and extended by government policy. For Bourdieu doxa is key to making visible, that which is taken for granted. Analysing the statutory assessment of CYP with SEND by theorising

about EHCPs symbolic capital, establishes one way to consider how we buy into the ideology and assumptions.

Doxa and illusio are linked. Illusio surrounding the field of SEND is based upon habitus, values and expectations placed upon statutory assessment created by a homogenised society which presents SEND as different to the norm. The perceived symbolic capital of EHCPs is created by an assumption that statutory assessment can 'fix' a societal problem without making it clear ways in which assessment can also reproduce another, social inequality. An adversarial system is created by the doxic narrative of SEND. Agents invested in the game of statutory assessment have collective expectations of what an EHCP can achieve, there are winners and losers, depending on how well you play the game.

A Bourdieusian analysis of statutory assessment must also take into account the concept of symbolic violence.

Symbolic violence is the violence which extorts submission, which is not perceived as such, based on 'collective expectations' or socially inculcated beliefs (Bourdieu, 1998, p. 103).

Symbolic violence is linked to doxa, illusion, habitus and dispositions created by government legislation which sets out the processes and procedures of statutory assessment for CYP who are struggling in education. It makes sense to have a SEND policy which supports CYP, a Bourdieusian analysis suggests reasons why we agree to play the game, even when it could be viewed to perpetuate inequality.

A Bourdieusian analysis of statutory assessment contemplates ways EHCPs perceived symbolic capital, create a symbolic power, not only implicitly by buying into the game, but explicitly because those with an EHCP have more resources within the field. Research about statutory assessment and EHCPs, has largely focussed on processes and procedures, numbers, and finances, reinforcing a construction of social reality where agents in the field of SEND are viewed as customers. A Bourdieusian analysis, includes consideration of doxa, symbolic power and symbolic violence. These thinking tools can challenge assumptions about SEND, why EHCPs are lauded as a solution and how the perceived symbolic capital of EHCPs can create a hierarchy of need.

### 3.2.13 Symbolic Violence

The narrative surrounding SEND can obscure inequality created by the statutory assessment process and EHCPs. Hierarchy in the field is created by EHCPs metaphoric capital, which generates conflict and competition, the perceived symbolic capital of EHCPs establishes the conversion rates.

It is through the symbolic economy that we can understand how power works within social structures. It is Bourdieu's metaphor of capital that can provide not only a framework for understanding power, but also exchange in the reproduction of inequality (Thatcher et al, 2016; p.35).

Statutory assessment creates a monopoly over the species of capital effective within the field of SEND. EHCPs have metaphoric capital, as a tool within the social structure they are projected to fix the incongruities of CYP with SEND in the education system. EHCPs are presented as, 'neutral documents,' although when reading a plan, "it becomes clear that rather than simply describing a child, the child is constructed through the plan as 'a child with SEND'" (Hunter et al, 2019; p. 138). Symbolic violence can be viewed in the field of SEND as a result of habitus and socially inculcated beliefs. Bourdieu's concept of misrecognition, *méconnaissance* is.

the process whereby power relations are perceived not for what they objectively are but in a form which renders them legitimate in the eyes of the beholder (Bourdieu and Passeron, 1977; xiii).

Although the authentic voice within an EHCP should be the CYP, there is often a 'culture of silence' for CYP with SEND (Gibson, 2006). Although the voice of CYP should be the most dominant voice in an EHCP, it is generally agreed that 'we are not there yet' (Palikara et al, 2018; Rip:Stars, 2018; Sharma, 2021). The voice of CYP with SEND is often relayed by families and professionals in a 'knowing the child' exchange (Winter, 2015) which leaves CYP with little power within the field.

### 3.2.14 Perceptions of EHCPs

A Bourdieusian analysis of statutory assessment, questions the perceived values of EHCPs, how their metaphoric capital is based upon a construction of SEND. EHCPs perceived symbolic capital in the field is observed in the language of education policy and the cross-field effects of EHCPs which determine power relations. Theorising about EHCPs symbolic capital, is one way to consider how education policy preserves a culture of SEND, a doxa of misrecognition.



This thesis focusses on the utility of statutory assessment and EHCPs, customer satisfaction with a product which is set up as a tool to support CYP with SEND in education with symbolic resources, symbolic capital. By carrying out a Bourdieusian analysis, it is possible to understand the perceptions of value invested in EHCPs. However, it can also highlight that there are potential limitations in terms of their 'prestige' by demonstrating their lack of power across health, social care and Post 16. It is important to recognise that there are also those who do not buy into the SEND label and as a result do not enter the field. Agents outside of the field of SEND are not often included in research about customer satisfaction with statutory assessment processes. Those that could be considered on the periphery, families and young people who have made a conscious decision not to go down the medical route of diagnosis, and choose not to enter the field of SEND demonstrate a different perception of statutory assessment. Although this group are not represented in this research, it is acknowledged that this position can also add another layer of conflict, when for example an educational setting or professionals across education, health and social care place greater value on the statutory assessment process than parents and CYP.

Statutory assessment can reproduce a hierarchy of need within the field of education. Evidence of how EHCPs create symbolic capital is linked to a bureaucratic doxa, a buy-in to the game itself; "the state constituted as a field of forces and a field of struggles oriented towards the monopoly of the legitimate manipulation of public goods" (Bourdieu, 2004; p. 16). A Bourdieusian analysis provides the opportunity to carry out a SEND field analysis, a field where symbolic power and symbolic violence is evident in the struggle to have access, because of the resources EHCPs are perceived to bring.

Bourdieu's theories about education offer opportunities to study the sociological aspects of statutory assessment, to consider some questions regarding legislation and the perceptions of obligations invested in EHCPs. Interpreting his metaphors about habitus within the field, symbolic capital can be viewed as produced by the explicit and implicit behaviour, the moral code of agents in the field. Bourdieu defined his own theories, over and over again, this research adapts these and uses the thinking tools he developed to consider how EHCPs symbolic capital is evidenced within the field of SEND.

## Chapter 4 – Methodology

Procedures and techniques developed along the journey of this thesis to carry out a Bourdieusian analysis of statutory assessment and contribute to research in the field of SEND. A methodological relationalism paradigm is used to theorise about the perceived capital of EHCPs through field analysis. Bourdieu and Wacquant (1992) describe both the concepts of habitus and field as relational; 'they function fully only in relation to one another. They posit that 'players' enter the 'space of play' as they believe in it and wish to 'actively pursue the prizes it offers' (Bourdieu & Wacquant, 1992; p. 19). This research asks participants their thoughts about EHCPs and uses their responses to consider who the agents or players in the field are and why they wish to actively pursue the prize of an EHCP. It is guided by an epistemological ontological paradigm of methodological relationalism because of the relationship between the concept of SEND, SEND policy and EHCPs.

### 4.1 Ontology

In this research SEND is viewed as a social construction, created as part of an education system where cognition and academic skills are set as goals, a positivist medical model portrays individuals who struggle within it, as in need. A Bourdieusian analysis provides the lens through which to consider the opinion of the dominant, which presents statutory assessment as common-sense and imposes this through SEND Policy as a universal point of view. Theorising about the symbolic capital of EHCPs, provides one way to reflect upon taken for granted assumptions surrounding the field of SEND and statutory assessment.

Methodological relationalism offers the prospect of understanding the relationships between government policy, education policy and individual habitus. It can be used to highlight the assumptions made by statutory assessment processes which afford EHCPs a particular status within the field. The bureaucratized symbolic capital of EHCPs is evidenced by the exchange rate of forms of capital within the field of SEND and influenced by the relationships of societal norms.

Bourdieu's tool kit offers a particular way of theorizing the rules, narratives and self-held truths of social phenomena and of educational policy as a specific object of analysis' (Thomson, 2005; p. 741).

Research is reflexive, a snapshot in time. Carried out before the SEND Green paper (Gov, 2022), this research includes the period of Covid 19 lockdowns. Its value exists, because the field is

arbitrary, perceptions of the symbolic capital of EHCPs, are those endowed by agents at the time; “all symbolic resources are inherently fragile and dependent on time, place and their specific uses” (Basaran & Olsson, 2018; p. 105). The context within which the data was gathered is influenced by policies, procedures, pedagogy, and organisations that impact upon the field. Bourdieu’s field analysis provides the rationale to hypothesise about EHCPs as a sociological phenomenon and highlights the notion of studying educational policy which can ‘normalise’ forms of educational practice across fields (Gerrard & Farrell, 2013).

#### 4.2 Epistemology

Sociological models and disability studies highlight assumptions about policies surrounding SEND and challenge the reality upon which they are based. In this research a methodological relationalism paradigm using a qualitative research model, is employed to understand beliefs, experiences, interactions, and relationships of agents within the field. Research carried out through groups and interviews provides data, scrutinised through a conceptual framework developed using Bourdieu’s field theory (Bourdieu & Wacquant, 1992) and Crossley’s (2003) social movement field analysis. The framework places EHCPs in the field of SEND and uses an understanding of habitus and capital to provide a model to hypothesise about their symbolic capital.

The concept of fields entails an economic metaphor, and this is enhanced by Bourdieu’s conception of ‘cultural’, ‘symbolic’ and ‘social’, as well as economic forms of capital. A field consists of relationships between different ‘positions’, with various types of ‘resources’, economic, symbolic, etc., flowing between them (Crossley, 2003; p. 59)

Methodological relationalism is utilised as an approach because field research must focus upon relationships. Crossley for example uses relationships to understand the nature of environmentalism.

Who, for example, are the key players (individuals, networks and organizations) in contemporary British environmentalism? How are they related to one another and how do they interact? Where are the alliances, where the conflicts and how do these play out in practice? Who has what resources and to what effect? What are the cultural and symbolic resources sanctioned by and distributed within the field? How are agents recruited into the field? What shapes the habitus of these agents and what shape does that habitus have? What impact do other fields, including other fields of contention and such fields as the media and the economy, have upon this field? (Crossley, 2003; p. 63)

In this research the methodological relationalism of Bourdieu is denoted by relationships within the field of SEND. Similar questions asked by Crossley are used to gather data which is mapped through the conceptual framework to ponder EHCPs symbolic capital.

Bourdieu recognised the *relational* workings of the social arrangement, seeing all phenomena in relation to their location in a given field and in relation to others in the field (Rawolle & Lingard, 2013; p. 117)

Through a methodological relationalism paradigm there is a desire from the researcher to make visible the personal value-position, recognising that although attempts are made throughout not to impose judgements, (Tomlinson, 1982; p. 10), the habitus and dispositions of the researcher must be considered. Working for an LA statementing team, months before the C&FAct (2014) became law, this thesis has been influenced by working with the field of SEND during these reforms, 'intended', 'actual' and 'policy in use' (Ball & Bowe, 1992). The literature review of research, evidences a focus upon customer satisfaction, developing and improving the processes, leading to a significant amount of research based upon 'policy in use' (Ball & Bowe, 1992). A sociological lens provides the opportunity to focus on this 'moment' in the history of education (Ball, 2008a) with a range of participants who have experience from different positions.

The ontological and epistemological position of the researcher influenced the research topic and methodology. The insider-outsider researcher position provided the opportunity to consider statutory assessment as part of the sociology of education in England, to step away from the day to day. The insider-outsider position has many different interpretations created by the self and others. It can be understood in different ways at different times, an 'identity pendulum' (Davies, 2014). The hyphen between insider-outsider, provides a space to consider various positions of power for both the researcher and the participants, illustrating complexities.

#### 4.3 Methodology Overview

The research process started in September 2019 and interviews started the following year, from January 2020. Covid 19 lockdown hit the UK on March 20<sup>th</sup> 2020. Questions were asked to generate information about how participants would describe statutory assessment and EHCPs, to gain an understanding and interpret their perceptions of the symbolic capital of EHCPs. Recordings of groups and interviews were written up and coded several times. Bourdieu's

analytical tools were utilised during coding to understand how EHCPs were perceived as having symbolic capital.

**Figure 4.1** Timeline of Groups and Semi-Structured Interviews



The research model changed with Covid 19 and data generated was impacted by a worldwide pandemic. As a result, information was gathered and analysed over a longer period, providing a substantial amount of time to consider data through reflective thematic analysis. The stages of inductive analysis, coding and developing themes, led the direction of research to a conceptual framework upon which to base findings. Bourdieu's thinking tools provided a valid sociological approach to theorise about EHCPs symbolic capital, how they are perceived to have value by participants within the field of SEND.

#### 4.4 Participant Relations

Participants from the field of SEND were invited to take part. They were asked to reflect upon the values invested in statutory assessment by answering a series of questions (Appendix C). Each group was made up of agents from a similar area within the field and included health professionals, social care professionals, EPs, SEND professionals, SENCOs, young people and parents. Participants who had knowledge of EHCPs were approached, most were already known to the researcher, no one who offered to take part was excluded. Initially conversations were had with as many groups and individuals as possible who were known to be part of the field of SEND, groups such as the EP service and Parent/Carers group. This was followed up with an

email with further details about the research and a request for participants which included details about the practicalities and possible arrangements, groups or interview. This resulted in a 'sample' group of participants, a range of people across the field of SEND.

Many of the participants had experience of working alongside the researcher in some capacity and it was important to reflect upon how familiarity can be considered both an 'asset' and a 'liability' (Kruger, 1998). Often participants already knew each other or worked together; some had an established hierarchy which could have influenced their comments or opinions.

Relationships with the researcher may have had an impact on responses and as a group they were likely to have existing ideas about values invested in EHCPs. These were some of the challenges, but also some of the reasons for using groups. Observing, deconstructing and interpreting discussions and comments, provided a method to observe some of the ways habitus and relationships impact upon the field.

Initial concerns about participation, were linked to the climate of austerity, diminishing resources and increasing demand for services, all of which could have impacted upon individual capacity to attend. To mitigate this, groups and interviews, where appropriate, were planned in work locations to reduce barriers although this could also have had an impact on the discussion because there is no such place as a neutral place to hold a group (Barbour & Kitzinger, 1999; p. 11). It was agreed that participants from the LA could take part in their work time, as long as the researcher used their own time. Another concern about participation was individual willingness, or confidence about taking part. Both group and/or semi-structured interviews were offered, participants could do both and those not keen on attending a group, still had the opportunity to take part. In the beginning there was little appetite for one-to-one semi structured interviews, individuals were keen to contribute to group sessions. However, instead of these initial concerns, it was Covid 19 that had the most impact, as people could no longer gather in groups, in person. With Covid 19, the social/symbolic space became virtual. Although the same questions were asked pre Covid, some responses are likely influenced by the period. The online inclusion group for example, resulted in a discussion held within a climate of intense scrutiny from the DfE regarding the attendance of CYP with EHCPs in schools (or not) during lockdown.

#### 4.4.1 Research Carried Out Before Covid

##### 4.4.1.1 SEND Professionals (EHCP Officers and Advisory Teachers) Group 1 (Session 1)

The first group was the largest with six participants. This was probably the most difficult session to run, it was the first, and included colleagues working with the researcher on a daily basis. It was important to establish ground rules from the beginning and emphasise the researcher role. This was assisted by talking through the consent form, how the sessions were planned and asking follow-up questions such as, “For my research, it would be good if you could explain what you mean by that?” The group themselves were able to maintain a level of formality by talking to the researcher as a separate member of the group who was there to facilitate a discussion.

##### 4.4.1.2 Social Care and Inclusion Professionals Group 2

Although reminders were sent the week before, only one participant arrived for the second group. As a result, this became a one to one, semi-structured interview with an inclusion professional. This session demonstrated the differences between interviews and discussion groups, as this first interviewee was able to talk in depth about their thoughts. Although there were no interruptions and all the questions were answered, there was also no input from others. It was noted that the relationship between the interviewee and the interviewer was a different dynamic to the relationship with the first group due a lack of facilitation required.

##### 4.4.1.3 Educational Psychologists Group 3

The third group consisted of four participants. All had experience of carrying out research, they expressed thoughts and advice regarding groups, as well as answering questions. Although attempting to maintain a nominal researcher distance to this group as an insider-outsider reflexive researcher, there was a lot of humour and relaxed atmosphere due to existing relationships. This environment was one in which participants felt comfortable enough to demonstrate some strong opinions.

##### 4.4.1.4 Local Authority SEND Health Professionals Group 4

The fourth group consisted of two participants, an Occupational Therapist and Specialist Advisory Teacher (Autism & Mental Health). They provided answers to the questions from their own perspectives, their habitus and dispositions influenced by their cross-field experiences. These colleagues were sympatico, but also challenged each other to clarify answers fully.

#### 4.4.1.5 Young People Group 5

At the beginning of 2020, I attended a youth group to introduce the research, join in with activities and explain a little about what I was hoping to do at a further session. The group meets monthly to carry out discussions regarding what is happening locally and nationally for YP with SEND, as well as to have some fun. I took part in the session, playing icebreakers with the group and creating leaflets for an upcoming presentation, but also talked to the group about the research and handed out information for them to share with families.

A follow-up email was sent to the YP and their families, a parental consent form, as well as student consent was included. The questions used in other groups were changed to ensure they were more YP friendly (Appendix O).

This was the most emotional of the group sessions during the research. The YP were very honest and open about their feelings and experiences. Discussion around SEND and the world of work highlighted the differences between education settings and the workplace; the positivity of support for CYP with SEND in schools and how this can 'drop off' in the world of work. The attendance of the organiser of the youth group was greatly appreciated, they were able to provide the YP who took part with a consistency of support.

#### 4.4.1.6 Independent Supporters Group 6

This group met in March 2020 and consisted of five participants (a sixth arrived late and left early). The group support and advise parents and YP with, and about SEND. The group was arranged to be carried out as part of one of a team meeting. Paperwork was sent beforehand, including consent forms, to ensure it was clear that the session was for research purposes. Information about confidentiality was included to make clear attendance was not linked to work and that they could choose to take part.

#### 4.4.2 Research carried out since Covid 19

Before Covid 19, semi-structured interviews were offered to participants alongside groups, to address any concerns they may have voicing their thoughts and ideas within a group. Covid 19 led to a change to online interviews, necessary to carrying on with the research. All those that took part in a semi-structure interview were asked the same questions as those in groups. Both groups and interviews have positives when gathering relational data.



Interviews are more effective for tapping into individual biographies, but ... groups are invaluable for examining how knowledge, ideas, story-telling, self-presentation and linguistic exchanges operate within a given cultural context (Barbour & Kitzinger 1999; p.5).

During Covid 19 lockdown, online interviews were held with;

- 2 x SENCOs
- 2 x NHS Health Professionals
- 2 x Parents
- 2 x Social Workers
- 1 x Careers Advisor

In some cases, the interviews provided more to transcribe than groups, in others, the interviews could be considered short and concise. What was significant was the contribution of all these participants during a national pandemic, which has been greatly appreciated.

#### 4.4.2.1 SEND Professionals (EHCP Officers and Advisory Teachers) Group 1 (Session 2)

The only group that was able to meet twice were the first focus group. Further questions, based upon the previous session, were developed to elicit more detail, particularly regarding the symbolism of EHCPs. The group had reflected themselves on the previous discussion and had a lot to add.

#### 4.4.2.2 Online Group 1 Inclusion Professionals

It was difficult to organise any further groups after lockdown, although one more group was held through Zoom with two professionals from the Inclusion/Social Care teams. It was a problematic group to facilitate, as only one participant was visible, the other had audio access only. The resulting discussion was interesting and was held within a climate of intense scrutiny from the DfE for these professionals, who were monitoring the attendance of CYP with EHCPs and social care involvement in schools, or not, during lockdown.

Carrying out interviews online, had positive and negative impact from an insider-outsider researcher perspective. One positive was that research could continue; however, the sessions became less formal, perhaps due to the comradery elicited from the situation everyone was experiencing. Although the same questions were asked, the interviews varied in length and may

have been influenced by lockdowns and lack of socialisation. In contrast to the conversations held in earlier groups, online interviews appeared more an individual's thoughts, stream of consciousness. One positive of online interviews was that they were not constrained by room bookings for example. In groups time constraints could lead to curtailing interesting conversations and not covering all the questions, online interviews however, were completed by answering all the questions each time.

A range of participants took part in semi-structured interviews, representing agents in the field of SEND. Analysis of the interviews addressed three points, interview difficulties, the variety of participants and the impact of Covid 19. Adaptations to the research methodology due to Covid 19, emphasised a reflexive, critical awareness of the period for the insider-outsider researcher, adapting research activities and in resulting conclusions. Coding of the interviews, although initially carried out separately to the groups, were valued in the same way and produced similar themes.

In this methodology chapter three questions (Guba & Lincoln, 1994) are considered with a Bourdieusian methodological relationalism perspective. The ontological question takes into account the social construction of SEND and the medical model, suggesting how education can reproduce inequalities. The epistemological question proposes different ways to examine the construction of SEND using Bourdieu's thinking tools, how field analysis can be used to examine statutory assessment and EHCPs. It highlights wider concepts such as the social model of SEND and takes into account the position of researcher, evidencing the importance of an insider-outsider reflexive researcher approach. The methodological question considers how qualitative research models can be utilised within the methodological relationalism paradigm, to highlight the importance of relationships between SEND policy and EHCPs. Working within this research paradigm, asking participants within the field how they perceive EHCPs, whilst recognising at the same time that not everything *can* be known.

#### 4.5 The Position of Researcher

During my research journey the understanding of researcher as insider-outsider developed out of a view of the self, simultaneously inside the field of SEND, but outside the field 'acting' as a researcher. It can be difficult to adopt an insider-outsider perspective when you are embedded in the field professionally as an individual, leading to a dilemma for both participants and the

researcher. Participants could be responding to questions asked by 'me' as a member of the LA SEND team, thinking about what I wanted them to say. This was evident when some participants apologised for what they were about to say before saying it, suggesting they were aware of the predicament of a power position in the researcher participant relationship and that linked to my LA role, but also that they felt comfortable enough to speak their truth anyhow, with an initial caveat.

An embedded researcher is able to move away from categories which make people easier to define through the insider-outsider model. The third space, the hyphen between, offers the chance to consider input as a sociological researcher, removed as much as possible from the personal, but at the same time providing space to recognise feelings and how they may impact upon conclusions. As an insider-outsider researcher, the binary roles are acknowledged, but the hyphen between them makes it clear these roles are multi-faceted.

There are many factors which influence decision-making processes surrounding research. Personal and professional habitus influencing the choice of research question and ways of going about answering it, including individual values such as lifelong learning. Investigation of information gathered, is influenced by personal history and a reflection of the period. The methods of inquiry are impacted by sociological analysis of thought and specific ideas about SEND policy. As an embedded researcher, theorizing during a time of policy reform (Gunter et al, 2014), this thesis provided personal time for reflection, as well as the prospect for academic study upon an area of interest.

Reflecting upon how an embedded researcher uses the insider-outsider model for reflexive analysis, highlights a power dynamic between researcher and professional. The reflexive researcher considers the practical and subliminal situations which can emphasise a power relationship between the researcher and that being researched, "acknowledging the partiality of perspective" (Kenway & Mcleod, 2004; p.527). Mindful of personal responses during focus groups and interviews, led to habitually considering the insider-outsider dynamics. In reflexive responses to research, the self is positioned as fluid, a multi-layered researcher with a complexity of human experience (Dwyer and Buckle, 2009). A reflexive response provides the researcher, an agent within the field of SEND, to carry out research with participants who are

also agents in the field with their own cultural and social capital, professional habitus, and positions within the field.

Deeper than acknowledgement of where the researcher has come from, reflexivity provides the opportunity to historicise research in time and space and provide a situational understanding. Bourdieu's reflexive methodological approach can be used by researchers to move between macro, meso and micro levels. A Bourdieusian analytical lens is utilised by Trainor (2010) to illustrate how cultural and social capital of parents of children with disabilities in special education is power laden. Bates and Davis (2010) submit social capital became 'popular' at the turn of the century to support social inclusion approaches, suggesting visions of a healthy society which includes people with learning difficulties (Bates and Davis, 2010). To carry out a Bourdieusian analysis of statutory assessment, this research focuses on feelings, an emic approach considering what people think about EHCPs. The methodology, supported by Bourdieu's field theory uses an etic approach, interpreting what is being undertaken in the fields of SEND, to perceptions of EHCPs symbolic capital.

It is the relationships between and within fields which provides the opportunity to study the constructions of SEND, suggesting habitus and disposition, the relationships of agents in the field, represented by participants and the researcher themselves. How we think about statutory assessment and the hidden relationships between education policy that perpetuates a model of SEND. The power dynamics in research can be contentious, the insider-outsider third space, provides a dwelling place for both the participant and the researcher, addressing tensions within qualitative research and providing validity through an inductive approach, from the viewpoint of all agents (Varjas et al., 2005).

#### 4.6 Validity

Bourdieu was an anthropologist, who developed his ideas through qualitative ethnographic research, being part of a community to observe behaviour and interactions. He suggested education perpetuates a status quo and that this should be questioned, to make the 'mundane exotic' (Wacquant, 1989, p. 33). To support validity, the insider-outsider reflexive researcher position helps to acknowledge tension between theorising about agents' perspectives from the inside, whilst also attempting to view them as an outsider (Hammersley, 2006). Carrying out

research whilst working full-time in a role linked to the research topic, will have influenced the research question and research style, but it does not reduce its validity.

Participants along with the researcher, are insider-outsiders, multifaceted individuals. Dwyer and Buckle (2006) emphasise how the insider-outsider model provides the opportunity to move away from binaries to challenge stereotypes and support validity to research. By highlighting the complexities of participants, it can be acknowledged that they have chosen to contribute, demonstrating an interest and that they have something of to say as insiders. Although they are part of the field of SEND, they are also outsiders due to the variety of different influences upon their individual habitus and dispositions. The wide range of experiences of the diverse group who took part in this research could have limited the analysis carried out. However, using Bourdieu's thinking tools these are recognised as a product of cultural, historical and relational influences upon internalised positions and perceptions of statutory assessment.

Field analysis is employed to consider ontological and epistemological questions about the statutory assessment of CYP with SEND, how education policy is internalised and generates perceptions of meaning. "Research that is counterintuitive, questions taken-for-granted assumptions" (Tracy, 2010; p. 840) can be difficult to expose *because* the ideas are well-accepted and taken for granted (Cohen et al, 2018). The insider-outsider researcher approach provides a legitimacy when theorising about SEND policies by supporting 'participant objectivation'. It offers the chance to reflect upon the short time spent looking from the outside in, whilst recognising the long time spent as an insider; acknowledging the personal impact upon the self *and* theorising about this experience from an academic perspective. As an insider-outsider embedded reflexive researcher, an agent within the field of SEND, it is important to stress the fluidity and multi-layered complexity of the space between insider-outsider for the interpretative researcher, with the self, participants, and the reader to ensure integrity. Acting as an outsider researcher can be 'difficult, confusing and fear inducing' (Gunter et al., 2014; p. 5). Bourdieu advises the researcher resist taking up the point of view of the object of study in sociological research and to 'objectivize' the form of 'truth' discovered; one of his three levels of methodological principles (Grenfell, 2012). The position of insider-outsider recognises fluidity between embedded insider researcher and academic outsider. The hyphen, a third space provides a space of paradox, where 'truths' can be challenged.

the main conviction behind the Bourdieusian approach is not simply that in our normal operative state the world is not so much more complicated than we think, but that it is more complicated than we *can* think (Grenfell, 2012; p. 224 – *authors italics*).

The third space of the insider-outsider model provides a more comfortable place for the researcher, but it is also a space of paradox, ambiguity, and ambivalence (Dwyer & Buckle, 2009). Acknowledging and exploring the challenges of the insider-outsider approach, making clear the theoretical and value commitments of the research, using Bourdieusian objectivation and ethnographic research techniques, deviates from personalising the resulting findings and safeguards legitimacy.

Bourdieu's forms of 'truth' within field analysis also provide a validity. Developed through thorough self-analysis, acknowledging the sociological researcher as a 'cultural producer' and the 'social-historical conditions' in which research is carried out (Bourdieu & Wacquant 1992). This is key to research in SEND when it provides an insight into the way the world is constructed (Clough & Barton, 1995). Responding to and reflecting on data gathered, considering positionality, conjunction and disjunction of the insider-outsider narrative, demonstrates different ways to amplify how research can be appreciated, when qualitative research can be criticised for not having intrinsic value.

#### 4.7 Ethics

Traditional ethical principles of research can be used to guide decisions and behaviour of the researcher. When analysing the statutory assessment of CYP with SEND, other ethical considerations are taken into account.

research itself creates – rather than merely studies – the phenomena of special education/disability, and hence the constructs which researchers themselves bring to the work are important determinants not only of the success of the study itself but indeed also of the nature and direction of the field itself (Clough & Barton, 1995; p.3)

The fluid position of the insider-outsider researcher suggests the constructs brought by the researcher are recognised as habitus and dispositions surrounding the phenomena of SEND, the result is a suggestion that it is possible to carry out research, whilst also recognising that the researcher is part of the field themselves.

The involvement of participants in this research, was supported by commonly recognised principles of ethics in educational research (Hammersley and Triainou, 2012). In reflexive

analysis, the insider-outsider researcher acknowledges the complex relationship between researcher and those involved in the research, 'a complex, dynamic endeavour' (Dennis, 2010). The hyphen highlighting, the power dynamics of working across the fields of education and SEND, from both perspectives *and* in between. Minimising harm, respecting autonomy, offering reciprocity, and treating people equitably, are especially important when the researcher may be viewed as someone with power.

To be clear about the ontological and epistemological perspective of the researcher, participants were informed of what was being studied and how. To be as transparent as possible (whilst protecting privacy), to behave ethically whilst carrying out research, were paramount to every group and interview. Agents who took part, already knew the researcher as an insider. It was made explicit that research was being carried out separate and confidential to this work role. However, it was noted that their responses are likely to have been impacted by their knowledge about the researcher's work role. All participants who agreed to take part were treated with respect and thoughts they shared anonymised. All information was kept as confidential as possible, even when it impacted upon personal thoughts and feelings of the researcher.

Discussions about SEND, labelling, marginalisation and normalisation can be thought-provoking, and attempts are made to theorise about the information shared in a thoughtful and ethical way (BERA, 2018). There can be challenges with research into SEND which can impact of the individuals being studied, (Hausstätter & Connolley, 2007).

Although the process of identifying and recording children's SEN might appear to be a neutral practice, it is nevertheless a process that is founded on the ideas of good and desirable conduct and the future prospects of the child (Heiskanen, Alasuutari & Vehkakoski, 2018; p.828).

Assumptions made about education policy, can impact on the type of research carried out; "Special educational needs and disability policy and practice are caught up in more powerful political and economic dynamics" (Norwich, 2014; p. 422). By carrying out a Bourdieusian analysis of statutory assessment, EHCPs can be considered to preserve a status quo, reproduced by education policy. The common-sense views about statutory assessment are crucial when theorising about the perceived symbolic capital of EHCPs. A Bourdieusian analysis can provide an alternative, academic vision, of the perception of SEND and the values within the field.

Although this creates some challenge, it also provides a methodological tool with which to make explicit ways in which statutory assessment and EHCPs are part of a bureaucratic system. By adapting Bourdieu's field theory, data can be analysed to study the perceived symbolic capital of EHCPs symbolic capital and their cross-field effects, making visible presumptions about SEND in education policy.

#### 4.8 Bourdieu and Ethics

The field of SEND is a prime arena for ethics.

Special education is permeated by an ideology of benevolent humanitarianism which provides a moral framework within which professionals and practitioners work (Tomlinson, 1982, p. 5).

There is an emotional capital (Reay, 2015) invested in the statutory assessment of CYP with SEND. EHCPs are a statutory document, created by educational policy which reflects a habitus and dispositions of those in the field. A Bourdieusian analysis provides the opportunity to highlight how the ethics of SEND, impact upon the perceived symbolic capital of EHCPs.

Bourdieu's concept of the field helps understanding that ethics are not a matter of individual, a cultural preferences, but exist in historically evolving, culturally specific areas where their value is recognized and institutionalized. Fields understood this way are the primary arenas where ethics and the cultural traditions are 'located', as opposed to abstract notions of 'values' that float somewhere outside society (Pellandini-Simanyi, 2014; p. 669-670).

Bourdieu's concept of field can be used to theorise about how the ethics of research into SEND is historically evolving. This research suggests that since the C&FAct (2014) and CoP (DfE & DoH, 2015), the dilemmas and challenges within the field of SEND have increased. By hypothesising about the symbolic capital of EHCPs within the field of SEND, a perspective of ethical and cultural traditions of education can be viewed which reproduces inequality.

we have an educational system that is enmeshed in, and increasingly driven by, the economy, rather than one that is capable of redressing economic inequalities. It is a system that both mirrors and reproduces the hierarchical class relationships in wider society (Reay, 2017; p. 11).

By asking those in the field what EHCPs represent to them, provides the prospect to consider the symbolism and capital invested in EHCPs. Their status as a 'golden ticket', suggests they bring significant economic capital in the SEND marketplace (Tomlinson, 2012).



#### 4.9 Covid 19 and Ethics

Ethics approval for this research was received in 2019 and research groups started in early 2020. Updated ethics approval was received in June 2020 after Covid 19 lockdowns, led to online research<sup>6</sup>. The real is relational and reflexive (Bourdieu & Wacquant, 1992). Based upon observation and experience, the research question, methodology and qualitative methods were all based upon personal experiences. Consideration of real-life issues, influenced by the perceptions of reality at the time.

Covid 19 had an impact on the research, analysis and information gathered. Workloads for all keyworkers significantly increased during this time, creating added strain to those contributing their time to this research. The research model was altered for the virtual world and participants signed new consent forms, to reflect the different ethical considerations of working through Zoom and Microsoft Teams. Although the change to online interviews and groups impacted on data gathered, there were positives to the changes. It also led to further reflection of the insider-outsider researcher, for example interviewing participants from home added a personal element, making it evident the research was being carried out separate to work. Online interviews highlighted personal time that participants were giving to take part and led to appreciation between researcher and participant of communication during a national lockdown. Although the same questions were asked pre covid, some responses were heavily influenced by the period, the online inclusion interviews for example, resulted in a discussion held within a climate of intense scrutiny from the DfE regarding the attendance of CYP with EHCPs in schools (or not) during lockdown.

In September 2019, the National Audit Office produced a report stating, “Pupils with SEND are among the most vulnerable in the school system” (NAO, 2019; p. 6). Each year, the Children’s Commissioner publishes a childhood vulnerability framework which measures the number of vulnerable children in England<sup>7</sup>. This framework maps a range of difficulties a child might be living with, from physical or mental illness, to going hungry; being homeless or excluded from school; being at risk of neglect; or living with parents with health problems. However, “what should be included as a ‘vulnerability’ is open to debate” (Clarke et al, 2019; p.5). The definitions

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<sup>6</sup> Covid 19 created lockdowns, restrictions on people mixing with others both inside and outside the home.

<sup>7</sup> <https://www.childrenscommissioner.gov.uk/vulnerable-children/>

of vulnerability have changed since the first Children's Commissioner report of 2017 when 42 groups were listed, to 70 groups defined as vulnerable in 2018; the children's commission suggest a few caveats is essential when considering 'vulnerability.'

During Covid 19 lockdown, nurseries, schools, and post 16 settings were 'closed'. There were some exceptions to this rule, for example for the children of keyworkers and vulnerable CYP. 'Vulnerable' CYP were defined as those.

supported by social care, those with safeguarding and welfare needs, including child in need plans, on child protection plans, 'looked after' children, young carers, disabled children and those with education, health and care (EHC) plans (DfE, 2020a).

During Covid 19, all CYP with an EHCP were considered vulnerable, three days later, the DfE reminded all agencies that this group included, "children and young people up to the age of 25 with education, health and care (EHC) plans" (DfE, 2020b). CYP 0-25 were grouped together by making assumptions about their vulnerability, based solely on the fact they had an EHCP.

These announcements highlight how EHCPs were used during Covid 19 to generalise about CYP with SEND. As a result of the mandate, all CYP 0-25 with an EHCP were to be 'risk-assessed' and decisions made about their individual level of vulnerability to consider whether they would be offered a place within an educational setting, or they could have their needs met safely at home, (DfE, 2020a). Categorising all CYP with an EHCP in this way was an ethical decision; "Codification goes hand in glove with discipline and with the normalization of practices" (Bourdieu, 1990; p. 80). Covid 19 highlighted that CYP with an EHCP are considered different to those without. The decision also demonstrated a practical use of SEND policy because this group could be easily identified by their 'possession' of an EHCP.

#### 4.9 Ethical Cross-Field Effects

By asking the question, is it safer for CYP to remain at home during Covid 19, educational settings were tasked with making value judgements about a CYPs home life (Reay, 2017), based solely upon the fact they had an EHCP. The codification of CYP with EHCPs as vulnerable during this time was swift because the group were identifiable. When categorising CYP with EHCPs as vulnerable during Covid 19, no caveats were set, decisions about the level of vulnerability of CYP was passed on to those in the field of education, hypothetically increasing the symbolic capital of EHCPs. With hindsight, this could have been a time when definitions of vulnerability were

discussed, along with the ethical decision-making processes that made assumptions about CYP with EHCPs as if they were a homogenous group.

The childhood vulnerability framework refers to children. During lockdown, the assumption was made that all CYP with an EHCP 0-25, were vulnerable, bringing further ethical considerations of human rights (UN, 2018). Making the decision to group all CYP up to 25 in England as vulnerable during Covid 19, was in contrast to the SEND systems used in Wales, Scotland and Northern Ireland.

Covid 19 highlighted barriers for all CYP with SEND, with or without EHCPs and the ethical and political implications of labelling CYP with EHCPs as vulnerable. Risk assessments judging if CYP were safer at home during this time, shines a light on 'disability' as a situational and contextual phenomenon. Although not discussed in great detail here, a disability studies perspective using the four models of disability research (Goodley, 2017) could also be used to theorise about the labelling, categorisation and resulting hierarchy of need, encompassed in assumption surrounding the vulnerability of CYP with SEND.

During Covid 19, EHCPs became fundamental to the support that CYP could receive during a time of crisis. Their legal status was heightened by a government policy which legislated all CYP 0-25 in England with an EHCP were vulnerable; the Coronavirus Act, 2020. Although it was recognised that many CYP with SEND were significantly more vulnerable than others, the discourse at the time nevertheless highlighted and perpetuated historical language of need surrounding SEND which can be considered an ethical decision.

Assuming that all CYP with EHCPs were vulnerable during this time, demonstrated an ongoing issue regarding a lack of CYP voice, "not every child or young person in these groups is vulnerable to harm or would appreciate being described as such" (Clarke et al, 2019; p. 6).

EHCPs were used as a tool to calculate resources and make provision, metamorphosing from a document supporting CYP in education, to a document defining the extent CYP with an EHCP are vulnerable in society.

#### 4.10 Ethics of working with CYP with SEND

It was important, when approaching CYP, that they had time to get to know the researcher, knew about the research topic and had the opportunity to talk it through with their family

before making a decision about whether they wanted to take part. In the group approached, there were a range of CYP between 13 – 21 years old. Consent forms and communication about the research was adapted for those over 18 who did not necessarily require parental consent. A restriction, when carrying out research in your own time, is the standard annual leave allowance of employment. Due to time constraints, it was only the CYP who already attended this group for older CYP that were approached to take part. However, the group had experience of regularly discussing topics surrounding SEND, being supported to have a voice and met regularly in the early evening.

The decision to hold a group with these CYP highlighted particular ethical considerations. Although there is no way of knowing how the conversation would go, it was helpful to have thought through the potential impact on the CYP themselves and to carry out activities with them as a larger group and with adults the CYP already knew before the research discussion. Including the youth group leader in the group discussion that took place supported the researcher with a second adult present, but more significantly on the day, the participants. Thanks to the youth group leader's knowledge about the CYP, they were able to adapt quickly to situations that did arise with a compassion and understanding that would have been missing without that thoughtful adult.

A practical decision about time constraints meant no younger children were approached to take part in this research. It is often children in the early years and primary school that go through the initial statutory assessment process and with my experiences as a primary school SENCO and historical masters work surrounding Family SEAL<sup>8</sup> it was clear to me, to carry out activities for this thesis with younger children would require a time commitment which was not possible alongside a full-time job. As a result, one of the outcomes is that although many of the participants relay their experiences of working with younger children, this research does not include the voice of younger children with SEND a group whose voice is often missing. The decision, not to include younger children also serves to emphasise the lack of agency CYP have within the field of SEND and suggests a focus for future research.

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<sup>8</sup> Family SEAL (Social, Emotional Aspects of Learning) was a programme introduced by the DfES in 2005 to promote the social and emotional skills of all those who learn and work in schools.

#### 4.11 Possible limitations and potential difficulties

Research within the field of SEND is 'riddled with ethical dilemmas' (Hellawell, 2019). Reflecting upon the ontological, epistemological, and methodological viewpoint of the researcher position can help recognise these. Considering ethical principles in educational research (Hammersley & Triainou, 2012) and adopting a reflexive stance, makes the value-position of the researcher visible. Bourdieu's thinking tools can be used to produce qualitative research in a field that can be emotive, without hopefully becoming 'over-theoretical' or idealist (Shakespeare, 2014). Bourdieu's language about reflexive sociology and theory of the field (Bourdieu & Wacquant, 1992), highlights how analysis of thought can be valued in qualitative research.

This thesis is influenced by personal experiences and the historical context in which it took place. Covid 19, had a significant impact on research style and analysis. Describing the insider-outsider researcher position, provides a route to ensure previous knowledge and experience of both researcher and participants are acknowledged and set within a particular time frame. The thoughts and opinions of participants are influenced by habitus and dispositions, their roles as agents themselves, inside and outside of the field of SEND. Bourdieu's thinking tools are used to demonstrate how agents within the field of SEND are not unconscious (Van Zanten, 2005), but are reflexive agents. This research explores the thoughts and opinions of participants who represent agents in the field, to theorise about the statutory assessment of CYP with SEND and the perceived symbolic capital of EHCPs. It is not intended to resolve ethical dilemmas in a complex emotive field, instead a Bourdieusian analysis is adapted, which raises further questions.

#### 4.12 Overcoming challenges of part-time research & Covid 19

Challenges of part time research include a limited amount of time for study and research, as a result the study design was influenced by these parameters. The pandemic created some potential practical difficulties, but these were overcome. Rather than a limitation, it is suggested Covid 19 adds to analysis by scrutinising the government response during the pandemic, how assumptions were made at the time about CYP with EHCPs.

The decision to carry out a Bourdieusian analysis of statutory assessment developed after finding a gap in the research carried out since the C&FAct (2014) and CoP (DfE & DoH, 2015). It benefits from researchers who have applied Bourdieusian field analysis, most notably Crossley

(2003). Creating a sociological conceptual framework to hypothesise about statutory assessment and the perceived symbolic capital of EHCPs, provides validity to address potential limitations of research about SEND which does not adhere to the usual principles. Research into statutory assessment is complex, ethics are embedded within the field because CYP are at the centre. Bourdieu's concept of field suggests ethics is culturally evolving, ethics are also historically evolving (Pelladini-Simanyi, 2014). Bourdieu's methodology provides a conceptual tool with which to carry out quality academic research into a complex moral field during a period of significant change.

The research methodology highlights assumptions about SEND, however, the resulting conclusions are not a judgement, but are responses to a question which appeared to be missing from existing research. To understand the frustrations of 'customers' with SEND policy and statutory assessment, it is essential to study why and how agents value EHCPs, to theorise about their capital. Bourdieu's thinking tools provide the opportunity to overcome challenges when operating *within* the field, to discuss the perceived value of EHCPs, as an insider-outsider sociological researcher, *about* the field. Bourdieu's ethical considerations provide the chance to theorise about forms of truth, developed through self-analysis, acknowledging that within sociological research the researcher is a 'cultural producer' and by considering the social-historical conditions in which the research was carried out (Bourdieu & Wacquant, 1992).

#### 4.13 Reflexive Methodology

When considering a research proposal, perspective, professional identity, and reasons for the choice of topic are considered. It is important epistemologically to consider the position of researcher when asking, how can I know or evidence the reality I am suggesting? In this research, the roles of researcher and agent within the field of SEND, led to an insider-outsider model from which to examine a reality. Intellectual introspection and sociological analysis of thought is required when working from this viewpoint, one that recognises we are limited by what we know and what we don't know or have the language to explain (Bourdieu and Wacquant, 1992).

A reflexive awareness is crucial to a relational paradigm, contemplating how different roles and perspectives may have impacted upon research. The insider-outsider researcher position is used to reflect upon the qualitative data gathering tools, for example how participants may have

responded to questions, considering the researchers insider role or make assumptions, consciously or unconsciously about what the researcher would like, or not like to hear. Reflecting on relationships between the researcher and participants, there were occasions during discussion where participants allied themselves to the researcher, providing advice on future study, how to carry out interviews for example. Reflexive awareness is acknowledged throughout, employing an approach which “problematizes and interrogates the socially constructed self and the situatedness and relation of self to others” (Starr, 2010, p.3). The data gathered, comments made in response to questions, were all dependent on a number of relationship variables, such as; how the group/interview was held, how participants were feeling on the day, researcher skills as an invigilator/interviewer, how the researcher was feeling and the period of time that everyone was living through.

#### 4.14 Relational Methodology

The decision to carry out a Bourdieusian analysis of statutory assessment was guided by connections of the researcher as a member of the fields of SEND and Education. The research question, methodology and methods are based upon personal experiences and consideration of ‘real life issues’ (Crotty, 1998). To investigate reasons for the increasing numbers of CYP going through statutory assessment, is to study the perceived value of EHCPs, their symbolic capital. The research is guided by an epistemological ontological paradigm of methodological relationalism, the relationship between SEND policy and EHCPs and the opportunity to carry out research of value, whilst being a member of the field.

trying to understand people’s perspectives from the inside while also viewing them and their behaviour more distantly, in ways that may be alien (and perhaps even objectionable) to them (Hammersley 2006; p. 11).

Positionality is key, recognising and accepting the subjectivity of the insider-outsider researcher. In this research, knowledge gathered through group interviews is situated within the relationships of the group, or one to one. A reflexive analysis of the self as researcher sets the scene for research and helps provide a validity to qualitative study by placing it in context. Considering how an embedded researcher can use the insider-outsider model for reflexive analysis, highlights the power dynamics between researcher, and SEND professional, two sides of the self. Reflecting on personal responses during groups and interviews, led to habitually considering the insider-outsider dynamics.

The qualitative research model and Bourdieu's field theory supports a methodology to contemplate the symbolic capital of EHCPs, by studying the comments made by participants within a group or individually; methodological relationalism. Because each group consisted of participants from a similar area within the field, the way they acted, and comments made about EHCPs could be considered accentuated within these groups in a way that would not necessarily occur in individual interviews. The principles of the field, the language of the field, the alliances and conflicts and positions of participants all make up the image of the field as a symbolic space (Bourdieu, 1998; p. 7-9). Participants habitus, dispositions, and hierarchies, suggested where they would position themselves within the field of SEND.

#### 4.15 Thematic Analysis

In this Bourdieusian analysis of statutory assessment, thematic analysis provided a way to analyse what was said, both explicitly and implicitly. Concepts emerged as the data was being collected, the process of disassembling and reassembling data helped develop ideas to answer the research question. NVivo was used as a memoing tool to compare and reflect upon the data to develop hypotheses and themes. The conceptual framework that developed during the thematic coding process, took into account the climate of Covid19, the language of vulnerability and the symbolic resources of an EHCP and provided a tool to analyse findings.

Through thematic analysis (Clarke & Braun, 2017) a structure to the study of data developed. Examination of the information gathered was initially carried out through transcription, immediately after each session, (Appendix D and E). The intention was to hold each group twice, to familiarise with the data being gathered, review information, and generate initial themes from the first session to conclude in the second. But, in March 2020 the country went into lockdown, life for all of those who had offered their time to take part in this research, led to a change in the research model and a longer time between transcriptions and analysis. It was not possible to run second groups and the decision was made to use the data gathered before Covid 19 as a data set.

Thematic analysis was used to establish validity of the qualitative techniques and resulting data, identifying patterns, and creating themes. A reflective thematic analysis provided a valid analytic method based upon Braun and Clarke's guidance.

- 1) data familiarisation and writing familiarisation notes;



- 2) systematic data coding;
- 3) generating initial themes from coded and collated data;
- 4) developing and reviewing themes;
- 5) refining, defining and naming themes; and
- 6) writing the report (Braun & Clarke, 2021a; p. 221)

The groups and interviews were transcribed and open coded to identify patterns. During transcription, inductive coding was used to process data, semantic and latent codes were developed to capture surface meaning and assumptions underpinning them. This led to developing a conceptual framework. Each pattern was analysed to gain a deeper understanding of participants' perceptions and consider themes. Coding took place with an insider-outsider reflexive approach, recognising that data is not coded in an 'epistemological vacuum' (Braun & Clark, 2006; p.84). The decision to code certain phrases, highlights what the researcher views as significant. Units of analysis interpreted as meaningful by the researcher are recognised as influenced by personal ideas.

As the semantic codes captured the 'surface meaning of the data,' they developed into latent codes apprehending assumptions, 'underpinning the surface meanings, or use pre-existing theories and concepts to interpret the data' (Braun & Clarke, 2021b). The data gathered and comments made in response to the questions asked, were dependent on a number of influences as detailed earlier. Familiarisation with the data, through transcription, coding and constant comparison, led to developing themes and was carried out in four stages.

- Groups and interviews
- NVivo projects, groups and interviews
- Thematic map
- One project

Early themes became visible during the familiarisation of data, writing up the transcripts through an inductive process. Although not all early themes were developed, some became clarified and considered important, feeding into the conceptual framework. Themes became clearer when the two projects, one of groups, the other of interviews were compared, and ultimately when one project was created through the use of NVivo.

#### 4.16 Groups and Interviews

Early familiarisation with the transcripts created source data and opportunities for analysis.

Early familiarisation, (Appendix D and E), was initially based upon reviewing comments made in response to questions. This developed through four stages and became about inductive coding of data as data sets, initially two projects and then one. The transcription of the first and only group that met twice, provided the chance to explore responses to questions further, in the second session.

NVivo was used to code data in two separate projects, one for transcripts from the groups and one for individual interviews. Although this was a useful exercise, the groups and interviews had been carried out and transcribed, over different time frames. As a result of a thematic approach, variations in thinking by the researcher over this time, both had different node titles and resulting themes. Using NVivo software provided analysis of how often certain themes arose, or words were used. It helped compare the two groups through axial coding, breaking down the core themes, making links between categories and codes which developed. NVivo was particularly useful in the memoing phase of coding, providing a platform from which ideas, notes and comments during a process of constant comparison could be stored, and support the developing themes. The interrelationships between codes were explored and examined, to reflect upon commonalities and differences (Appendix F). The resulting themes were;

- Emotional Investment
- Pressures in schools
- Negatives of EHCPs
- Post 16
- Use of the term SEND
- Statutory Processes and,
- Symbolic language

Comparing the two projects highlighted personal decisions about coding, for example the amount of text coded to emotive language. The exercise also highlighted use of symbolic language in discussion about EHCPs, the symbolic language node was used to create word clouds in NVivo to understand word frequency and create further debate through constant comparison.

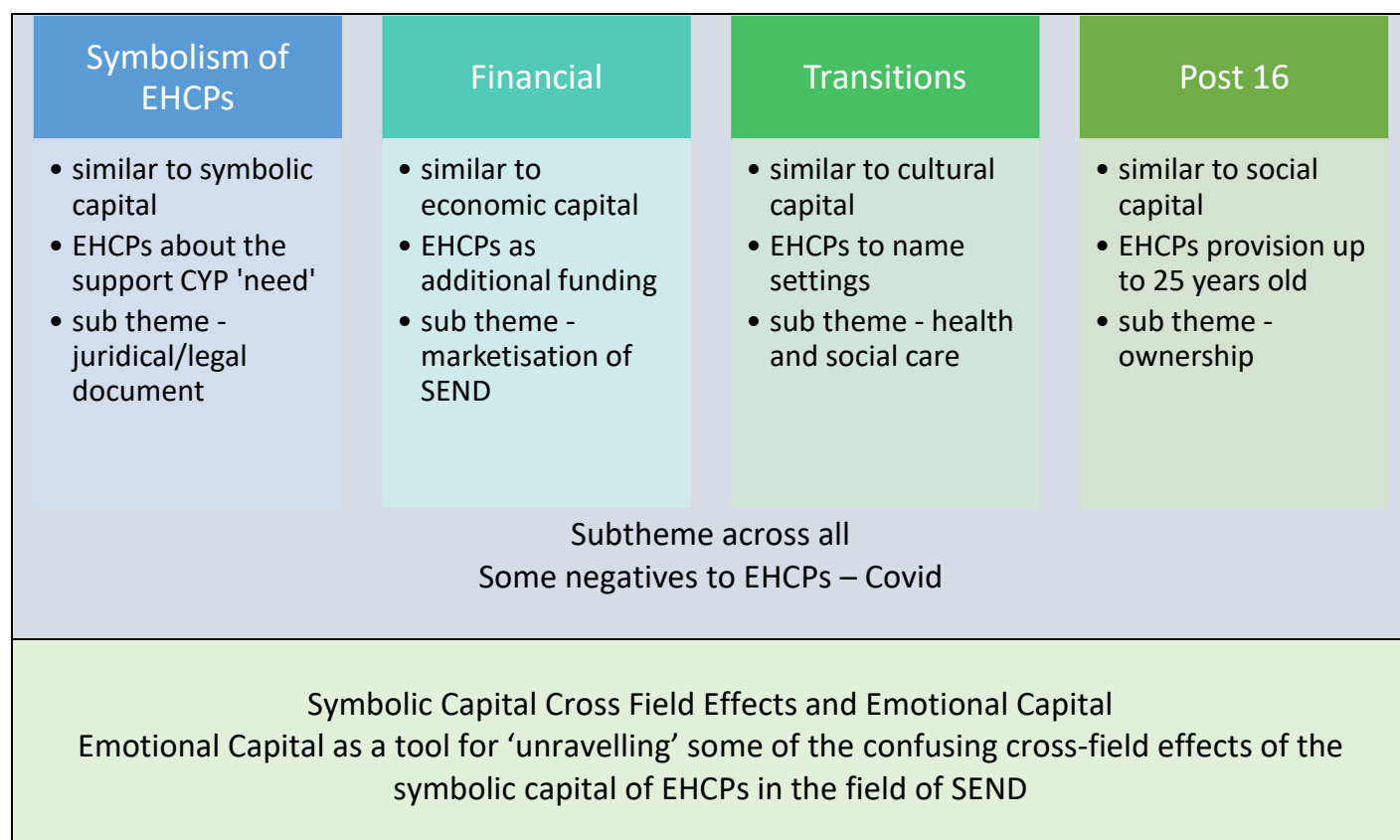


some differences in the data, considering perceptions by teasing out hidden themes, that impacted on the direction of the research.

#### 4.17 Thematic Map

As a result of coding two projects and a reflective analysis of data, a thematic map was developed based upon Braun and Clarke (Braun & Clarke, 2021b).

**Figure 4.3** Thematic Map



The thematic map demonstrates the relationships that developed between key themes and was the beginning of developing a theoretical model.

**Symbolism of EHCPs** - The most commonly coded theme, highlighting the symbolic capital of EHCPs and symbolic language used about them. The two began to appear bound together, in the field of SEND.

**Financial** - The interviews and group discussion, included the financial benefits of having an EHCP, suggesting a link between EHCPs and economic capital. In the first stages of coding, a financial reason was not a node on the individual interview project, although it could be inferred from several of the interviews.

**Transitions** - Many comments about EHCPs were related to supporting CYP with transitions experienced on their educational journey, linking EHCPs to cultural capital. Emotional language was coded, suggesting the value of an EHCP for CYP with SEND who may struggle. The 0-25 age range comments included those regarding multi-agency work and the joined-up ideas of education, health, and social care.

**Post 16** - Themes became clear regarding PfA, linking the value of EHCPs to the social capital of Post 16 YP. In contrast the YP group was a different conversation and evidenced how perhaps parents and professionals recognise this social capital differently to the YP themselves.

#### 4.18 One Project

All the coding activities and themes generated were combined and coded further using NVivo, creating a new comprehensive project. At this stage data was well known and patterns had arisen through previous coding, analysis of which suggested themes to develop. This further analysis, coding the transcripts as a coherent whole, provided a focus on what would become main themes of the research.

When creating one NVivo project, nodes were along the lines of the thematic map; financial, transitions, young people and symbolism. Symbolism became the parent and grandparent of many further nodes and assumptions underpinning categories of perception. Symbolism of EHCPs became a significant theme and the nodes were broken down into nine child nodes.

- Symbolism of EHCPs - Symbolic Language (Appendix G)
- Symbolism of EHCPs – What EHCPs are for (Appendix H)
- Symbolism of EHCPs - When you need an EHCP (Appendix I)
- Symbolism of EHCPs Emotional (Appendix J)
- Symbolism of EHCPs - Legal (Appendix K)
- Positives of having an EHCP (Appendix L)
- Negatives of having an EHCP (Appendix M)
- Not sure an EHCP adds anything (Appendix N)

A narrative began to emerge at this stage, regarding different ways participants perceived EHCPs and endowed them with symbolic capital. Themes coded, suggested a shared habitus, participants proposing EHCPs could improve the position of CYP with SEND in education. The

conceptual framework developed through this methodological process, contemplating the explicit and implicit values of EHCPs through participants responses.

#### 4.19 Reflective Analysis

Carrying out a Bourdieusian analysis of statutory assessment, a sociological interpretation of SEND education policies and EHCPs, led to reflecting on EHCPs symbolic capital, providing an insight into how 'the world is constructed' (Clough & Barton, 1995). Observing participants in the field as consumers, asking them for thoughts and feelings about the 'product' of an EHCP, suggests the symbolic resources (Crossley, 2003) that are perceived as available through the plan itself.

Ideas and themes developed during reflective analysis, different coding, over time, provided categories and subcategories highlighting themes. Carrying out familiarisation with data brought into focus the language of SEND and symbolism of EHCPs. The comments regarding EHCPs included positive and negative cross field effects. The symbolic capital of EHCPs was linked to specific situations within the field of SEND, it highlighted the habitus and dispositions of different participants.

This research could not take place without the participants representing agents in the fields of SEND. I was fortunate to have a range of participants take part from a variety of groups that are regularly members of the fields of SEND across England. Those who took part and how, was determined by them and by Covid. The participants demonstrated relationships with each other, relationships within the field, their habitus and dispositions and their relationship with me as an insider-outsider researcher. Knowledge gathered through interviews and groups is situated within the relationships of these groups and field, as well as in a national context.

Participants in this research are viewed as social agents with a reflexive disposition, they have taken part because they are members of the field. They made the decision to contribute because they have something they wanted to share about the topic. The conceptual framework used to analyse their responses provides only an interpretation of their categories of perception regarding statutory assessment and EHCPs. The participants represent agents in the field and support a reflexive analysis of habitus and dispositions for these agents during the historical timeframe of the research.



**Bourdieu's Field Analysis (Bourdieu & Wacquant, 1992) and Crossley's model of empirical mapping (Crossley, 2003)**

Bourdieu's field analysis is adapted in this research to study English education policy, and statutory assessment. Bourdieu's thinking tools are used to reflect upon habitus within the field and the marginalisation of groups, highlighting how EHCPs are based upon policy decisions about education which perpetuate an image of SEND; "Bourdieu maintains that the education system has become the institution most responsible for the transmission of social inequality in modern societies" (Swartz, 1997; p. 190). Field analysis offers the chance to observe how EHCPs can be viewed as an instrument of the state categorising CYP with SEND, through a medical model. Bourdieu's sociological theories resonate with an understanding that research about SEND, can provide insight into the way the world is constructed (Clough & Barton, 1995).

Field analysis is employed to consider ontological and epistemological questions about the statutory assessment of CYP with SEND, how education policy is internalised and generates perceptions of meaning. Field analysis is used to reflect upon statutory assessment and how EHCPs are perceived to have value, which is recognised and validated. A conceptual framework developed as a result of thematic analysis, providing a tool with which to consider the values invested in EHCPs by agents in the field. The conceptual framework, influenced by Crossley's empirical mapping, provides a way to theorise about the symbolic capital or resources of EHCPs, highlighting normative societal and educational judgements, categories of perception, habitus and dispositions within the field of SEND.

A Bourdieusian analysis of participants thoughts about what EHCPs 'can do' demonstrates the expectations of a paper document created as a result education policy. EHCPs are viewed in terms of how they can maintain or improve a position within the field of SEND to demonstrate how the habitus of statutory assessment is internalised and converted into a disposition that generates meaningful practices and meaning-giving perceptions to EHCPs (Bourdieu, 1984). Theorising about the perceptions of EHCPs, reveals assumptions within the fields of education and SEND which attribute EHCPs with symbolic capital. A Bourdieusian analysis provides one way to challenge taken for granted assumptions which afford EHCPs a particular status. Crossley's empirical mapping scrutinises the structure, dynamics, and effects of fields to



highlight how Bourdieu's theory of practice can be used to reflect and critique modern social life (Crossley, 2003). Together they are used to study the field of SEND, statutory assessment and the symbolic capital or symbolic resources of EHCPs.

Crossley (2003) uses 8 questions to consider how Bourdieu's theory of practice can 'make sense' of radical social movements. However, the conceptual framework for this research developed into just 4 key questions. These questions are used to scrutinise participants comments about statutory assessment and their perception of EHCPs, the analysis of which suggest how these perceptions could apply to agents in, and on the periphery, of the field of SEND.

1. Who are the agents in the field?
2. What language is used by agents in the field?
3. Where are the alliances and conflicts within the field?
4. When are there cross-field effects?

These 4 questions are used to analyse qualitative information from participants through a sociological lens of thematic analysis. Bourdieu and Crossley provided the foundation for a conceptual framework which considers relationships between who, what, where and when in the fields of SEND, education, health, and care. The result is a study focused on exploring perceptions of symbolic capital in the product of statutory assessment, EHCPs.

#### 5.1 *Who* are the agents in the Field?

In the research model, the agents in the field are represented by participants. There are many agents in and around the field of SEND, who are all members of many fields, not all are represented in this research. However, participants including YP, Parents, Independent Supporters, SENCOs, Inclusion Officers, SEND professionals (SEND Officers and Advisory Teachers), Educational Psychologists, LA SEND health professionals, NHS health professionals, Social Workers and Careers Advisors all took part, either individually or in groups. They were asked about their thoughts regarding statutory assessment and EHCPs (Appendix C).

Participants are viewed in this research as social agents with a reflexive disposition, they have taken part *because* they are members of the field of SEND and as a result all of their comments are valued. The conceptual framework provides only an interpretation of their categories of perception.

### 5.1.1 Young People (YP)

CYP are central in the fields of SEND and education. When the CoP (2015) was written, the age range increased to 0 - 25 and co-production of statutory processes, particularly EHCPs, became a focus (RIP:STARS et al, 2018). The YP who took part in this research expressed a positive experience within education, finding allies in the adults working with them.

I had a bit of trouble in school with coping with a lot of things we had to do, we had some trouble, we had some troublesome people in that classroom and ..... they used to take me out and ask me what's wrong and they would sort it out basically (Young Persons Group, Participant 2)

The YP appeared comfortable within their youth group, they are supported within this group to represent the thoughts and feelings of YP with SEND in the LA. They talked about employment and how provision that can be put in place to support CYP in school, can fall away when they are introduced to the world of work. They expressed challenges in their experiences of apprenticeships and volunteering. In answer to a question about what they would like discussed further in research about SEND, one participant suggested,

How disabled people can work in a safe environment, I think cause of what experience, of what I've told you (Young Persons Group, Participant 2)

Their comments suggest, that although EHCPs have explicit values within education, they can lose this support when CYP with EHCPs enter the workplace.

### 5.1.2 Parents

Two parents, Christine and Lily took part in this research, both with experience of having CYP with EHCPs. They expressed thoughts about why they felt statutory assessment and EHCPs were needed to support CYP; in the current education system class sizes are too large, there is a lack of teacher training around SEND and minimal support for parents at home struggling to support CYP to access education.

If teachers had more understanding of disabilities, maybe we wouldn't need SEND, a SEND register (Christine, Parent)

### 5.1.3 Independent Supporters

Independent Supporters provide information and advice for CYP with SEND and their families. They have a range of professional and personal experiences which make up their individual and group habitus. In the group, they articulated ways they believe EHCPs can be useful, investing in them ideas such as supporting inclusion and protection.

I think it's been, seen as, as bubble wrap to make sure that your child is supported (Independent Supporters Group, Participant 2)

#### 5.1.4 SENCOs

Two SENCOs, Donna, and Angela, took part in semi-structured interviews, both from primary school settings with several years of experience of working with children with SEND. In their interviews they demonstrated similar thoughts about how CYP are supported in school, and when they believe an EHCP could be helpful.

Having that protection of an EHCP is really, really helpful (Donna, SENCO).

They both mentioned expectations from health and social care, the cross-field effects an EHCP may bring.

#### 5.1.5 Inclusion Officers

Two Inclusion Officers took part in an online group, another, Rachel, was interviewed in person. Their position as agents within the field of SEND overlaps with the field of social care and statutory school attendance. They mentioned how EHCPs can support CYP in education as a protective factor and through the resources they bring. However, they also commented upon how EHCPs can sometimes have a negative impact on school placement, because of negotiations that must take place before a setting agrees to being named.

Children who move schools are adversely disadvantaged by having an EHCP because the time it takes to allocate a school for them. So, in our world as we know, move child out of XXX and it could take absolute ages to get them in a school. Whereas if they haven't got a plan or they're being assessed for a plan they're straight in. (Inclusion Professionals Group, Participant 1)

#### 5.1.6 SEND Professionals

This group met twice and was made up of 2 slightly different groups of SEND professionals, those that write and maintain EHCPs, SEND Officers, as well as Advisory Teachers who work with nurseries and schools, observing, giving advice and training professionals. Since the introduction of the CoP (DfE & DoH, 2015), in this LA, these professionals have worked closely together through the EHCNA process and writing EHCPs. Within their observations, there are examples that demonstrate similar dispositions, alliances, and conflicts they experience within the field of SEND.

It's difficult to add actually, cause I agree with everything that everybody has said here (SEND Professionals Group 1, Participant 4)

#### 5.1.7 Educational Psychologists (EP)

EPs have a perceived status within the field of SEND and are thought of as 'specialists' across the fields of education, health, and social care. EPs are valued in these fields, their qualifications providing a symbolic power. When statutory assessment is agreed, EPs provide educational advice, outcomes, and provision, to be included in a plan. The discussion held within this group demonstrated habitus and dispositions influenced by the impact of this statutory work and resulting perceptions about their occupation. Comments from participants evidenced some frustration with the expectations of their profession and their own perceptions of the role of an EP.

Your time in school is finite and precious, and fought over isn't it, by different people and there's (the) EHC process, seems to trump everything doesn't it? (EP Group, Participant 4)

#### 5.1.8 Local Authority SEND Health Professionals

This group, consisted of two colleagues within the LA with health backgrounds, both working within the LA SEND team. They highlighted an importance and awareness of pupil voice and wishes of CYP in the field of SEND, for example when CYP might not want an EHCP.

There are many parents, families, and .... young people who don't want that label, that don't want that attachment, don't want the stigma, the apparent stigma surrounding having, having that label (LA SEND Health Professionals Group, Participant 1)

The health professionals acknowledged the pros and cons of a medical diagnosis for CYP and expectations upon EHCPs as a result.

No one likes to be labelled or anything, but with labels, with diagnosis comes, you know benefits, and you know I don't think recognition is the right word, but support, yeah, recognising that someone has you know, a need, and that, you know, and within the term of disability, that's quite vast. So, covering everything from mental health to physical impairments to you know visual, hearing, everything (LA SEND Health Professionals Group, Participant 2)

#### 5.1.9 NHS Health Professionals

Both NHS health professionals interviewed, Michelle and Sandra, are NHS professionals with significant knowledge of statutory assessment processes and EHCPs. Their thoughts expressed from a health perspective, provide an insight into their dispositions, how they view the impact of statutory assessment and EHCPs on joint working and the discussions within different fields of health and education around 'need'. They both mention variances between the way those in

education assess the impact of medical needs upon a CYP's learning, and how health colleagues may understand them.

I think for a health point of view, it's not always that helpful. We have a very different view of disability to education and therefore we might think children would fit that category, that in education they don't necessarily (Michelle, NHS Health Professional)

#### 5.1.10 Social Workers

Both Lorraine and Pete, demonstrated a habitus based upon their roles as social workers who work with CYP who almost exclusively attend special schools<sup>9</sup>. Perhaps because of the of their work, these social workers considered how EHCPs may be worth more for CYP within a mainstream setting, where resources are limited.

I think the children in the mainstream school. I imagine it could make a massive difference. Things, sort of communication is your speech and language, physiotherapy. All of these things are incredibly difficult to have. A lot of the services are time limited. There is long referral processes, but having something written down for a mainstream child where they could access it in their part of their school day, I think would probably make a massive difference, cause it's something additional to what they'd be getting anyway in the school (Lorraine, Social Worker).

These participants highlighted the different habitus of agents within the field of SEND, for example those involved with special schools may have different thoughts about the value of EHCPs to those working with CYP in mainstream settings. They acknowledge access to considerable symbolic resources that derives from a placement in a specialist setting and how this can impact on individual experiences, compared to others within the same field. It reveals how different agents within the field may understand EHCPs and suggests a hierarchy of need.

I think for parents whose children are significantly disabled, there is that sort of perhaps not an acknowledgement that other people can have an EHC plan who are far more able than their child and might go to university, and the purpose for their education, health and care plan is completely different (Lorraine, Social Worker).

#### 5.1.11 Careers Advisor

It was important to have Information Advice and Guidance, Careers Advisor Emma involved in this research project because the C&FAct (2014) and CoP (DfE & DoH, 2015) changed the way support for YP with SEND is provided in FE. Part of the transfer to EHCPs was the conversion of several thousand Learning Disability Assessments (LDAs), previously completed by advisors for

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<sup>9</sup> An EHCP is a statutory requirement for attending a special school.

CYP transferring from school to FE with Statements. EHCPs in contrast to LDAs are statutory documents.

Emma's comments indicated that she felt LDAs were a positive tool that functioned well for YP who were supported with transition to FE. She clarified that for her LDAs focussed more on the practical, often outside of education experiences of YP, indicating that these skills are valued highly in the field of FE. She suggests EHCPs have more of a focus upon CYPs needs and make assumptions about their learning potential, which could impact upon their opportunities.

We were focusing a lot on the positives, you know, you sort of think that, it's a bit that's different, isn't it? It's a bit of a mixture, isn't? It can hold them back, you know if it's not, if it's not, you know, clear about where they are now, and especially if, if I just go, just on paperwork (Emma, Careers Advisor).

Emma's disposition as an experienced Post 16 professional provided a viewpoint about differences between school and FE, for example, suggesting YP with SEND are supported on a practical level in school, because of other education policies such as school attendance, but that this process does not continue in FE at the same level.

You know, sometimes they're very well supported at school and they, you know had all their school transport and everything going and, and suddenly they can't get anywhere, you know (Emma, Careers Advisor).

A Bourdieusian analysis of statutory assessment highlights ways the field of SEND is created by education policy, and the perceptions of EHCPs as a result. Gathering information from participants, contemplating their habitus and dispositions, ways they describe EHCPs, provided the opportunity to contemplate who the agents in the field are. The participants who took part in the groups and interviews present as reflexive; they demonstrate recognition of their own observations regarding ideals surrounding EHCPs by disclosing how they believe EHCPs can change the position of CYP with SEND in the education system. The insights of participants in this research, are interpreted as ways statutory assessment can be observed by agents in the field.

## 5.2 *What* Language is Used by Agents in the Field

The field of SEND has its own language of acronyms as detailed in the glossary. Data coded through thematic analysis for this research, is based upon the transcripts of language used by participants in groups and semi-structured interviews. It has been coded to appreciate how

language used within the field by participants offers the prospect to develop theories about the habitus and dispositions of agents within and on the periphery. Language used can also be employed to contemplate ontological and epistemological questions about the construction of SEND.

Through the conceptual framework, the language of participants is interpreted by categories of perception, what the participants know and recognise about statutory assessment and the values of EHCPs they perceive and describe. There is evidence as a result that language about SEND is based upon normative societal judgements, supported by a policy discourse where statutory assessment is viewed as the solution to a sociological problem. The symbolic capital perceived in an EHCP, is also linked to a substantial amount of symbolic language used by participants when describing them as a solution.

#### 5.2.1 The Language of Expectation

The comments made by YP suggests they did not feel EHCPs prepare them for adulthood or employment. That the world of work, is not similar to the supportive environment they experienced within education, and the education system did not prepare them for this.

With the Education Plan as well, I just think that didn't help me, we learn about English and Maths, but we didn't learn other important things in life like, cooking skills (Young Persons Group, Participant 2)

The discourse surrounding SEND, often includes remarks such as that from Christine regarding teacher training when working with CYP with special needs. Comments from both parents interviewed suggested a lack of confidence in the education system, which can be regarded as one of the reasons for a consistent increase in requests for statutory assessment. This lack of confidence is demonstrated in the symbolic language and language of vulnerability which proposes without an EHCP, CYPs needs may not be met. However, although the language surrounding EHCPs can make them desirable, when expectations are raised as a result, it can also lead to frustration. Lily for example, expressed concerns that the support received when a CYP has an EHCP, does not cross over into the home, or address specific health needs.

It doesn't really explain, I'll say it's all related to school and sometimes school stuff spills over into home stuff that doesn't cover the whole, the whole picture (Lily, parent)

The Independent Supporters described EHCPs as bubble wrap. The language of SENCOs interviewed suggest EHCPs provide an extra level of support, as a form of escalated fortification and necessary for special school placement. Their comments portray first-hand experience of ways in which EHCPs are valued by families, carrying out activities with parents who are invested in statutory assessment, wanting to get an EHCP for their CYP. The perception of EHCPs as a powerful tool for parents appears to be linked to reassurance, increasing parents' confidence that their CYPs needs will be met, that they have some control over the situation and that they have done their best for their CYP.

For parents, it's, it's hope and security, security that their child is gonna get what their child needs (Angela, SENCO)

If I'm talking to parents, the reason they want one is because that's the only way they can be sure their child will get the support that they require. They're not after money and they're not after other things, they just want it written down that my child needs XY and Z, and someone's going to make sure that they get it (Sandra, NHS Health Professional).

I think some parents probably do welcome that sometimes, that there is a label because then I feel like they are then taken seriously (Independent Supporters, Group; Participant 5).

### 5.2.3 The language of professionals in the field

SENCOs are the professionals' parents communicate with on a regular basis (Boesley & Crane, 2018). On the journey with those who hope to be 'recruited' into the field, SENCOs have to manage expectations of families who have invested significantly into what a statutory assessment will provide. Angela describes the emotional rollercoaster this can be, when an EHCP is perceived as necessary for success.

We're putting them through that huge emotional wringer of this huge process ..... the impact on the child, because that worry on the, of the parent. You know that, are we gonna get it? Are we gonna get? Have I said the right thing? Have I done enough? Did I say the right thing? Did I tell him that? Did I remember? That whole process that the parent is going through of we've got to get it, we've gotta get it, will we get it, will we get it, when are we going to hear? Then does that impact on the child because the emotions that the parents going through? (Angela, SENCO)

Angela's comments, demonstrate the investment in statutory assessment and perception of EHCPs as a solution. The language used by the Inclusion Officers, is similar to other participants



in the field, when they express the confidence that EHCPs are able to provide an extra level of protection from exclusion, for FE provision and to support transition for care leavers.

They can be helpful because they offer, they recognize children's needs as being kind of serious. You know they give gravitas to, what a child needs in school, and they offer, they can offer an extra layer of protection. And kids that are being considered, for a statutory assessment, tend to have greater prospects of not being excluded, because they are being well catered for by the SENCO (Inclusion Officers Group, Participant 2)

The language surrounding statutory assessment suggests EHCPs have implicit and explicit symbolic capital. By placing responsibilities upon educational settings which they *must* and *should* meet, EHCPs are viewed as a positive device to support CYP with SEND. However, they can also be used as a tool to exclude when provision is detailed, and resources are not available.

Having an EHC plan sometimes, is that binding thing, that makes sure that everybody is still on the same page, and still making sure that that young person's getting exactly what they need. But it doesn't matter what it says on the plan, if there's no one out there to provide it. That's the frustration often, is that you can see clearly what they need, there just isn't anybody that's out there that thinks they can meet that need, ..... even with the plan, you know, quite often the plans the bit that makes them say no (Sandra, NHS Health Professional)

Statutory assessment provides EHCPs with a legal status, but this can create difficulties. As a result of listing a CYPs needs in a legal document, EHCPs can also be viewed as a tool to exclude CYP, particularly in periods of austerity.

#### 5.2.4 The language of statutory assessment and education policy

SEND professionals emphasised how for many, EHCPs are valued as a form protection, particularly at points of transition. They discussed the bureaucratic and practical perceptions of an EHCP, how the document can be utilised within educational settings and how it can be used to acquire resources. The language within this group demonstrated a reflection upon wider education policy, questioning high academic pressures put upon educational settings who are also to meet the needs of CYP with SEND.

I mean there is a bigger question bigger than this remit I would suggest as to the expectations that across our country, schools, mainstream schools, are put under to meet targets and expectations and that is adding to the stress levels, I think, within classrooms, that's individuals, whole classes, teachers in order to get the children to jump through particular hoops that's making it harder to do. (SEND Professionals Group 1, Participant 4)

Comments from participants suggest the challenge of recognising SEND can be problematic, when academic expectations of *all* CYP are substantial, implying another reason for an increase in the numbers of requests for statutory assessment.

I think expectations generally, have changed a lot ..... all your typically developing children, expectations are really huge. And in fact, I was sat in an observation with one of our EPs, just a few days ago, and I did scribble on a piece of paper and pass a note across to him, saying are we in a GCSE class? And it was a Year 4 (SEND Professionals Group 2, Participant 5)

The SEND professionals group identify investment in an EHCP is a way to support CYP with a 'mainstream standard,' but recognise this becomes challenging with increasing academic expectations. Their observations reinforce the individualised language of EHCPs, observing statutory assessment as part of SEND bureaucracy, highlighting that language about EHCPs often describes them as a definitive object which can elicit change. The SEND professionals stress it is not the document itself, but how it is viewed and used, which evidences a perceived capital of EHCPs.

I think people see that, having a plan will fix 'the problem', not saying that children have special educational needs and disability are a problem, but it will sort things out, it will be this magical piece of paper. But actually, the piece of paper is only as good as the people that deliver the content within it. At the end of the day it is only a piece of paper and so as people have already said if the schools good, actually they probably don't need the piece of paper, cause they're doing it already. And those schools that are not doing it, even though the piece of paper exists, are probably still not going to do it (SEND Professionals, Group 1, Participant 3)

The perception is that, I think, the EHCP is going to bring something wonderful and different (SEND Professionals Group 1, Participant 4)

The language of participants suggests settings may make a request for a statutory assessment, because of the resources they can bring, however, the perceptions of what an EHCP can bring, their symbolic capital, can be juxtaposed with the reality of what resources may be available within settings.

There is some of this realism in the language used by EPs, when they submit the plan does not have as significant an impact on the CYP with SEND as perhaps other agents in the field would expect.

I really struggle, I get quite frustrated sometimes you know, it's lauded isn't, 'Oh we're getting an EHC', the parents get really excited and you get it through, and they

get to the drafting meeting and parents go 'Oh that's taken me years' and I know, if I know the school, and I know it will not make a scrap of difference for that child, nothing at all is going to change (EP Group, Participant 4)

This reflection upon a post code lottery of provision, recognises that if a setting is already putting in the support as detailed in an EHCP, the statutory assessment will make little difference, even though economic capital in a traditional sense, will ensure the setting receive funding towards the existing support. But there is also the suggestion of the opposite, even with funding for resources, the expertise or culture within a setting could mean the plan will not be implemented as hoped. LA health professionals, likewise, discussed the resources an EHCP can bring and to what effect.

There are ..... limitations that you know, it's only as good as what you know, the people, the professionals implement into practice (LA Health Professionals Group, Participant 2)

This realism contrasts with the perception of what EHCPs can bring. The perceptions of EHCPs, their symbolic capital is reliant on obligations, expectations, and resources within the field.

#### 5.2.5 The language of power

Much of the discourse surrounding statutory assessment is about how EHCPs 'provide' for CYP with SEND, but with little reference about how CYP feel about this. The language within the field is one of vulnerability. The voice and agency of CYP 'with SEND' can get lost, particularly in a bureaucratic system based upon medical diagnosis and labels.

I work with lots of you know kids, you know young people where they don't want to have you know the diagnosis, and so I you know come at it from a different way, of not using words, it's a matter of syntax, you know, not using that word, that label, and just you know from, even when you say about you know about everybody being different, you know, these, some of these children they don't want to be different (LA SEND Health Professionals Group, Participant 2).

They want to be like everybody else (LA SEND Health Professionals Group, Participant 1).

There is an acknowledgement from professionals in the field that having an EHCP can create challenge for CYP with SEND, that they lack power in the system. But that EHCPs can also be viewed as a mechanism to ensure a CYPs voice is heard, and that practical support is in place.

To ensure that these vulnerable children and young people who may not have .... the advocates that can, or are unable themselves to say no, this is what I need. Or even recognise .... what they need to be able to not even do anything complex, but even

just to get up, get out of bed and ...function (LA SEND Health Professionals Group, Participant 1)

NHS health professionals expressed similar ideas, suggesting ways statutory assessment and EHCPs are perceived to protect CYP with SEND within the education system.

Not all of our schools and education provision provide the same level of support for children. Therefore, without some form of statutory process it would be difficult to ensure that every child had the same access to the support that they required (Michelle, NHS Health Professional)

If we don't have them, children could be lost in the system (Sandra, NHS Health Professional)

The NHS health professional's contribution to the research, comments made, demonstrate how education policy has placed health within the field of SEND. Their remarks recognise the legal obligations put in place for Clinical Commissioning Groups (CCG) with the introduction of the C&FAct (2014) and CoP (DfE & DoH, 2015) and reinforces the power imbalance in language of the medical model. Statutory assessment is viewed as a strategy of support to protect the vulnerable, but these participants also suggest EHCPs are not as impactful as perhaps they could be, and advise if there were resources for all CYP with SEND, it would potentially create a more joined up approach.

I think health is vital because we, where we wouldn't in health make assumptions around what education should be doing, then education can't make assumptions around the health of a child (Sandra, NHS Health Professional).

I think, that that awareness of needs, and sometimes certainly from a health point of view there will be stuff in social care, education that we're not aware of (Michelle, NHS Health Professional)

Their comments highlight an issue surrounding the education focus of EHCPs. Even though the CoP (DfE & DoH, 2015) was jointly written, no system of communication between health, education and social care was set up. The roles of DMO and DCO were created with no funding directed to health institutions to support the changes.

The problem is because there's no joined-up funding to go with the joined up EHCP and it has, there has to be that education element first.....because it comes afterwards rather than beforehand, that's where the difficulty is. And I think it's a funding. That's all it is. If the funding was there, people would go. 'Yeah, crack on, yeah it'll be fine', but it isn't (Michelle, NHS Health Professional)

The NHS health professionals question why some medical needs are considered to have more impact on a CYPs education than others,

So, what if the girl just has a disability? (Michelle, NHS Health Professional).

The frustration of a lack of funding for all CYP with SEND comes from their perception of how EHCPs could support CYP in an education setting. They suggest the processes of statutory assessment have impacted upon certain groups of CYP who are considered to have a high health need, but not necessarily a high educational need. The cross-field effects of EHCPs are highlighted in the semantics of definitions of health and educational needs, the language of thresholds in two different fields.

#### 5.2.6 The Language of risk

The Social Workers, Pete and Lorraine, used language which views EHCPs as protection. Pete suggests EHCPs can be perceived to safeguard the vulnerable within the field of social care.

So, that EHCP plan is part of that risk reduction process as it were. It's like getting their needs met, so on and so forth, but yeah, I mean, for that child it would enable, his needs, their needs to be better met and understood. And for me to be able to understand that in order to help reduce that risk and move it forward (Pete, Social Worker)

Pete and Lorraine acknowledge ways EHCPs are valued by social workers, suggesting some cross-field effects between social care and education. However, they also expressed concerns about how the perception of EHCPs, the expectations of what they can bring is heard in messages about post 18 social care.

The thinking around it being a 0-25 thing and that can be difficult of how that's portrayed, to schools, and I've even been in schools and I've heard it said, oh, you know it's up until 25, and it sort of sets up an expectation that's unrealistic within the realms of everything else for external agencies, doesn't it? (Lorraine, Social Worker)

EHCPs can be from 0-25, however, there are different expectations in different fields across education, health, and social care, from children to adult services. EHCPs can be viewed as protection in Post 16 education, a 'new' field since the C&FAct (2014). Emma posits there is a lack of understanding of what support can look like for YP no longer of statutory school age, suggesting another reason for the increase in requests for statutory assessment.

Under the SEND sort of umbrella, a young person might have had support in school, but that doesn't mean to say that is going to be in place when they go Post 16. So, I

don't think sometimes the school totally appreciate the difficulties for young people accessing things post 16 (Emma, Careers Advisor)

EHCPs are a bureaucratic tool to secure funding for FE, and as such have explicit economic capital. Emma commented upon how the extension of the age range 0-25 for statutory assessment can be a positive, suggesting it provides YP with the chance to return to education.

Sometimes with the young people that have been out of education....sometimes they've tried something and they've fallen out of it. And then they've become quite difficult to engage with again, and you just hope to sort of like, almost like hang on to the plan, that when we .... find the right place, and you can be engaged with it ..... once they're into something you know it can open doors (Emma, Careers Advisor)

#### 5.2.7 Symbolic Language

The language most often used to describe EHCPs is a protective factor, suggesting CYP with SEND are viewed as other, different to the norm. Participants who took part in this research regularly talked about EHCPs using metaphors, symbolism in which EHCPs are perceived as a solution to a sociological problem. The symbolic language used about EHCPs creates an almost mystical quality. SENCOs have been quoted as reporting parents see EHCPs as a 'magic wand' (Boesley & Crane, 2018). In this research, Angela mentioned how other professionals often view EHCPs as a 'magic bullet'; the answer to a question when agents within the field don't know what else to do. EHCPs appear emblematic, symbolising protection, hope and security, phrases such as 'life changing' and 'levelling the playing field' were used in groups and interviews.

If we thought about it from a school perspective, they may see it as a shield of protection, because they know if they have an EHC they can draw down additional resources and funding to help them protect the child's needs (SEND Professionals, Group 2, Participant 1)

From a parent carer point of view, they feel that without them their child will slip through the net. That without it they will become further apart and they will leave school with no education (Christine, Parent).

The underlying message is that without an EHCP, a CYP with SEND is less likely to be supported in school and these leads to implications for success in their adult life. The symbolic language and symbolic capital of EHCPs, generates powerful emotions for those who are invested in statutory assessment as the way to support CYP with SEND. This is reinforced by EHCPs symbolic power, producing a hierarchy within the field of SEND, those with an EHCP and those without. The language of need sets up EHCPs as 'golden tickets' (HoC, 2020), creating alliances and

conflicts in discussions about statutory assessment and who is the most in need of an EHCP.

Participants also recognised this hierarchy in the language they used.

This child really needs an EHCP because you know we put all this in place in mainstream, and you really still are struggling. You know emotionally, socially as well as academically. Those are the children who I've been really kind of, 'You really need an EHCP' (Angela, SENCO)

It's also about recognising that level of need where actually you, for me in my school, when I've gone absolutely as far as I can and I've thrown everything at this, at this child actually what else can we do, that, you know exceeds our school resources, to be able to put everything in place (Donna, SENCO).

They can be helpful because they offer, they recognise children's needs as being kind of serious. You know they give gravitas to what a child needs in school and they offer, they can offer an extra layer of protection (Inclusion Professionals Group, Participant 1).

The language used by participants to express thoughts about statutory assessment suggests many ways EHCPs are perceived to create value. Their use of metaphors provides a symbolism, an emotional discourse based upon assumptions about the vulnerability of CYP with SEND in the education system.

For parents, it's, it's hope and security, security that their child is gonna get what their child needs. So, I think for a parent it's almost like a life raft, I can see that you know sort of parents literally clinging onto this thing, cause it's keeping me afloat (Angela, SENCO).

The semantics of language surrounding EHCPs, is propped up by their practical application as a statutory document. EHCPs have juridical capital, providing rights, a voice for CYP and their families. As a legal document an EHCP can provide resources above those that all CYP, including other CYP with SEND can receive, as a result an EHCP is imbued with high hopes. The point of view presented by education policy is that having an EHCP can resolve a CYPs difficulties accessing education. The perceptions about EHCPs, creates high expectations, to the extent they have an almost magical efficacy.

To make sure that the child gets the resources that they need, in their education (Angela, SENCO)

A way of ensuring that school puts adequate and sufficient education, educational support in place (Independent Supporters Group, Participant 2)

Enable them to develop but not just from an educational perspective, develop as the whole rounded complete individual (LA SEND Health Professionals Group, Participant 1)

They are specifically for identifying what it is that the child needs above and beyond what would be available in a normal setting, so that child meets its full potential (Sandra, NHS Health Professional)

To try and make sure that their kids are the best that they can be, educationally... better outcomes for the child in terms of their progress and attainment (Inclusion Professionals Group, Participant 1)

To give an additional resource and scaffolding to enable children to achieve to their best ability, and overcome any barriers that they've got (Independent Supporters Group, Participant 2)

EHCPs are perceived to assist CYP with SEND to develop as individuals, make progress academically and overcome barriers within the education system. An EHCP is a paper document, the magical efficacy within these comments can be contrasted with the realism of the everyday experience. EHCPs symbolic power derives from acceptance in the field, that they are tool in education that provides both implicit and explicit resources of support. EHCP's are viewed as a passport, a gateway, to open doors. Because of this, a hierarchy is created within the field of SEND where EHCPs are perceived to have symbolic capital.

That's the golden ticket isn't it, it's specialist provision (EP Group, Participant 4)

It does open a lot of doors for young people (Emma, Careers Advisor).

It opens up avenues, doesn't it? (Lorraine, Social Worker)

A passport for special school (Inclusion Professionals Group, Participant 1).

The language of participants demonstrates commonly held perceptions about the symbolic capital of EHCPs based upon assumptions about SEND. Although there are levels of support in educational settings, an EHCP is heralded as the only way of ensuring the support is put in place creating a hierarchy of need. This symbolic power is perpetuated by the perception that EHCPs can provide resources which can be exchanged within different fields.



### 5.2.8 Language of Vulnerability

This research was carried out through the period of Covid 19. The image of vulnerability of CYP with SEND is reinforced by the language of participants about CYP with.

They're all, they all are vulnerable, without a doubt, it safeguards certain things, and it ensures that certain standards are met to make sure that those child's care needs are managed, and managed well (LA SEND Health Professionals Group, Participant 1).

As a result of their perceived symbolic capital, EHCPs also create a symbolic power, based upon a scale of the level of need, CYP with EHCPs are considered the *most* vulnerable.

You do hear many people, probably myself included, you say oh for example, does that young person have an EHCP? Sometimes as an example of just how complex that person, or that the level of need is (LA SEND Health Professionals Group, Participant 1).

A series of infinitesimal equally decisive inventions (Bourdieu, 2004) around the bureaucratic logic of statutory assessment generates a culture of determinism for CYP with SEND. EHCPs are presented as a tool to 'fix' things generating perceived symbolic capital. The processes and procedures of statutory assessment, based upon a medical model, labels individual CYP. The EP group discussed the language of need, and how EHCPs are perceived to meet the needs on an individual level, ensuring a CYP makes academic progress.

It was a while ago I circulated a reference, but it was around, it was a study of school psychologists reports in America, and there was effectively five factors that could explain why a child was experiencing a difficulty, when you then looked in the school psychologist report at what they describe, the vast majority were within child and that's what the EHC advice does, it places the problem within child, we don't look at the curriculum content or the curriculum delivery or community issues, or systemic issues around the child, because, frankly, I think we are all a little bit too scared to name things that might then be challenged (EP Group, Participant 2).

The language of vulnerability is perpetuated by education policy based upon a SEND discourse of need. A Bourdieusian analysis of statutory assessment, can view EHCPs as the tool with which to distribute cultural and symbolic resources sanctioned by and within the field, to address the sociological problem of SEND. However, the participants were also reflexive and both identify and challenge the bureaucratic logic of a within CYP model.

It's almost as if we're making the children fit into a system and when it's not child led (SEND Professionals, Group 1, Participant 1)

I think we often start everything with a deficit model, you know? What can't they do, what's missing, what's lacking, what can't a school provide. I know there's a strength section for each section and it's really lovely and I think EPs are really good at focussing on the child's strengths, often to the detriment of a plan sometimes because you know, there are so many strengths that we can't identify where those areas of need are. But it still is essentially a deficit model, so you're, these are all the things you can't do, in a plan (Rachel, Inclusion Professional).

We also need to be, like you said, to be a bit more systemic in our thinking, this is not just about a child who finds it difficult. This is about a system that is currently set up in a very damaging way to those children who need the help (EP Group, Participant 2)

The within CYP medical model is the basis of statutory assessment, outcomes in EHCPs are written for the CYP to achieve. They can be used as a tool with which suggest 'problems' are within the CYP rather than their environment, the wider education system or society.

#### 5.2.9 Voice of children and young people

In much research about CYP with SEND, the voices of individual CYP are not as dominant as other agents within the field, even with the prevalence of a within CYP model. The YP who contributed to this research came across as empowered by their experiences within education, there was recognition of their individual SEND and how it provided the opportunity to be heard and help others.

What I did when I was in Year 10, is I, I helped like, like I was like a teacher assistant for like some of the Year 7's cause they were having, cause they were having problems, and I had like this like necklace on and it said, if you need, if you need help just come talk to me (Young Persons Group, Participant 3)

The symbolic capital of EHCPs is created by a perceived image of CYP with SEND, with expectations of difficulties they may experience within education. The comments of YP who took part in this research suggests an image of CYP in education which is more positive and empowering than what they may experience in the world of work. They do not suggest themselves that they felt vulnerable in education, particularly in comparison to the workplace. Although, this was a small group of participants, it does suggest a disconnect between the realities of education for those within it and those on the periphery who reference vulnerability.

Assumptions about CYP with SEND is highlighted by the language surrounding categorisation. CYP do not always wish to be 'different' to the norm, putting CYP forward for statutory assessment, labelling a CYP with SEND, may not be something they would want themselves.

I think sometimes it's quite hard for young people to see it, or understand it as, or see themselves as having SEN, SEND. The disability side of things, I think that, that side of it can be a little bit difficult for young people ... sometimes I think I wonder if it should have something slightly different, to explain that for them. Especially as they get older, because obviously I work with more sort of 16 – 19-year-olds, and that side of it, the disability side, I think sometimes they don't necessarily like to have that term (Emma, Careers Advisor).

I think again for an older child; it is stigmatising (Angela, SENCO).

The determinism of the medical model creates a challenge for CYP who may wish not to be labelled. The language of vulnerability suggests a lack of power over their own destiny, to live 'Gloriously Ordinary Lives'. (NDTI, 2021). The perceived symbolic capital of EHCPs is created by a narrative that CYP with SEND need 'protection' within an educational system which is not set up to meet their needs. Young people themselves recognise that the system needs changing (Devlin, 2020).

### 5.3 *Where are the Alliances and Conflicts within the Field?*

The language of value and expectation expressed by participants about statutory assessment provides EHCPs with a certain status within the field of SEND. EHCPs are perceived as a tool of support for the vulnerable because they are viewed as a way to advance the interests of CYP with SEND, the field becomes a site of struggle, "with a specific gravity which it imposes on all objects and agents which enter in it" (Bourdieu & Wacquant, 1992; p. 17-18). The perceived value of EHCPs generates a definitive field of SEND, the position of CYP with EHCPs within its hierarchy creates discord.

Statutory assessment provides access to groups and social networks in the field of SEND, forms of social capital. EHCPs are a credential which confers advantage through economic capital in a traditional and nontraditional capital exchange, providing funding and resources within a market where 'customer satisfaction' is key. EHCPs implicit and explicit power, can be viewed through the opportunities that statutory assessment brings in its distribution of economic, juridical, and emotional capital. If a CYP has an EHCP, requests can be made for specific provision to be detailed and funded, requests can be made for specialist educational placements, and personal budgets. Alliances and conflicts are perpetuated by this symbolic power, as agents within the field vie for the symbolic resources of an EHCP.

EHCPs have perceived symbolic capital and as a result there are significant struggles surrounding the statutory assessment decision making process. According to education policy a decision must be made about who is to be assessed, who receives an EHCP as a result of the assessment, and what level of capital is afforded to it. The emotional and symbolic language surrounding the statutory processes which consider EHCPs as protection for the most vulnerable suggests this decision-making process is about those the most in need of this capital.

Fields are sites of struggle, structured, in part, through an unequal distribution of the forms of capital pertinent to them; forms of capital whose possession and definition are precisely the objects of the aforementioned struggles (Crossley, 2003; p. 44).

#### 5.3.1 Statutory Assessment

Education policy dictates entry into the field of SEND, at SEN support and statutory level, creating a hierarchy of need. LAs are tasked to make decisions about who receives a statutory assessment. There is an expectation that the number of those most in need, at the top end of this hierarchy with access to the most symbolic resources be restricted, which creates additional struggle and imbues EHCPs with symbolic power. It is acknowledged that the SEND reforms were not funded properly (NAO, 2019). With a limited pot of funding, during a period of austerity, EHCPs economic capital in a traditional sense increase. The struggles within the field of SEND to 'fight' for a statutory assessment becomes logical. Agents are invested in the 'game' because it is believed to be one worth playing.

#### 5.3.2 Entry to the Field

The processes and procedures for statutory assessment, set out by the C&FAct (2014), generate a language of conflict, reinforced by judicial processes. After a statutory assessment is agreed (a judgement about which can be challenged in court) the LA then decide whether to issue an EHCP (another stage in the process which can be considered by SENDIST). Often the language on the periphery of the field suggests that an agreement to carry out a statutory assessment is the only 'hurdle' to receive an EHCP, potentially a reason for the high number of tribunal requests regarding a decision not to carry out an assessment. However, after the assessment has taken place, it is then a decision is made by the LA about whether to issue a plan.

When we're in a drafting meeting and we end the meeting and then we have to sort of give what's gonna happen next, and we raise the issue that, you know, we're asking the panel to agree to the completion, however, they may say no. And everybody's eyes just sort of go, not the professionals, because they've heard it a

number of times before, but the SENCO and the parent look at you as if like, well why would they say no? (SEND Professionals Group 2, Participant 1).

A request for statutory assessment can be made by YP, parents and professionals, this can cause conflict if not all agree. Legislation sets up LAs as gatekeepers to manage all decisions regarding statutory assessment, and the resulting EHCPs with limited funding. As a result of conflict, since the C&FAct (2015) there have been an increasing number of private legal services representing those who wish to challenge decisions regarding statutory assessment, reinforcing an image of the field of SEND, as one of battle.

### 5.3.3 Legal challenges

Entry into a field requires the tacit acceptance of the rules of the game, (Swartz, 1997). Much of the conflict in the field of SEND is due to statutory processes. Specific forms of struggle are legitimated through the judiciary process, thus recruitment to the field increases in value for those excluded. The desire for statutory assessment is reinforced by EHCPs perceived symbolic capital and symbolic power.

They're a legal framework for the parents and parents legally feel that they have a leg to stand on (Angela, SENCO).

It's our job to be challenging local procedures because our job is for the law (Independent Supporters Group, Participant 6).

Participants comments suggest entry to the field is linked to a bureaucratic logic, the processes and procedures for statutory assessment are enshrined in legislation. The hierarchy established in a field where EHCPs have juridical capital, make them a desirable object. Conflict arises when agents are invested in the perceived symbolic capital of an EHCP and denied access.

Certainly, seen parents where they've been fobbed off and fobbed off. They say, no, no, no, they'll be alright, give it, give it a month, give it a week, give it a year and what have you (Independent Supporters Group, Participant 1).

Participants comments reinforce an understanding about this conflict, agents wish to be recruited to the field even though they acknowledge it is a battlefield.

Just everything to do with special educational needs, seems to be a fight, and that's what, not what you need when, when you're already concerned about your child (Lily, Parent)

I feel like, a majority of our work now, seems to be complaints and appeals regarding....EHCPs or statutory assessments, or failure to conduct an annual review, contents appeals, and it, you know it's almost taken something really positive like, OK we recognise the need of your child, and we're going to look at putting support in place and it's, it's starting off with a battle, and I feel that it gives parents the view that they're gonna have to constantly fight and I think..... if you do start off with a fight and then you feel like you're fighting all the way along (Independent Supporters Group, Participant 2).

The status of statutory assessment is perpetuated by EHCPs perceived symbolic capital. When assessment of CYP with SEND is viewed as a solution to a sociological problem, EHCPs are seen as a 'prize,' creating a discourse of winners and losers. When there is a battle, it can mask the realism of what a statutory assessment can achieve. Reflexive participants within the field recognised and question this magical efficacy.

We can see foster carers who insist the child needs an EHC plan, not really knowing, I think entirely, or a social worker saying they need it, not knowing entirely what it means (Rachel, Inclusion Professional).

Other people's understanding of an EHCP, what it is and how it is, you know. And if you see a child with a certain amount of need in a certain area, there is a, 'he must, he or she must have an EHCP' and not really knowing necessarily what it is (EP Group, Participant 1).

Legal accountability of the statutory assessment processes generates high expectations bound into the text of an EHCP; there is the right to legal recourse regarding the content of a plan. Discussions around statutory assessment processes and procedures creates conflict because of power dynamics. The status of EHCPs within the field of SEND reinforces a hierarchy within the field by their symbolic power. Reflexive participants provide an insight into how this is perpetuated by their juridical capital.

EHCPs are enforceable (Independent Supporters Group, Participant 2).

Schools have a legal duty to meet what the EHC says, and that gives the local authority some power to actually kinda enforce that (Independent Supporters Group, Participant 4).

The explicit and implicit perceived symbolic capital and symbolic resources of EHCPs creates a desire to join the field even though it is a "space of conflict and competition" (Bourdieu & Wacquant, 1992; p. 17-18). The conflict plays out in practice with clashes created by policy

processes. The struggle is reinforced by an emotional capital invested in EHCPs because of their perceived symbolic capital.

It's very easy to get caught up with those parents who think that this is the be all and end all, and that their child is going to fail at life if they don't get it (Angela, SENCO).

#### 5.3.4 Emotional field of SEND

There is a significant amount of hope invested in the processes of statutory assessment and EHCPs, because of the expectations of what they can bring. The conflict created as a result can have a significant emotional impact, both positive and negative, for those within the field;

You know that there's not that feeling of being out of control, I think, for some people you know this is the only thing I can do to control this situation, is to get an EHC for this child (Angela, SENCO).

All we do is we watch parents break (Independent Supporters Group, Participant 6).

Conflict arises because of an unequal power dynamic set up by legislation. Lily describes this succinctly in her description as a parent wishing to enter the field.

The relationships with professionals, not all that great. You kind of, I always felt like I was in an emotionally abusive relationship (Lily, Parent).

The independent supporters vocalised a frustration about the power dynamics, created by policy which sets up LAs as gatekeepers. They posit that if the SEND reforms had been funded 'properly', it would have resulted in less confrontation, fewer tribunals. Believing if there was more funding, EHCPs could be more successfully used within settings and support CYP with SEND. Their suggestions for more traditional economic capital of EHCPs, does nevertheless reinforce a perception of EHCPs symbolic capital.

I think the frustrating thing about this was that when they brought this out, they didn't put any additional funding in and processes are not followed and they haven't put training in to allow this to happen and a lot of the problem is as we've said before, education, health and care plans are not followed (Independent Supporters Group, Participant 1).

Unsurprisingly perhaps, the current EHC needs assessment process is viewed as divisive (Boddison & Soan, 2021). Alliances and conflicts within the field are created because all agents do not have the same power, the language surrounding the field of SEND is often one of struggle and battle. Alliances and conflicts can create exhaustion within the field, when agents

have a sense of powerlessness created by a policy which sets out a bureaucratic system removed from the everyday experience.

It is challenging, there seems to be. It seems to be that you have to appeal to carry on the process, which is obviously a lot of delays, a lot of stress. It just seems the fight, just everything to do with special educational needs, seems to be a fight, and that's what, not what you need when, when you're already concerned about your child. It just feels like everyone is against you (Lily, Parent).

What's frustrating for us in our job, with the current climate, it almost makes a farce of our job, because we have a job to do. Our job is to ensure that everything's done properly, we know people aren't doing it properly, we bang on, and bang on, and bang on, cause that's our job and it's just all. Our job is really frustrating, we literally go home at the end of every day and think, you know we've not been able to do what our job is and support parents. We tell them processes, those processes don't happen, we say this should be happening, it's not happening (Independent Supporters Group, Participant 6).

Existing research has focussed upon how to improve the processes for statutory assessment and reduce conflict created around entry to the field. This type of research does not address the reasons why agents want to enter the field, why they want an EHCP. In this Bourdieusian analysis, participants were asked about statutory assessment and what they thought it could bring, they suggested many reasons why agents want EHCPs, demonstrating their perceived symbolic capital. Scrutinising their responses, suggests reasons for conflict in the field, as a direct result.

#### 5.3.5 Impact from Other Fields

The new statutory assessment processes of 2014 were intended to bring education, health and care together. However, although the dispositions of agents within these three fields are similar, they are based upon different experiences and positions within the fields of education and SEND (Figure 1.3). The perceptions of cross-field effects of EHCPs can create further conflict when they are perceived by agents in other fields as having symbolic capital. One example, is that professionals on the periphery of the field of SEND, have expectations about what having an EHCP can achieve and encourage others to enter the battlefield by suggesting statutory assessment.

Another professional told a parent that their child needs an EHCP, and then they come into school and they say their child needs an EHCP because they've been told (SEND Group 2, Participant 6).



There are a variety of agents within and on the periphery of the field of SEND, whose perception of statutory assessment is based upon a discourse of vulnerability and need. Messages in the press and on social media platforms (Appendix B) promote symbolic language about EHCPs, for example 'Special needs pupils without care plans 'vulnerable' (Sellgren, 2019). The perceived symbolic capital of EHCPs, leads to a request for statutory assessment, because it is viewed as a solution because of an 'understanding' about what EHCPs can provide.

We had one meeting, so, the first day this child had transitioned to this school, and that person said, 'Ok, so this is, this is what's going on for the child, it's going to be really, really difficult, so are we all agreed that this child needs an EHC then?' On that first meeting, and that was a professional (EP Group, Participant 1)

One impact of the reforms is the increased expectations of the role of EPs across health, education, and care. The EPs who took part in this research, vocalised challenges they experience because they are viewed as gatekeepers to the field of SEND, due to their area of expertise and input to statutory assessment. The perceived symbolic capital of EHCPs has created an implicit cross field effect upon EPs professional identity, also causing conflict (Yates & Hulusi, 2019).

We've been set up again as gatekeepers to the SEN process .....that message is given so often in so many different ways (EP Group, Participant 2).

It's difficult, I ended up in a meeting a couple of weeks ago, I hadn't even met this young person and there was a range of professionals around the table and they all looked at me and went, when's the EHCP happening? ..... in the same meeting I had to say, I am not the gatekeeper to an EHCP, if you wanna put in a proposal, put in a proposal..... I do think we are quite limited by various professional groups and school staff, who do often limit our role to being that, to being a purely statutory one, whereas we would see that as the tip of the iceberg I guess, and not what we would want to be our main function (EP Group, Participant 3).

This conflict and professional frustration are reinforced by the increasing numbers of requests for statutory assessment and the perceived roles of EPs across many different fields. Their role can become limited to writing advice for statutory assessment requests and EHCPs because of the increasing number, rather than fulfilling their expectations of the role they trained for.

I'm sat here and I'm thinking that there are times when I quite like the process of writing the advice because it's a psychological formulation that builds towards an intervention plan. That's good psychology, that's good work. The issue is, we don't then see that intervention plan through. Not to any great extent, certainly not to the extent we would like to, and you're slightly trusting people will a - understand what

you've written and be able to interpret that in a meaningful way, without a huge amount of support afterwards, b – they'll put it in place (EP Group, Participant 2).

Rather than a reaffirmation of moral principles in the SEND reforms, agents within the field can be heralded and othered, escalating a power dynamic which perpetuates confrontation. The co-operative, positive, multi-agency working promoted by the C&FAct (2014) is challenging when agents within the field possess unequal symbolic power. Those with experience within the field, can reflect upon the impact of SEND policy and statutory assessment processes, sometimes challenging those wishing to enter the field, by asking them the question themselves, what do you think having an EHCP can bring?

If you want an EHCP....can you articulate what that is then, what you want? (EP Group, Participant 1).

When there is a sociological study of statutory assessment, the underlying question of what difference do you think it will make? Highlights the assumptions in policy regarding SEND. The answers are generally linked to perceptions of symbolic capital, and symbolic power because the current education system contributes to an 'achievement gap' (Croizet et al, 2017). A Bourdieusian analysis provides the opportunity to view the ways agents are set up by education policy as warring factions. The field of SEND is understood as a site of struggle because of an unequal distribution of the forms of capital a statutory assessment can bring. Alliances and conflicts within the field of SEND, reinforce the symbolic power of the haves and have nots.

#### 5.3.6 Statutory assessment and social care

Research detailing the impact of the reforms upon the field of social care is limited. Both social workers who participated in this research highlight that EHCPs are education specific. They report the messages given, particularly about the extended age range 0-25, is causing them some conflict. They describe how different services have different thresholds and different age ranges, that resources sanctioned and distributed within the field of SEND through statutory assessment are not necessarily supported in the field of social care.

I wonder if the health and care bit muddies it a bit, doesn't it? Because within that I mean when I go to reviews it will have a social care bit, and we, we are asked what we're providing. Well then, it's not, it's in a legally binding document now. Well, ours is always subject to review. That doesn't mean, that because we're providing something that that is always going to be, and the danger of having things written in is, isn't it, is then you, it's there. And people, and people are sort of, well, it's in the

EHC plan, so you have to do it, and that's tricky for, for things, isn't it? (Lorraine, Social Worker)

Although EHCPs are legal documents, which include social care and health provision, the resources provided by these public services are not legally binding in the same way as the educational provision outlined in a plan, (DfE, 2021a). Due to conflict within the field of SEND, created by the perceptions of what an EHCP can bring, it becomes no surprise that 'Once they've got it, it's very hard for them to let it go' (Cadman, 2021). To cease a plan before the age of 25 has become a new challenge as courts decide on a waking day curriculum, (IPSEA, 2016a).

Fields are sites of struggle due to power imbalance. In the field of SEND the language surrounding decisions, such as saying no to statutory assessment, is equated to saying a CYP is not 'needy' or vulnerable enough. It is the perceived value of EHCPs, their symbolic capital and hierarchical status within the field that increases their desirability. Conflict arises because a request for statutory assessment is a request for more power in fields where there is an unequal distribution of capital. The cross-field effects of an EHCP can be viewed through their perceived symbolic capital across education, health and social care; it is in the name. This has a direct impact upon the number of requests for statutory assessment and in turn creating further conflict across fields, especially in times of austerity.

#### 5.4 *When* are there Cross-Field Effects?

Carrying out a Bourdieusian analysis highlights how the ethic, policy and culture of SEND have contributed to a hierarchy of symbolic power where EHCPs are highly prized. EHCPs create symbolic capital without focussing on the individual, emic making value judgements about the processes and procedures. Instead focusing on the relationships between, and across fields with a view of their perceived value. The capital exchange and cross field effects of EHCPs is linked to their relationships with different fields. The discourse surrounding statutory assessment, perpetuates a perception of EHCPs symbolic capital.

EHCPs have explicit and implicit, traditional, and non-traditional economic capital. They provide a route to access funding, but there are also expectations of future economic capital and employment. The CoP (DfE & DoH, 2015) was written within a capital market economy during a period of austerity. The introduction of PfA outcomes reinforce the expectation that everyone should be able to make a valuable contribution to capitalist society, 'human capital' (Tomlinson,

2015; Tomlinson, 2017). EHCPs are perceived to encapsulate different forms of capital which can be 'exchanged' in a variety of fields.

Participants comments demonstrate expectations of a capital exchange system within and across fields based upon an educational policy which perpetuates middle class values of success. The cross-field effects are anticipated to translate to the field of employment; however, this also perpetuates assumptions about SEND. Hunter et al (2019) conclude it is time to move away from a statutory assessment process which is based upon a deficit model, but also recommend government consider whether CYP can keep their EHCP into the first year of employment to minimise risk of employment breakdown.

For participants in the YP group, EHCPs were seen as a way of helping them when in education. Their comments implied they did not feel EHCPs prepare them for adulthood or the world of work. The YP expressed that that they did not think an EHCP provided the support they would need Post 16, because they are focused on the academic values in the field of education.

I should have been at the point, if they used it right, I would've probably been in a house by, or trying, or nearly we have found a house, but I would think I would be nearly living in a house by now. But I just think, they didn't really help me at all, and as an adult, that's very disappointing (Young Persons Group, Participant 2).

SEND policy suggests EHCPs prepare CYP for adulthood through a joined-up PfA approach, across fields of education, health, and social care. However, as this comment suggests an EHCP does not have the same 'power' in a capital exchange with social care to be able to support independent living. It can be written into an EHCP that an outcome for a CYP is to live independently, but the statutory provision is likely to be education staff supporting the CYP to meet that outcome, rather than the local housing department or adult social care.

How often does a drafting meeting have anyone from health or social care? Once in a blue moon, if you're lucky (EP Group, Participant 4).

Both parents who took part in the research articulated how they feel statutory assessment can support CYP in education. But they also acknowledged how little support EHCPs provide in other fields such as health and social care. They had concerns that an EHCP does not bring all the resources they would hope for into the home.

We've got a lot of mental health stuff that's coming in behind the, the dyslexia that might then be stopping, still stopping the learning, but might not necessarily be

picked up in an EHCP because it's not their diagnosis. It's not their, it's not what they've got their EHCP for, and I don't think that that's picked up on enough. I know that there's a lot of stuff that teachers are given training on in house, what have, what have you, about mental health. But I don't feel that it's, supported in a way it was, I feel the, the, it's, the PSAs<sup>10</sup>. I think were a brilliant resource because they would give the school insights into what was happening in the family life (Christine, Parent).

Participants language demonstrates a belief that EHCPs are a 'tool' to support CYP with SEND in education. Their comments reveal how although sometimes there are expectations of the cross-field effects of EHCPs, these are not as forthcoming as they would expect.

Both SENCOs shared similar thoughts about EHCPs capital within different fields, suggesting a symbolic power of EHCPs across health and social care.

For me it's a really good tool to get health involved ....I can get, medical professionals to, to work really much more closely with me if there is an EHCP involved.... you know some have social work package around them as well which is absolutely brilliant, and it's, for me it's a really joined up way of working and it isn't just home and school, everybody can work collectively together (Donna, SENCO).

However, they also recognised that sometimes, there are expectations of cross-field effects that cannot be met due to the reality of the actual 'power' of an EHCP.

Are you gonna do, you gonna do anymore medical stuff because I've written an EHC? You know are you gonna do more 'doctoring'? You know, what do you think, what do you think we're gonna get out of this? .....that you know, seems to be their magic bullet as well. When they haven't diagnosed a child but they need in the EHC... I think sometimes it's that people think 'I don't know what to do' (Angela, SENCO).

#### 5.4.1 Magical powers of statutory assessment

Confidence in the cross-field effects of statutory assessment can lead to conflict. The hopes of what having an EHCP can achieve, rather than the practical day to day processes of how it can be used, demonstrate a disconnect between the reality and discourse. There is a magical efficacy in the metaphors and symbolism expressed by participants regarding statutory assessment. But it is in the cross-field effects that there is realisation of the limits of the perceived symbolic capital and resources of an EHCP.

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<sup>10</sup> Parent Support Advisors

The independent supporters expressed thoughts about the impact of an EHCP on a day-to-day basis, demonstrating the negotiation of symbolic resources an EHCP can bring in the field of education.

I remember being in a meeting in a mainstream secondary school years ago, and the SENCO said, “Yes your child has a plan, it’s on the system, you know, every bit about every child’s needs is on there and it gets sent to every teacher”. She said, “I cannot make them read it” (Independent Supporters Group, Participant 6).

You have the annual review and you talk about it, and you put things in place and then it doesn’t happen again, and, it, it’s, it’s feeling like you’re constantly stuck in a cycle even with a plan, you think that plan is gonna to solve all of your problems, and that, that school are gonna follow it and everything’s going to be fine. And you know what to, if it goes wrong, but then you hit that wall that nothing changes and you, you know, you almost feel, in a way, what’s the point? (Independent Supporters Group, Participant 2)

Further conflict arises when EHCPs are seen as an answer to a variety of cross-field experiences for CYP and a solution for SEND.

It feels like we are rapidly going down this road where an EHCP is the only answer (SEND Professionals Group, Participant 4).

Research on the impact of having an EHCP for CYP with SEND is limited. That which does exist is largely data driven and linked to academic progress. Conflict arises when EHCPs are viewed as a way to ensure a CYP with SEND are supported to achieve academically in education. Their cross-field effects do not create significant resources above other CYP across fields which support longer term, PfA life-long outcomes.

#### 5.4.2 Health

The CoP (DfE & DoH, 2015) was written by both departments of education and health. There was also a supporting document for health professionals (DfE & DoH, 2016). There are a range of obligations set out in these documents which imply levels of capital as a result of statutory assessment. The prospect of cross-field effects reinforces EHCPs perceived symbolic capital. The power dynamics within the field of SEND is biased toward education with a capital E. The cross-field effects of an EHCP creates high expectations of what health should provide, but with no ring-fenced funding. Instead, LA education funding is often the only ‘ring fenced’ funding available. EHCPs lack economic capital in health services because they are funded differently, and this can be difficult to reconcile with expectations of cross-capital exchange in statutory

assessment. Although health was considered the 'missing partner' in the SEND system, (DfE & DoH, 2016; p. 4) an EHCP does not immediately mean more 'doctoring,' can take place.

The confidence in EHCPs cross-field effects creates obligations for health agencies. When there is a dispute about responsibilities for health involvement created by the CoP (DfE & DoH, 2015), SENDIST can be approached. The 'Joint Tribunal', trialled since April 2018, was intended to increase joint working between education, social care and health services (DfE, 2021a). An evaluation was commissioned (DfE, 2021b) and although it was considered 'worthwhile', courts cannot make statutory recommendations about health and social care provision. Statutory assessment then provides juridical and economic capital in a period of budget cuts across public services.

#### 5.4.3 Social Care

The Department of Health and Social Care did not contribute to social care guidance regarding statutory assessment (DfE, 2014). The document emphasises joined up working and provides information about short breaks and personal budgets. There is little information about the thresholds for this type of involvement across existing social care legislation, or information about what must and should be provided as a result of statutory assessment in the field of social care. Entry to the field of social care, is separate to the field of SEND. This often results in conflict, reported between education, social care, and health authorities (Hoskin, 2019), as a direct result of the C&F Act (2014) and legislation to ensure education, health and social care is 'joined up' for CYP with SEND 0-25.

The experiences described by participants about the cross-field effects of EHCPs, was similar to those shared about the field of health. LAs are expected to ensure transition to adult care 'is well planned and integrated with annual reviews' (DfE, 2014; p. 11), but as mentioned the threshold for these services, indeed between children's and adult social care services, is not dependent on statutory assessment for SEND and there are further challenges due to limited funding in this field.

I was at an EHCP review the other day, I managed to get, like a LAC<sup>11</sup> nurse or something to come along with it, because obviously it's a combined plan, it never really is (Pete, Social Worker).

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<sup>11</sup> Looked After Child (LAC)

The 'new' message that education can continue until a YP with SEND is 25 suggests provision across the fields of social care and health will also continue. But resources within these fields themselves do not transfer easily across children's and adult services. Because health and social care provision are subject to review within their own fields, conflict can arise. The number of SENDIST joint tribunals has increased as requests for symbolic and economic resources across fields are fought over. When health or social care provision is written into an EHCP, it becomes statutory and when necessary, funded through HNB. This has an impact on the amount of education funding available for all CYP with SEND 0-25 and in turn heightens their economic capital.

Participants acknowledged the cross-field effects of EHCPs and reflected upon the power of education in terms of symbolic resources. The inclusion workers for example suggested statutory assessment and EHCPs do not always have the same powers of inclusion, in the fields of health and social care, but continue to be a tool for inclusion of CYP in educational settings.

Although they are called education, health and care plans. They are really just an education plan. So, although I understand the process of gathering information from different, you know across the range of organisations, I don't feel that the, the plan itself at the end of it is not a plan for health, or anyone else other than education (Inclusion Officers Group, Participant 2).

The number of times that we, if there's an EHCP request being made and we're waiting for that care element for the children in care, and you still don't end up getting anything from a social worker to input, apart from they agree with everything everybody else says. So, I think, unless it's a real specific health issue, so I guess there is some where some of our schools where health is, is absolutely key. I guess there probably is some health input there, ..... it's an education plan with other people joining in if they feel like it (Inclusion Officers Group, Participant 1).

#### 5.4.4 Health and Social Care

The perspective of NHS health professionals' and social workers highlight difficulties when there are expectations of cross-field effects, and where alliances and conflicts within the field play out in practice. One participant suggested a practical way to resolve this would be by changing the name of plans, highlighting that the order of the name of EHCPs, suggest which field in which they have the most perceived symbolic capital.

Maybe they should be, Health, Social Care and Education Plans (Sandra, NHS Health Professional)



The medical model of statutory assessment demonstrates challenges in expectations of the cross-field effects of EHCPs, especially for social care where safeguarding for example has a more holistic view of a CYP needs. The medical model also highlights areas of expertise and knowledge of those within different fields.

A health colleague might think that, because they think they've got needs and they won't know whether that can be met within the school setting.... I think that could be the disconnect in terms of what's available out there in education, and what we in health might think (Sandra, NHS Health Professional).

Participants from health reflected upon the different perspectives of disability in education. They suggest a bias towards consideration of health needs which are more linked to educational needs than others, discussing different types of health needs that can impact upon a CYPs practical access to learning. The different priorities of health and social care needs, do not necessarily sit alongside the hierarchy of need in the field of SEND, leading to challenge with potential cross-field effects.

There was an element of frustration expressed by these participants regarding understanding about certain medical diagnosis, those which teachers can adapt teaching for. They contrast this to a medical need which requires practical support for CYP to access learning, teachers can adapt teaching, but the provision required is not necessarily linked to an educational area of expertise.

I mean, you know your diabetes if you, if your blood sugar is high, you're not going to learn if your blood sugars are low, you're not gonna learn so actually having somebody support you to have your blood sugars at the right level in school is an educational need. You know the, the tracky kids. All of those ones they'll go it's a health need? But unless we meet it, they 'aint gonna come to school, so it's a school need. And yet when it comes to like autism, which to me, is not about health, although it is, they get everything (Michelle, NHS Health Professional).

Although there is an understanding of the cross-field effects created through the perceptions of symbolic capital in EHCPs, there is also recognition of the realism that can result in a lack of participation from health and social care colleagues who are responding to hierarchies within their own field. The suggestion to change the title of plans, to reflect the primary area of need, whether it be social care, health or education could change the symbolic capital and cross-field effects.

I sometimes look at some of the targets and things and think, well they've sort of blah, there's nothing sort of remarkable about them. So, I wonder, I don't know, I wonder, I sometimes think is, are they a bit of a wasted opportunity sometimes, because it is meant to be about social care and health, and I wonder how many times social care and health are involved in them for all children. And is there a better, an opportunity that you could really have an incredible plan for a child? (Lorraine, Social Worker)

Analysing comments made by participants, reveals a reflexive realism of the limited cross field effects of EHCPs, and the individualised model.

I feel really comfortable with the E being the main, you know the E is the big letter if you like and the H and the C are slightly littler letters, and I completely get that cause we're talking about a special educational need, but absolutely you can't fix that in the 25 hours that they're in school (Rachel, Inclusion Professional).

Although legislation and policy documents about statutory assessment give the impression that EHCPs provide cross-field effects, in reality, they are focussed upon what can be done within an educational setting. This is perpetuated by measurements of success which are in academic results rather than social care or health PfA outcomes.

#### 5.4.5 Post 16

FE is a 'new' addition to the fields of SEND (Figure 1.3); statements previously ended when a YP left Y11 or sixth form. The reforms changed the way support for YP with SEND is provided, EHCPs replaced LDAs and Post 16 settings are named in statutory plans, creating another potential area of conflict. Post 16 is an area with some explicit cross-field effects, but there are also challenges, post 16 education is not compulsory, and many FE courses are based upon previous academic qualifications. Qualifications for those teaching FE are different to those teaching statutory school age, along with other expectations set out in education policy for schools, reporting on attendance, progress levels and achievement, for example. Reasonable adjustments can be difficult to define in FE which is not mandatory, monitoring of provision and measurements of success can also be challenging when YP are not studying nationally recognised qualifications and there is no agreed measurement system of PfA outcomes.

The cross-field effects of statutory assessment for YP post 16 however, is perceived as similar to that of school aged CYP, perceived symbolic capital across the age range 0-25. EHCPs are viewed as protection for the vulnerable and provide resources for YP, but participants suggest they can also create difficulties for transition into this field of education.

I have unfortunately, have seen some of the young people that have gone on to post 16 and you know, the transitioning setting, haven't been so responsive to the EHCP, and that's really disheartening, cause they've gone from one setting where they've tried and you know, to the best of their abilities, and resources (LA SEND Health Professionals Group, Participant 2).

I'm obviously linked to a school with like social and emotional difficulties and behaviour problems whereby, you know the, the EHC plan can actually hold them back ...., if it tell, you know if it's telling that training provider or college all the very negative stuff, then it isn't building the picture of what that young person could do, or can do, and some of the other bits. Then they're actually not able to make that next step .... Sometimes they're being turned down just because that's, the paperwork is all they see, and they haven't met the young person (Emma, Careers Advisor).

There are other cross-field effects created by the new reforms, for example the expertise of professionals, now working across early years, statutory school age, post 16 and post 19. In their group, the EPs acknowledged their developing experience of Post 16 education, having had little training on FE since the new code (Atkinson et al, 2015).

I wouldn't say I am regularly seeing people from 16 to 25. So, I think that's a challenge, but that is my experience. I have been trained for two years and I'm gradually building my understanding (EP Group, Participant 1).

Professionals within the field of SEND are now regularly involved in discussions surrounding YP Post 16, for example when a request is made for a statutory assessment. A perception of EHCPs symbolic capital, is implied when a request is made for statutory assessment for a YP over the age of 16 when they did not 'need' an EHCP in school. Further conflict arises when the expectations of support for CYP with SEND at statutory school age do not necessarily tally with those for YP with SEND in FE.

We've also had a look at Year 11 planning meeting. And if we look at the people that haven't been picked up prior to Year 11 and suddenly they're thinking about their planning in terms of post 16 it comes down to what Participant 4's saying again about specialist provision of some kind, I know the funding is different post sixteen, but we're suddenly then in a real race against time, to think well they must be, at least have some transition visits by the summer, so again, we will be behind time, almost always (EP Group, Participant 1).

From the age of 16, a request for statutory assessment can be made by a YP and continuation of an EHCP must be in agreement with them. Participants acknowledged stigma in the eyes of some YP surrounding the labels of SEND, a reluctance to be seen as different to their peers which can influence these requests. YP can ask for their EHCPs to be ceased, even when other

agents within the field are invested their perceived symbolic capital. YP with EHCPs may also wish to leave education post 16, because they have not had a positive experience (Simmons et al, 2020). Conflict can occur when there is reluctance from YP to attend an educational provider post 16, or to continue to have an EHCP, suggesting a different power dynamic for YP within the field of FE and that YP do not perhaps view EHCPs in the same way as other agents in the field.

I don't think the young person see's the connection between the plan and how things are working. So, for them if you ask them, 'do you want to keep it?' they're not bothered (Rachel, Inclusion Professional).

#### 5.4.6 Statutory school age and FE

It can be difficult for schools to know what the cross-field capital exchange of EHCPs can look like post 16. Emma mentions how difficult it can be for YP and their families who have been at SEN support in school, to request statutory assessment due to the perceived symbolic capital of an EHCP in post 16 education.

We work with a lot of young people that are NEET,<sup>12</sup> that are not in any educational training and need that additional support, and we know that, that engaging them in the next stage, they're gonna to struggle an awful lot. So, trying to get that statutory assessment done is quite difficult and it, you do notice how much harder it is, if they're disengaged, you know if they're NEET, or if, particularly if they haven't got parental, you know, parents that understand what it could do for them (Emma, Careers Advisor).

Emma described the resources EHCPs are expected to bring post 16, and where the alliances and conflicts of the changes in SEND policy play out in practice. Although there is little cross-field effect in the field of employment, EHCPs can provide economic for apprenticeships, traineeships and supported internships and explicit economic capital for specialist post 16 settings.

People don't realise and schools don't realise, they don't think, actually, if that young person say they want an apprenticeship, but they're gonna need support to do it. They might need to do, they might need to do a pre apprenticeship study program, and if they don't, you know, get onto that and they can't access it very easily, their learning and things like that. Then you, you know you drift to the 19 plus's when suddenly the employers you know, have gotta fund things, in whatever that can be hard (Emma, Careers Advisor).

There's other things that an EHC plan are, is very useful for.... we have some young people that need a higher needs sort of provision or something where by the only

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<sup>12</sup> Not in education, employment or training (NEET)

way to access that would be with an EHC plan and with that provision being able to put in a much higher level of support, you know, and we have our 'specialist programme' at college, young people under that provision, because there is support, there is a lot of tiered support that you know a plan it is the only way to access some provision (Emma, Careers Advisor).

EHCPs are perceived to have symbolic capital in the field of FE, which can also cause conflict if resources are not easily accessible.

All the time in school they were supported, and you know, but for, for having a young person who's got a plan, who then shares it with the training provider and they say they can't meet their needs (Emma, Careers Advisor).

Due to the increased age range of 0-25 in the CoP (2015), statutory assessment has extended beyond compulsory education. This change in policy, has opened a further 'SEND market' for those with EHCPs due to explicit and implicit cross-field effects. The numbers of CYP with EHCPs post 16 have increased year on year, in 2019 they represented 22% of all CYP with EHCPs (NATSPEC, 2019). EHCPs have economic capital and statutory assessment has become the tool to fund independent post 16 specialist settings offering bespoke individualised programmes for YP.

In the field of FE, the perceived symbolic capital of EHCPs is perpetuated by their image as a golden ticket to funding across fields, potentially to the age of 25. But the cross-field effects of EHCPs, their perceived symbolic resources, do not always have the same power within post 16 settings where the offer is different to statutory school aged CYP. The expectations of an EHCP, like the realism of health and social care thresholds, does not always translate across fields when YP are past statutory school age and settings are not bound by the same education policies.

#### 5.4.7 The limit of cross field effects

By carrying out a Bourdieusian analysis, statutory assessment can be viewed as a tool of support for CYP with SEND, encapsulated by the perceived symbolic capital of EHCPs which are viewed as a 'protective bubble' within education. Analysis of participants comments suggests the perceived symbolic capital of EHCPs, does not transfer with the same power into the fields of health, social care, and post 16. The perceived symbolic capital of EHCPs in statutory

educational settings does not have the same cross capital effects when it is not funded or administered in the same way across other fields.

A Bourdieusian analysis of statutory assessment provides a sociological lens, viewing it as part of education policy which defines the field of SEND and how a hierarchy is created within it.

Bourdieu's field analysis offered a conceptual model, to include the paradigms of both the social and medical models of SEND, but also sit 'outside' and make them explicit. Carrying out research from this relational epistemological and ontological viewpoint, raises questions about how society privileges some and can marginalise others. Bourdieu's thinking tools can highlight ways statutory assessment is internalised and converted in the field into dispositions that generate practices and perceptions that are understood by demonstrating how EHCPs are perceived to have symbolic capital.

Through a conceptual framework based upon Bourdieu's thinking tools conclusions are made to consider who the agents in the field of SEND are, what language is used about statutory assessment and EHCPs, where there are alliances and conflicts and when cross-field effects may occur. The in-depth knowledge and experiences of participants, their habitus and dispositions are shared through their reflections. Comments from participants are interpreted as ways to view the perceived symbolic capital of EHCPs and their symbolism for agents across fields. Themes coded through thematic analysis demonstrate perceptions of statutory assessment as a way to improve the position of CYP within the field, through a discourse which legitimises their symbolic capital.

Analysing the values invested in EHCPs, deliberating the reasons for these perceptions, opens up a new research perspective of statutory assessment. A Bourdieusian analysis suggests it is the policies and procedures, the perpetuation of a construction of SEND, which affords EHCPs with perceived symbolic capital. The analysis of data indicates how symbolic capital is perceived in the implicit and explicit resources of EHCPs; capital they *could* bring. Perceived symbolic capital encapsulated in statutory assessment creates a hierarchy and evidence one reason the number of CYP with EHCPs continues to rise; plans are highly prized. A desire for the symbolic power attributed to an EHCP, has increased agents' investment in statutory assessment and as a result of limitations, there is a conflict because a request for statutory assessment is a request for more power in a field where there is an unequal distribution of power.

Bourdieu's (1984) dialectic of conditions demonstrates how habitus and capital combine within the field to construct symbolic capital. Habitus in the field of SEND is dominated by a discourse of need, with a focus on a medical model. Statutory assessment can be viewed as the method of combining habitus and capital to construct symbolic capital in the form of EHCPs. Statutory assessment transforms the distribution of capital through a system of perceived differences. Bourdieu's theory of practice (Bourdieu, 1977) and field theory (Bourdieu, 1984) can be used to consider ontological and epistemological questions about statutory, assessment, how education policy is internalised and generates perceptions of meaning. How the distribution of resources within the fields of education, health, social care and post 16 are legitimised through the symbolic capital of EHCPs. Linked to Bourdieu's field theory (Bourdieu & Wacquant 1992, p. 104), it can be understood by considering:

1. Position of the field vs a vs field of power

There is a hierarchy within the field of SEND because of expectations invested in statutory assessment and the symbolic power of EHCPs.

Fields are sites of struggle due to power imbalance. In the field of SEND the language surrounding decisions, such as saying no to statutory assessment, is equated with much more emotionally. It is the perceived value of EHCPs, their symbolic capital and hierarchical status within the field that increases their desirability.

Conflict arises because a request for statutory assessment is a request for more power in a field where there is an unequal distribution of capital.

2. Objective structure of relations of those who compete for capital

Participants represent agents in the field and share their experiences and understanding of statutory assessment and EHCPs. Their comments are interpreted as ways statutory assessment confers advantage through forms of capital in a traditional and non-traditional capital exchange. EHCP provide explicit and implicit resources within a market where customer satisfaction is key.



Considering the relationships between these fields, through a study of cross-field effects, demonstrates how the perceptions of symbolic capital and symbolic power of EHCPs are a construction within the field of SEND.

3. The habitus of agents and the systems of dispositions they have acquired by internalising a social and economic condition

Through thematic analysis of information gathered in groups and interviews, EHCPs are deliberated in terms of how they can improve a position within the field. The discussions demonstrate how the habitus of statutory assessment is internalised and converted in the field into dispositions that generate meaningful practices and meaning-giving perceptions.

SEND legislation perpetuates an image of CYP which is based upon a medical model where SEND is viewed as a sociological problem. EHCPs are viewed as a form of currency, the tool with which to distribute cultural, social and symbolic resources sanctioned by and within the field to address it.

The metaphoric language used about EHCPs often describe them as a definitive object that can elicit change.

A series of infinitesimal equally decisive inventions around the bureaucratic logic of statutory assessment generates a culture of determinism for CYP with SEND.

However, what this research also demonstrates is that there are relationships between the who, what, where and when. The conceptual framework provides only an interpretation of the categories of perceptions (what the participants know and recognise about statutory assessment and the values of EHCPs they describe). The participants who took part are reflexive suggesting that agents within the field are aware of the structures in which they are embedded, rather than nullified. They acknowledge they still have to play the game, because EHCPs are the *only* tool with which resources are distributed.

### 6.1 Language

A significant amount of symbolic language is used by participants to describe statutory assessment, including metaphors emphasising the difference EHCPs are believed to be able to

make. Regularly viewed as a protective factor, participants discussed the opportunities EHCPs are perceived to bring, accepting but also questioning the view that statutory assessment is a 'solution'. The language used is emblematic, symbolising protection, hope and security, phrases such as 'magic bullet', 'life changing' and 'levelling the playing field' suggest EHCPs have mystic qualities.

Participants language evidenced reflection of what statutory assessment can represent for themselves and others. Angela for example talks about hope and security, suggesting EHCPs act as a life raft, but also the realism for the CYP in their educational setting.

It's probably keeping the parent afloat more than the child..... I see for a child it's more like I don't know, the arm bands. So, for the parent is actually the life ring, it's the thing that's gonna keep my head above water...for the child it's a bit more like Oh yeah, these, my arm bands, are just helping me out a bit now and again. So, I guess that's the way I look at it. For us, it's sometimes, it's more trouble than it's worth, basically because we were already doing all of that (Angela, SENCO)

Angela's reflection suggests statutory assessment is not always needed, because a school will often be doing everything included in an EHCP already. Other participants stated EHCPs may not be as impactful as others within the field have been led to believe. Participant 4 in the EP group describes working with families who are excited about the prospect of getting an EHCP, but they believe it will not make a difference, confident that other EPs in the group will understand the reasons they have said this. There are other examples, when participants feel having an EHCP is not helpful because of the language of vulnerability surrounding them. Emma the Careers Advisor, describes the negative connotations for CYP who are defined by their needs rather than their abilities, detailing how difficult it can be sometimes to place YP post 16. One example she provided was about a YP who had been offered a place in FE, when the setting received a copy of their EHCP, "they looked at the plan and said we can't meet your needs in the college environment" (Emma, Careers Advisor). The language about EHCPs is often positive and symbolic, however the same language can also perpetuate a culture of difference.

Covid 19 exemplified assumptions about SEND when *all* CYP with EHCPs were explicitly labelled vulnerable. The medical model and deterministic SEND discourse, led to a group of CYP who were othered for their own 'protection' during the period of this thesis. Having an EHCP provided the opportunity for education settings and families to have discussions about how to

adapt the educational offer at the time, but also emphasised a need for 'protection' when educational systems are not set up to be inclusive of everyone. Evident in the language used by reflective participants, this became more apparent during Covid 19 lockdowns.

Symbolic language used by participants revealed perceived symbolic capital of EHCPs influenced by their explicit economic and juridical capital and their practical applications as a statutory document. Habitus and dispositions about statutory assessment are perpetuated by a SEND discourse in education policy where EHCPs have become the bureaucratic tool to address a social problem of educational failure in an academic system. High hopes are placed on EHCPs, their value can be verified in court, creating, "an objectified and codified form of symbolic capital" (Bourdieu, 1998; p. 47). The perceptions about statutory assessment, about what having an EHCP can achieve, begets high expectations and increases their perceived symbolic capital.

The discourse of SEND policy and vulnerability provides a habitus, doxa, illusio and misrecognition promoting statutory assessment as common-sense. EHCPs worth is created by their perceived symbolic capital, participants habitus and dispositions demonstrate this doxic narrative, the belief in EHCPs as a solution to a sociological problem. However, in this research participants are also recognised as reflexive agents, they consider both the perceived value of EHCPs and the realism of the educational system in which they play a part.

Studying participants language through thematic analysis illustrates different ways discourse surrounding statutory assessment is based upon normative societal and educational judgements. The field of SEND is constructed by education policy, statutory assessment codifies the 'vulnerable' within the education system, categorisation occurs because SEND is viewed as a sociological problem. Comments about EHCPs exemplify their perceived symbolic capital, investment in them as a solution is demonstrated in the symbolic language used to describe them. A Bourdieusian analysis of statutory assessment reveals the transubstantiation of economic, social, cultural, emotional and juridical capital, created by the processes set out by policy that lead to an EHCP. The symbolic language suggests they are magical. The discourse infuses EHCPs with expectation and status because of their perceived symbolic capital and symbolic power, within the hierarchy of the field of SEND.

## 6.2 Alliances and Conflicts

The language surrounding the field of SEND is of struggle and battle. Much research since the CoP (DfE & DoH, 2015) has focussed upon processes and procedures of statutory assessment, suggesting improvements to reduce conflict at the point of entry to the field. Carrying out a Bourdieusian analysis provides explanations for the increases in requests for statutory assessment, because within the field, EHCPs have perceived symbolic capital. Alliances and conflicts are perpetuated because not all agents have the same symbolic power within the field.

Conflict surrounding the processes of statutory assessment are perpetuated by a hierarchy of need, created by a policy which has created the haves and have nots. EHCPs currency in the SEND marketplace, places them at the top of the hierarchy because of their capital and resources. The field of SEND becomes a battlefield when EHCPs perceived symbolic capital generates an image of them as a prize. Agents are prepared to fight for entry to the field because of the symbolic resources and symbolic power of an EHCP. Bourdieu's doxa provides a lens through which to consider the common-sense views about statutory assessment by studying the hierarchy of those with, and without an EHCP. The field "(re)produces social inequality through the (re)production of the hierarchy of positions and capitals" (Thomson, 2005; p. 746).

This research demonstrates how alliances across the field of SEND remain problematic. Policy surrounding EHCPs was intended to bring together the fields of education, health, and care. The alliances between health and social care are evident in participants observations about their work in the field of SEND. There are comments made by participants which suggests those on the periphery are also invested in the symbolic capital, the *illusio*, of an EHCP. Evidence suggests that although the dispositions of agents within these fields are similar due to a shared habitus, like the participants responses, they are based upon different experiences and positions within fields. The perceived symbolic capital of EHCPs, transfers into the fields of social care and health, but their capital exchange, cross-field effects, appear significantly less.

## 6.3 Cross Field Effects

Analysis of the cross-field effects of EHCPs reveal a disconnect between the discourse surrounding statutory assessment and reality. It is in the cross-field effects, expectations between education, health, and social care, that there is realisation of the limits of EHCPs

perceived symbolic capital. In education EHCPs establish a capital exchange system based upon an education culture where middle class values of success are key. EHCPs reinforce a doxic narrative, that those with SEND, without an EHCP, are likely to fail in education, but this is not so easily applied to health and social care outcomes.

The cross-field effects of EHCPs are less powerful in health and social care, because of different exchange systems and hierarchies. Although there are expectations regarding health and social care provision for CYP with EHCPs, these services have their own thresholds for support and an EHCP is not needed to access them. As highlighted by participants EHCPs symbolic power is largely within the field of Education (coming first in their title, with a capital E). This is perpetuated because of other education policies and mechanisms at work, schools ranked in tables by academic 'success' each year for example. Although Ofsted and CQC inspections of local areas focus on the success and failures of joined up working between education, health and social care (Ofsted & CQC, 2022), the economic and judicial capital of EHCPs still does not create the same resources across all three fields, as a result they do not have the same perceived symbolic capital.

Although relevant legislation is referenced, there is little acknowledgement in the CoP (DfE & DoH, 2015) about thresholds for involvement across the fields of social care and health for CYP with SEND. So far there has been little investigation into the impact of having an EHCP within these fields, about the transition from child to adult services across health and social care for example. In this research participants share a realism of the cross-field effects of EHCPs, an understanding that EHCPs have perceived symbolic capital within an educational setting because this is where they are applied. The recognition that the impact of EHCPs is measured by cognition and learning outcomes, rather than social care or health outcomes accentuates the submission that the perceived symbolic capital of EHCPs in the field of SEND is the result of misrecognition. A Bourdieusian analysis of statutory assessment highlights the construction of SEND, evidenced in cross-field analysis, the narrative of vulnerability and high level of need for those categorised with EHCPs in education, does not travel directly across to other fields. The lack of cross-field effects accentuates the symbolic power of EHCPs as misrecognition.

The cross-field effects of statutory assessment are also challenged by the increased age range, 16 – 25. Post 16 education is not statutory, assumptions surrounding the field SEND are created

by an academic measure of success not standardised or measured in the same way in FE. EHCPs are anticipated to prepare CYP for adulthood, they can be used to fund a range of courses to support employment, but their perceived symbolic capital and in turn symbolic power is in the field of education. The symbolism of EHCPs as a 'shield of protection' does not transfer in the same way to other fields such as health, social care and post 16, when academic success is less of a measure.

Although YP may not buy into the conventions of success perpetuated by the education system, EHCPs perceived symbolic capital creates a different power dynamic within the field of SEND. The perceived symbolic capital of EHCPs in schools does not have the same cross-field effects in FE where it is not funded, administered, or viewed in the same way. Post 16 accentuates a lack of voice for CYP, whether they feel they have benefited from the changes to statutory assessment processes and procedures and their opinions about the sociology upon which it is based. The study of cross-field effects evidences the perceived symbolic capital of EHCPs across fields, ways in which they distribute more resources within the field of statutory education, and the sociological problems created by an education system based upon values that perpetuate inequality.

#### 6.4 Going Forward

When statutory assessment is viewed from a sociological viewpoint, EHCPs can be studied as an instrument of education policy. By studying the language, alliances and conflicts in the field and cross-field effects, a hierarchical field of SEND is illustrated to demonstrate the symbolic power of an EHCP, as golden tickets, they are at the top of a pyramid of need. A Bourdieusian analysis provides the opportunity to challenge well established ideas about SEND that influenced the C&FACT (2014) and CoP (DfE & DoH, 2015). Studying the relationships between policy, statutory assessment, habitus, and dispositions, suggests the education system can perpetuate inequality through statutory assessment and the perceived symbolic capital of EHCPs. This is understood within a conceptual framework which makes visible the ethics and cultural traditions in which we are currently located.

Developing and applying a conceptual framework to study participants views about EHCPs raised further questions regarding SEND which could be considered in the future through a similar sociological analysis.

Why has there been an increase in the numbers of requests for an EHCNA for CYP since the C&FAct (2014) and CoP (DfE & DoH, 2015)?

What has been the impact of statutory assessment and EHCPs for CYP with SEND, known to health and social care?

Why might a CYP want or not want an EHCP?

The data analysed from groups and interviews to evidence EHCPs symbolic capital suggests the 'new' CoP (DfE & DoH, 2015) is not radically different, but is based upon the status quo of a perpetuated construction of SEND. Statutory assessment continues to exist, and statements have become EHCPs. CYP can either have SEND and be on SEN support or have an EHCP a legal document of entitlement. Both exist for CYP with SEND 0-25. The implications for the future and the 'Improvement Plan' (Gov, 2023) are that this model is expected to continue, statutory assessment is unlikely to fundamentally change. This research will hopefully shine a different lens to support future research into the status quo.

This thesis demonstrates that statutory assessment can be studied in a sociological way, not devoid of emotion, but recognising and acknowledging the emotion invested in the process as part of modern society. Bourdieusian thinking tools suggest reasons why, within the current system, customers/agents in the field of SEND will continue to experience battle, conflict and emotional distress. However, a sociological study also highlights that although statutory assessment can be viewed as a way to advance the interests of CYP with SEND, there is very little research on how much agency CYP have themselves within the structure of the statutory assessment system.

## 6.5 Conclusion

Bourdieu's sociological theories about education were based on class, suggesting that the power of the state can, "produce and impose (especially through the school system) categories of thought that we spontaneously apply to all things in the social world" (Bourdieu, 1998, p.35). A Bourdieusian analysis of statutory assessment provides the opportunity to consider questions about the concept of SEND. The use of a methodological relational paradigm to question the common-sense of statutory assessment, highlights how EHCPs perceived symbolic capital is influenced by middle-class practices and attitudes in the field of education.

A Bourdieusian analysis of the policies and procedures surrounding statutory assessment, illustrates the sociology of SEND and its construction through the use of a medical model. Scrutiny of conversations with participants offers evidence that although it is common-sense to have education policy to support CYP struggling within the current education system, this understanding is based upon agreements about definitions of success and failure, assumptions about which perpetuate a view about SEND and culture of vulnerability. Although statutory assessment is promoted as a device to support inclusion, through a Bourdieusian analysis it can also be viewed as the opposite.

Since the changes to statutory assessment brought about by the C&FAct (2014), the number of CYP receiving a statutory assessment and EHCPs in England have increased year on year; the number of SENDIST tribunals have increased year on year. This pattern reinforces the discourse surrounding statutory assessment and the language of SEND. This research submits the upon customer satisfaction with the processes and procedures of statutory assessment is understandable, when EHCPs are understood to provide support, and protection for the vulnerable, improved academic and life outcomes, resources, funding and a power within the fields of education, SEND, health, social care and Post 16.

A Bourdieusian analysis of statutory assessment provides the opportunity to shift the focus from customer satisfaction, onto the assumptions about SEND in government policy. The perceived symbolic capital of EHCPs, what they are understood to bring, is based upon a bureaucratic logic of statutory assessment which provides them with currency within the SEND marketplace. Adapting field theory to theorise about the motives and common-sense ideas surrounding statutory assessment, highlights how EHCPs are regarded as a prize, the language used to describe them, accentuating their magical efficacy. Through analysis of the discourse surrounding statutory assessment, the alliances, conflicts and cross-field effects, an understanding of the perceived symbolic capital of EHCPs emphasises their symbolic power, at the same time illustrating a doxic narrative which reproduces social inequality through misrecognition, “in the very structure of the field in which belief is produced and reproduced” (Bourdieu, 1991; p. 170). By theorising about the perceived explicit and implicit symbolic capital of EHCPs across the fields of education, health, social care and Post 16, it is suggested statutory assessment can be evidenced to perpetuate a culture of difference.



This research fills a gap in the literature, by theorising about the perceived symbolic capital of EHCPs, and reasons why statutory assessment is viewed as a valuable tool to support for CYP with SEND. When there is a continued focus on user experiences, and ways to work within the current system to make experiences better for customers, research is likely to continue in this vein. In contrast, a Bourdieusian analysis of statutory assessment considers how government policies such as the C&FAct (2014) can reproduce a construction of a social reality where SEND is a sociological problem and statutory assessment viewed as the solution.

This research has only been possible because of the participants agreement to take part. They represent individual social agents, including agents across fields of education, health and social care. I am grateful for their input, for sharing their thoughts about statutory assessment and for providing the opportunity to reflect upon how we *all* perceive EHCPs. The participants thoughts and views are analysed to understand reasons agents may wish to enter the field of SEND. Reflecting upon who may be in the field and the language surrounding SEND, provided the opportunity for this insider-outsider researcher to theorise about the perceived value of EHCPs and consider the alliances, conflicts and cross field effects.

It is envisioned that this thesis adds to existing research and establishes how agents within the field of SEND are not unconscious (Van Zanten, 2005), but are reflexive agents who understand reasons why statutory assessment exists and how EHCPs can be used as a tool within the current education system. The thoughts and opinions of participants is impacted by habitus and dispositions influenced by life experiences, roles within different institutions, inside and outside of the field of SEND. The observations and language used, demonstrate an understanding of the doxa surrounding statutory assessment and EHCPs. There is knowledge of the education system, of the individualised medical model, which is understood to increase the expectations of statutory assessment and EHCPs perceived symbolic capital and cross-field effects. Comments about alliances and conflicts are influenced by the position of participants and agents within the field. Their understanding is based upon a hierarchy in the field of SEND where statutory assessment and EHCPs have a symbolic power.

Research since (C&FAct, 2014) and CoP (DfE & DoH, 2015) has focussed upon processes and procedures, the success and/or failures of statutory assessment administrative systems and quality of EHCPs. Everyone wants CYP to achieve and to be happy, what this looks like can vary

for each individual CYP, family to family. A Bourdieusian analysis of statutory assessment, demonstrates ways EHCPs are set up as a common-sense tool with which to distribute the cultural and symbolic resources sanctioned by and within the field of SEND, to meet the needs of those who are viewed to be struggling in education. There is an investment in the 'game' of statutory assessment because it is believed to be one worth playing. However, the perceived symbolic capital of EHCPs creates division, the policies surrounding SEND create symbolic power for those who decree the conversion rates. Systems and processes have been created and imposed because decisions *have* to be made about who are the most vulnerable, the most in need of an EHCP. Entry to the field is policed due to the limited resources available and because of this there will continue to be dissatisfaction.

Bourdieu's thinking tools provide ways to think about the social world and the social model of SEND, his theory of practice can be used to reflect and critique modern social life. Crossley's social movement theory provides a practical tool to adapt for field analysis. Although a Bourdieusian analysis does not offer solutions, what I found using his tools was a different way of looking at statutory assessment, highlighting a power imbalance and the codification of CYP. I found reasons why it is not surprising that the number of CYP with EHCPs continues to rise. When the English education system continues to focus on academic achievement it is understandable that more agents apply for statutory assessment as a form of redress, particularly during periods of austerity/underfunding.

Crossley (2003) makes it clear habitus and dispositions can change depending on the era people are living in, suggesting individuals are reflexive social actors. He links the 1990's poll tax riots for example to social movement theory, demonstrating how and why people who had not previously been particularly mobilised became involved in this particular revolt. By recognising the complexity of fields, taking into account the capacity of social agents to reflect upon, criticise and protest, Crossley suggests that agents, like the participants in this research, are reflexive agents in the field, aware of the structures in which they are embedded, rather than nullified.

Crossley' (2003) uses British environmentalism, to understand the challenges for change. We all know we should all be doing more to save the planet, but we also know it's not that simple, systemic change is required. In the field of SEND, it is currently unclear what event will change

the current system, there are many factors, not least a time when the terms equality, diversity and inclusion are defunct as their principles are the norm. Meanwhile, in a country where public services have been underfunded for over a decade, it is not surprising that the needs of *all* CYP are unlikely to be met by education, health or social care services without statutory assessment and as a result the numbers of CYP continue to rise.

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## Appendices

### Appendix A Genesis of SEND

Before the state became involved in 'caring' for those with a disability or mental health difficulties, they were perhaps more visible in everyday life, working alongside families and villagers, begging or being cared for by the church. Henry VIII's dissolution of the monasteries, had a significant impact for those previously cared for by nuns and monks, however, caring for disabled people became viewed as a civic duty, with rich benefactors funding new buildings, such as new hospitals and almshouses. In the 18<sup>th</sup> Century disabled people generally lived in their own homes and communities, marrying and supporting themselves if they could; there were disabled people at all levels of society. However, the idea was growing that an institution was the 'right place' for people who are 'different'. Following the 1834 Poor Law Act, 350 new workhouses were created, designed to root out 'shirkers and scroungers' and intended as miserable places to live.

See <https://historicengland.org.uk/research/inclusive-heritage/disability-history/> for more detail.

Special educational needs and disabilities, have always existed, but without this label. Those with disability or mental health difficulties were supported in their local community or by the church, if needed. Slowly, the state became more involved a move from parish or church, to the 'Bureaucratic Field' of state legislature. Listed below are government policies and laws which I believe influenced this Genesis of SEND. The language and terms of some are likely to cause offence, but were used at the time and hopefully evidence how thoughts and perceptions have changed since.

NB: This chronology does not include annual SEND statistics, information about exclusions, pupil premium funding, EFSA funding or many reports since Coronavirus which include guidance regarding support for children and young people with special educational needs.

**1845 Lunacy Act** – did not make any distinction between learning disability and mental illness; 'Lunatic shall mean insane person or any person being idiot or lunatic or of unsound mind.'  
(<https://www.open.ac.uk/health-and-social-care/research/shld/timeline-learning-disability-history>)

**1870 Elementary Education Act** – Compulsory schooling – children with special needs segregated in charitable, special schools or other institutions.

([https://www.parliament.uk/about/living-](https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/1870educationact/)

[heritage/transformingsociety/livinglearning/school/overview/1870educationact/](https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/1870educationact/))

**1880 Education Act** – school attendance became compulsory between the ages of five and ten.

([https://www.parliament.uk/about/living-](https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/1870educationact/)

[heritage/transformingsociety/livinglearning/school/overview/1870educationact/](https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/1870educationact/))

**1886 Idiots Act** - First legislation regarding the educational needs of those with learning disability. Made a distinction between 'lunatics,' 'idiots' and 'imbeciles'.

(<https://www.open.ac.uk/health-and-social-care/research/shld/timeline-learning-disability-history>)

**1890 Lunacy Act** – Further distinctions between learning disability and mental illness.

(<https://www.open.ac.uk/health-and-social-care/research/shld/timeline-learning-disability-history>)

**1899 Elementary Education (Defective and Epileptic Children) Act** – school authorities to; 'ascertain the number of 'defective' or epileptic children in their areas, and to make appropriate educational provision for them; it required the parents of such children to ensure that they received appropriate elementary education; and it set the upper age limit for the compulsory education of such children at 16'.

(<http://www.educationengland.org.uk/documents/acts/1899-el-ed-def-epi-children-act.html>)

**1908 Report of Royal Commission on Care and Control of the Feeble-Minded**

([https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(01\)79965-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(01)79965-5/fulltext))

**1913 Mental Deficiency Act** - set out arrangements regarding appropriate accommodation for those considered 'mentally defective': 'idiots', 'imbeciles', 'feeble-minded persons' and 'moral imbeciles';

#### 1 Definition of defectives

The following classes of persons who are mentally defective shall be deemed to be defectives within the meaning of this Act:-

(a) Idiots; that is to say, persons so deeply defective in mind from birth or from an early age as to be unable to guard themselves against common physical dangers;

(b) Imbeciles; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that they are

incapable of managing themselves or their affairs, or, in the case of children, of being taught to do so;

(c) Feeble-minded persons; that is to say, persons in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection or for the protection of others, or, in the case of children, that they by reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools;

(d) Moral imbeciles; that is to say, persons who from an early age display some permanent mental defect coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

(<http://www.educationengland.org.uk/documents/acts/1913-mental-deficiency-act.html>)

#### **1914 Elementary Education (Defective and Epileptic Children) Act**

(<http://www.educationengland.org.uk/documents/acts/1914-el-ed-defective-epileptic-children-act.html>)

**1927 Mental Deficiency (Amendment) Act** - replaced the term 'moral defective' with 'moral imbecile'; recognising mental deficiency resulting from illness or accident.

(<https://www.open.ac.uk/health-and-social-care/research/shld/timeline-learning-disability-history>)

**1944 Education Act** – children categorised by disabilities in medical terms, '11 plus' introduced - intended to provide equal opportunities for children of all backgrounds

(<https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationact1944/>)

#### **1944 Disabled Persons' Employment Act –**

An Act to make further and better provision for enabling persons handicapped by disablement to secure employment, or work on their own account, and for purposes connected therewith.

The Act defines a 'disabled person'

(1 )In this Act the expression " disabled person " means a person who, on account of injury, disease, or congenital deformity, is substantially handicapped in obtaining or keeping employment, or in undertaking work on his own account, of a kind which apart

from that injury, disease or deformity would be suited to his age, experience and qualifications; and the expression " disablement ", in relation to any person, shall be construed accordingly.

(2) For the purposes of the definitions contained in the preceding subsection, the expression " disease " shall be construed as including a physical or mental condition arising from imperfect development of any organ.

(<https://www.legislation.gov.uk/ukpga/Geo6/7-8/10/enacted>)

### **1948 UN General Assembly - The Universal Declaration of Human Rights (UDHR)**

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

**1948 National Health Service Act** - the establishment of a comprehensive health service for England and Wales to promote the establishment of a health service to secure improvement in the physical and mental health of the people and the prevention, diagnosis and treatment of illness.

The Act brought together a wide range of medical services under one organisation. Local voluntary hospitals were brought into national public ownership and local authorities held responsibility for community services such as immunisations, maternity clinics and community nurses.

(<https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/coll-9-health1/health-01/>)

**1959 Mental Health Act** - repealed the Mental Deficiency Acts and provided 'Provision for care and training of children in lieu of education'

([https://www.legislation.gov.uk/ukpga/1959/72/pdfs/ukpga\\_19590072\\_en.pdf](https://www.legislation.gov.uk/ukpga/1959/72/pdfs/ukpga_19590072_en.pdf))

### **1967 The report of the Central Advisory Council For Education (England) into Primary education in England – The Plowden Report**

Chapter 21 *Handicapped children in ordinary schools*

<http://www.educationengland.org.uk/documents/plowden/plowden1967-1.html>

### **1970 Education (Handicapped Children) Act**

An Act to make provision, as respects England and Wales, for discontinuing the classification of handicapped children as unsuitable for education at school, and for purposes connected therewith'

(<https://www.legislation.gov.uk/ukpga/1970/52/enacted>)

**1970 The Chronically Sick and disabled Person Act** – institute for hearing to be established, LA's to have;

educational facilities for children who suffer the dual handicap of blindness and deafness, special educational facilities for children who suffer from autism or other forms of early childhood psychosis, special educational facilities for children who suffer from acute dyslexia'

(<https://www.legislation.gov.uk/ukpga/1970/44/section/28/enacted>)

**1970 Local Authority Social Services Act** –

An Act to make further provision with respect to the organisation, management and administration of local authority social services; to amend the Health Visiting and Social Work (Training) Act 1962; and for connected purposes.

(<https://www.legislation.gov.uk/ukpga/1970/42/enacted>)

**1978 Warnock Report** – Encouraging inclusion in mainstream schools

First time the phrase Special Educational Needs (SEN) is used.

(<https://webarchive.nationalarchives.gov.uk/ukgwa/20101007182820/http://sen.ttrb.ac.uk/attachments/21739b8e-5245-4709-b433-c14b08365634.pdf>)

**1981 Education Act** – 'An Act to make provision with respect to children with special educational needs'.

1 Meaning of " special educational needs " and " special educational provision "

(1)For the purposes of this Act a child has "special educational needs " if he has a learning difficulty which calls for special educational provision to be made for him.

(2)Subject to subsection (4) below, a child has a " learning difficulty " if—

(a)he has a significantly greater difficulty in learning than the majority of children of his age; or

(b)he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided in schools, within the area of the local authority concerned, for children of his age; or

(c)he is under the age of five years and is, or would be if special educational provision were not made for him. likely to fall within paragraph (a) or (b) when over that age

(<https://www.legislation.gov.uk/ukpga/1981/60/enacted>)

**1986 Disabled Persons (Services, Consultation and Representation) Act** –

An Act to provide for the improvement of the effectiveness of, and the co-ordination of resources in, the provision of services for people with mental or physical handicap and for people with mental illness; to make further provision for the assessment of the needs of such people; to establish further consultative processes and representational rights for such people; and for connected purposes.

(<https://www.legislation.gov.uk/ukpga/1986/33/enacted>)

**1988 Education Reform Act** – introduced the National Curriculum

a curriculum for all registered pupils at the school of compulsory school age

(<https://www.legislation.gov.uk/ukpga/1988/40/contents/enacted>)

**1989 The Children Act**

An Act to reform the law relating to children; to provide for local authority services for children in need and others; to amend the law with respect to children's homes, community homes, voluntary homes and voluntary organisations; to make provision with respect to fostering, child minding and day care for young children and adoption; and for connected purposes.

(<https://www.legislation.gov.uk/ukpga/1989/41/contents>)

**1990 United Nations Convention on the Rights of the Child**

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

**1990 National Health Service and Community Care Act** – encouraging care in the community;

to make further provision concerning the provision of accommodation and other welfare services by local authorities and the powers of the Secretary of State as respects the social services functions of such authorities.

(<https://www.legislation.gov.uk/ukpga/1990/19/contents/enacted>)

**1993 Report of the special education review committee** DES (Department of Education and Science) - referred to 'general learning disabilities' as 'mental handicap' and adopted the classification system used by The World Health Organisation to indicate specific levels of disability.

(<https://www.ssess.ie/categories/general-learning-disabilities/general-learning-disabilities>)

**1993 The Education Act (Part 3)** – introduced SEN tribunals;

There shall be established a tribunal, to be known as the Special Educational Needs Tribunal (referred to in this Part of this Act as “the Tribunal”), to exercise the jurisdiction conferred on it by this Part of this Act’ and revisited the meaning of special educational needs;

56 Meaning of “special educational needs” and “special educational provision” etc

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

(2) For the purposes of this Act, subject to subsection (3) below, a child has a “learning difficulty” if—

(a) he has a significantly greater difficulty in learning than the majority of children of his age,

(b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the local education authority, or

(c) he is under the age of five years and is, or would be

(<https://www.legislation.gov.uk/ukpga/1993/35/contents/enacted>)

**1994 Education Act** – Introduced the Teacher Training Agency (TTA) to;

1 2 The objectives of the agency in exercising their functions shall be—

(a) to contribute to raising the standards of teaching;

(b) to promote teaching as a career;

(c) to improve the quality and efficiency of all routes into the teaching profession;

(d) to secure the involvement of schools in all courses and programmes for the initial training of school teachers;

(<https://www.legislation.gov.uk/ukpga/1994/30/contents/enacted>)

**1994 The Education (Special Educational Needs Code of Practice)**

(<https://www.legislation.gov.uk/uksi/1994/1414/made>)

**1994 Salamanca Statement** – UNESCO World Conference

(<https://unesdoc.unesco.org/ark:/48223/pf0000098427>)

**1995 Disability Discrimination Act**

An Act to make it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises.

(<https://www.legislation.gov.uk/ukpga/1995/50/contents/enacted>)

## **1996 Education Act**

312 Meaning of “special educational needs” and “special educational provision” etc

(1) A child has “special educational needs” for the purposes of this Act if he has a learning difficulty which calls for special educational provision to be made for him.

(2) Subject to subsection (3) (and except for the purposes of section 15(5)) a child has a “learning difficulty” for the purposes of this Act if—

(a) he has a significantly greater difficulty in learning than the majority of children of his age,

(b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in schools within the area of the local education authority, or

(c) he is under the age of five and is, or would be if special educational provision were not made for him, likely to fall within paragraph (a) or (b) when of or over that age.

316 Children with special educational needs normally to be educated in mainstream schools

(1) Any person exercising any functions under this Part in respect of a child with special educational needs who should be educated in a school shall secure that, if the conditions mentioned in subsection (2) are satisfied, the child is educated in a school which is not a special school unless that is incompatible with the wishes of his parent.

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

(a) his receiving the special educational provision which his learning difficulty calls for,

(b) the provision of efficient education for the children with whom he will be educated, and

(c) the efficient use of resources.

(<https://www.legislation.gov.uk/ukpga/1996/56/contents/enacted>)

## **1996 The International Bill of Human Rights**



<https://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

**1997 Green Paper** Excellence for all Children: Meeting special educational needs

(<http://www.educationengland.org.uk/documents/pdfs/1997-green-paper.pdf>)

**2001 Special Educational Needs and Disability Act** - Revised Code of Practice

(<https://www.legislation.gov.uk/ukpga/2001/10/contents>)

**2001 Special Educational Needs and Disability Act** - made educational discrimination unlawful.

Act to amend Part 4 of the Education Act 1996; to make further provision against discrimination, on grounds of disability, in schools and other educational establishments; and for connected purposes.

(<https://www.legislation.gov.uk/ukpga/2001/10/introduction/enacted>)

**2001 Special Educational Needs Code of Practice**

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/273877/special\\_educational\\_needs\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273877/special_educational_needs_code_of_practice.pdf))

**2001 DfES Inclusive Schooling**

This document provides statutory guidance on the practical operation of the new statutory framework for inclusion. It advises on:

- how the statutory framework for inclusion (sections 316, 316A and schedule 27) and other provisions within the Education Act 1996 interact.
- examples of the sorts of steps maintained schools and local education authorities should consider taking to ensure that a child's inclusion is not incompatible with the efficient education of other children;
- instances when it may not always be possible to include specific children in mainstream schools; and
- the safeguards that protect the interests of individual children with special educational needs and all pupils.

(<https://dera.ioe.ac.uk/4552/1/DfES-0774-2001.pdf>)

**2001 White Paper Valuing People** - A New Strategy for Learning Disability for the 21st Century – DoH

Forward by Tony Blair;

This White Paper sets out this Government's commitment to improving the life chances of people with learning disabilities. It shows how we will meet this commitment by

working closely with local councils, the health service, voluntary organisations and most importantly with people with learning disabilities and their families to provide new opportunities for those with learning disabilities to lead full and active lives.

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/250877/5086.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/250877/5086.pdf))

**2002** No Child Left Behind Act

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/913764/Public\\_health\\_approach\\_to\\_vulnerability\\_in\\_childhood.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913764/Public_health_approach_to_vulnerability_in_childhood.pdf)

**2002** Special educational needs: a mainstream issue [Local Government National report] Audit Commission for Local Authorities and the National Health Service in England and Wales.

Published by Audit Commission ISBN : 1862404097 (Not available online)

**2004** Removing Barriers to Achievement: The Governments Strategy for SEN

provides clear national leadership, supported by an ambitious programme of sustained action and review, nationally and locally, over a number of years, in four key areas:

- Early intervention – to ensure that children who have difficulties learning receive the help they need as soon as possible and that parents of children with SEN and disabilities have access to suitable childcare
- Removing barriers to learning – by embedding inclusive practice to every school and early years setting
- Raising expectations and achievement – by developing teachers’ skills and strategies for meeting the needs of children with SEN and sharpening our focus on the progress made by children with SEN
- Delivering improvements in partnership – taking a hands-on approach to improvement so that parents can be confident that their child will get the education they need

([https://dera.ioe.ac.uk/4955/13/8b56f1b2944d88f593e89ae3009fa5c3\\_Redacted.pdf](https://dera.ioe.ac.uk/4955/13/8b56f1b2944d88f593e89ae3009fa5c3_Redacted.pdf))

**2004** Office for Standards in Education (Ofsted) Special Educational Needs and Disability: towards inclusive schools

Recommendations

The DfES should continue to work with schools and LEAs to ensure that:

- the ability of mainstream schools to cater for the diversity of special needs and disability is enhanced

- the effects of local decisions on admissions involving pupils with SEN are kept under close review
- productive links on curriculum and teaching are made between mainstream and special schools
- pupils with SEN in mainstream schools are able to play a full part in school life, and receive a curriculum and teaching relevant to their needs
- schools evaluate their provision for SEN thoroughly and act on the findings to improve standards of achievement.

(<http://image.guardian.co.uk/sys-files/Education/documents/2004/10/12/Ofsted.pdf>)

## **2004 Children Act**

An Act to make provision for the establishment of a Children's Commissioner; to make provision about services provided to and for children and young people by local authorities and other persons; to make provision in relation to Wales about advisory and support services relating to family proceedings; to make provision about private fostering, child minding and day care, adoption review panels, the defence of reasonable punishment, the making of grants as respects children and families, child safety orders, the Children's Commissioner for Wales, the publication of material relating to children involved in certain legal proceedings and the disclosure by the Inland Revenue of information relating to children.

<https://www.legislation.gov.uk/ukpga/2004/31/contents/enacted>

**2005 Mental Capacity Act** People with learning disabilities have the right to make their own decisions if they have the capacity to do so.

The principles

(1)The following principles apply for the purposes of this Act.

(2)A person must be assumed to have capacity unless it is established that he lacks capacity.

(3)A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.

(4)A person is not to be treated as unable to make a decision merely because he makes an unwise decision.

(5) An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.

(6) Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

<https://www.legislation.gov.uk/ukpga/2005/9/contents/enacted>

**2005 Warnock Pamphlet 'Special Educational Needs: A New Look** reflects upon the 1978 Report

**2006 House of Commons Education and Skills Committee Special Educational Needs: Third Report of Session 2005–06 Volume I** – regarding inclusion and in response to Warnock  
(<https://publications.parliament.uk/pa/cm200506/cmselect/cmeduski/478/478i.pdf>)

**2006 House of Commons Education and Skills Committee Special Educational Needs: Third Report of Session 2005–06 Volume II** – 1<sup>st</sup> witness Baroness Warnock  
(<https://publications.parliament.uk/pa/cm200506/cmselect/cmeduski/478/478ii.pdf>)

**2006 National Health Service Act**

(<https://www.legislation.gov.uk/ukpga/2006/41/contents/enacted>)

**2006 Article 24 (Education) of the United Nations Convention on the Rights of Persons with Disabilities**

UK a signatory to this Convention which commits states to uphold human rights for disabled people (UNCRPD, United Nations, 2006)

(<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html>)

**2007 Putting People First**

Local Government Association, ADASS and NHS - commitment to making individual budgets a choice for anyone receiving social care.

([http://www.cpa.org.uk/cpa/putting\\_people\\_first.pdf](http://www.cpa.org.uk/cpa/putting_people_first.pdf))

**2007 Mental Capacity Act Code of Practice**

Guidance for decisions made under the mental capacity act 2005, supporting care and treatment of over 18 year olds who lack capacity

(<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>)

## **2007 Education and Skills Committee - Special Educational Needs: separation of assessment of need from funding of provision**

We suggest that Children's Trusts should ultimately take responsibility for both assessing the additional needs - including SEN - of children and young people and for commissioning suitable provision to meet those needs.

(<https://publications.parliament.uk/pa/cm200607/cmselect/cmeduski/memo/specialneeds/cm2802.pdf>)

## **2008 Education and Skills Act – raised the participation age**

<https://www.legislation.gov.uk/ukpga/2008/25/contents>

## **2008 Department of Health's report Healthcare for All: The Independent Inquiry into Access to Healthcare for People with Learning Disabilities**

Emphasises need for urgent change to improve grossly inadequate NHS healthcare.

[https://webarchive.nationalarchives.gov.uk/ukgwa/20130105064250/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_099255](https://webarchive.nationalarchives.gov.uk/ukgwa/20130105064250/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_099255)

## **2008 Inclusion Development Programme - an online/inclusive resource which focuses upon meeting children's needs in mainstream settings**

Eg. <https://www.gov.uk/government/publications/inclusion-development-programme-primary-and-secondary-supporting-pupils-on-the-autism-spectrum>

## **2009 Lamb Inquiry: Special Educational Needs and Parental Confidence**

### **Report to the Secretary of State on the Lamb Inquiry Review of SEN and Disability Information**

(<https://dera.ioe.ac.uk/9042/1/Lamb%20Inquiry%20Review%20of%20SEN%20and%20Disability%20Information.pdf>)

## **2009 Apprenticeship, Skills, Children and Learning Act – makes provision for apprenticeships and training**

(<https://www.legislation.gov.uk/ukpga/2009/22/contents/enacted>)

## **2010 Equality Act**

An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to

publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes.

(<https://www.legislation.gov.uk/ukpga/2010/15/contents/enacted>)

**DCSF (2010) Improving the Quality of Statements of Special Educational Needs: Good Practice in Writing Statements. National Strategies.**

[https://dera.ioe.ac.uk/765/7/sen\\_stmtnts\\_0010610\\_Redacted.pdf](https://dera.ioe.ac.uk/765/7/sen_stmtnts_0010610_Redacted.pdf)

**2010 Academies Act 2010**

<https://www.legislation.gov.uk/ukpga/2010/32/contents/enacted>

**2011 DCSF Consultation - Support and Aspiration: A new approach to special educational needs and disability**

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/198141/Support\\_and\\_Aspiration\\_Green-Paper-SEN.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/198141/Support_and_Aspiration_Green-Paper-SEN.pdf))

**2011 Department for Education: Oversight of special education for young people aged 16–25 –**  
Report by the Comptroller and Auditor General HC 1585, SESSION 2010–2012, 4 NOVEMBER 2011

Scope of the report

9 The Department for Education does not deliver special education for young people directly. However, it is responsible for policy objectives, the legislative and delivery framework, and for whether provision, overall, is value for money. To deliver their responsibilities, the Department, Agencies and local authorities need an oversight framework which provides information to assess value for money and inform decisions about special education provision and policy.

(<https://www.nao.org.uk/wp-content/uploads/2012/01/841303f2-e9b3-4916-b217-583edffe633a1.pdf>)

**2011 Equality and Human Rights Commission - Hidden in Plain Sight: Inquiry into disability-related harassment**

For the purposes of this inquiry, the Commission defined disability-related harassment as unwanted, exploitative or abusive conduct against disabled people which has the purpose or effect of either: violating the dignity, safety, security or autonomy of the person experiencing it, or creating an intimidating, hostile, degrading or offensive environment.

It includes harassment of the friends and family of disabled people and of people perceived to be disabled.

([https://www.equalityhumanrights.com/sites/default/files/ehrc\\_hidden\\_in\\_plain\\_sight\\_3.pdf](https://www.equalityhumanrights.com/sites/default/files/ehrc_hidden_in_plain_sight_3.pdf))

## **2012 Health and Social Care Act**

Emphasises the importance of physical and mental health

(<https://www.legislation.gov.uk/ukpga/2012/7/contents/enacted>)

## **2012 DfE Consultation Support and Aspiration: A New Approach to Special Educational Needs and Disability - Progress and Next Steps**

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/198141/Support\\_and\\_Aspiration\\_Green-Paper-SEN.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/198141/Support_and_Aspiration_Green-Paper-SEN.pdf))

**2012** Government Response to Hidden in Plain Sight, the Equality and Human Rights Commission Report on Disability Related Harassment (Jul)

The DfE reject suggestion:

The Department for Education Commission primary research on the extent to which segregated education, or inadequately supported integrated education, affects not just the learning outcomes of both disabled and non-disabled children, but also the ability of disabled children to subsequently re-integrate into wider society, and the extent to which segregation adversely impacts on nondisabled children's views of disability and disabled people.

(<https://webarchive.nationalarchives.gov.uk/ukgwa/20130703134120/http://odi.dwp.gov.uk/odi-projects/hidden-in-plain-sight.php>)

**2013 Ensuring a good education for children who cannot attend school because of health needs** (DfE) Statutory guidance for LAs

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/941900/health\\_needs\\_guidance\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941900/health_needs_guidance_accessible.pdf))

## **2014 Care Act**

LAs have a duty to assess and provide support for publicly funded care needs

(<https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>)

## **2014 Children and Families Act**

Part 3 Children and young people in England with special educational needs or disabilities

Introduced Education, Health and Care Plans (EHCPs)

(<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>)

## **2014 The Special Educational Needs and Disability Regulations 2014**

Which sets out the Law regarding statutory assessment, including;

- Consideration of request
- Decision whether or not to conduct an EHC needs assessment
- Matters to be taken into account in securing an EHC needs assessment
- Decision not to secure an EHC plan
- Preparation of EHC plans
- Form of EHC plans
- Timescales of EHC plans

<https://www.legislation.gov.uk/uksi/2014/1530/contents/made>

**2014 Social care: guide to the 0 to 25 SEND code of practice - Advice for social care practitioners and commissioners** DfE (September)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348928/Social\\_care\\_guide\\_to\\_the\\_0\\_to\\_25\\_SEND\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/348928/Social_care_guide_to_the_0_to_25_SEND_code_of_practice.pdf)

**2014 Further education: guide to the 0 to 25 SEND code of practice - Advice for further education colleges, sixth form colleges, 16 to 19 academies, and independent specialist colleges approved under section 41 of the Children and Families Act 2014** (DfE, September)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348883/Further\\_education\\_guide\\_to\\_the\\_0\\_to\\_25\\_SEND\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/348883/Further_education_guide_to_the_0_to_25_SEND_code_of_practice.pdf)

**2015 Special educational needs and disability code of practice: 0 to 25 years - Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities** DoH & DfE (First published 2014)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

**2015 Supporting Pupils at School with Medical Conditions** (DfE)



[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/803956/supporting-pupils-at-school-with-medical-conditions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803956/supporting-pupils-at-school-with-medical-conditions.pdf)

**2015 United Nations - Transforming our world: The 2030 agenda for sustainable development**

- New York: United Nations, Department of Economic and Social Affairs

(<https://sdgs.un.org/2030agenda>)

**2015 The Special Educational Needs and Disability Pathfinder Programme Evaluation: Final Impact Research Report** DfE (July)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/448156/RR471\\_SEND\\_pathfinder\\_programme\\_final\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/448156/RR471_SEND_pathfinder_programme_final_report.pdf))

**2015 Building the Right Support: A national plan to develop community services and close inpatient facilities for people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition** - Local Government

Association, Directors of ADASS Adult Social Services and National Health Service England (Oct)

(<https://www.england.nhs.uk/wp-content/uploads/2015/10/ld-nat-imp-plan-oct15.pdf>)

**2016 0 to 25 SEND code of practice: a guide for health professionals: Advice for clinical commissioning groups, health professionals and local authorities** DfE & DoH (Feb)

Close working with education and social care colleagues, early intervention and integrated approaches to supporting the most seriously ill children in society are facilitated by the reforms in the Health and Social Care Act 2012 and the Care Act 2014.

The new arrangements in the Children and Families Act are intended to build on such fundamental good practice.

**2016 Building the right home - Guidance for commissioners of health and care services for children, young people and adults with learning disabilities and/or autism who display behaviour that challenges.**

Building the right home is issued by NHS England, the LGA and ADASS as part of the Transforming Care Programme.

(<https://www.england.nhs.uk/learningdisabilities/wp-content/uploads/sites/34/2015/11/building-right-home-guidance-housing.pdf>)

**2016 United Nations Convention on the Rights of the Child**

Committee on the Rights of the Child Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland

Best interests of the child

26. The Committee regrets that the right of the child to have his or her best interests taken as a primary consideration is still not reflected in all legislative and policy matters and judicial decisions affecting children, especially in the area of alternative care, child welfare, immigration, asylum and refugee status, criminal justice and in the armed forces.

([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGBR%2fCO%2f5&Lang=en))

### **2016 Joint inspections of local area special educational needs or disabilities (or both) provision**

The two inspectorates, Ofsted and the Care Quality Commission (CQC), joint inspection. The aim is to hold local areas to account and champion the rights of children and young people.

Under the Local area special educational needs and disabilities inspection framework, inspectors review how local areas meet their responsibilities to children and young people (from birth to age 25) who have special educational needs or disabilities (or both).

<https://www.gov.uk/government/publications/local-area-send-inspections-information-for-families/joint-inspections-of-local-area-send-provision>

**2017** Local Government Association, Directors of ADASS Adult Social Services and National Health Service England Transforming Care: service model specification (Feb)

A resource for commissioners to develop service specifications to support implementation of the national service model for people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition.

(<https://www.england.nhs.uk/publication/transforming-care-service-model-specification-january-2017/>)

**2017** DfE Statutory Framework for the Early Years Foundation Stage: Setting the standards for learning, development and care for children from birth to five

([https://www.foundationyears.org.uk/files/2017/03/EYFS\\_STATUTORY\\_FRAMEWORK\\_2017.pdf](https://www.foundationyears.org.uk/files/2017/03/EYFS_STATUTORY_FRAMEWORK_2017.pdf))

**2017** Ofsted and Care Quality Commission Local area SEND inspections: one year on

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/652694/local\\_area\\_SEND\\_inspections\\_one\\_year\\_on.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652694/local_area_SEND_inspections_one_year_on.pdf))

three common areas of significant concern in all nine of these local areas:

Leaders' strategies to implement the reforms were weak and lacked impact. For example, the role of the designated medical officer (DMO) or designated clinical officer (DCO) was underdeveloped or under resourced.

Leaders' evaluations of how effective services had been did not focus well enough on the impact of their actions on improving outcomes for children and young people who have SEND.

Elected council members were not holding local area leaders to account well enough, meaning the impact of leaders' actions was not being scrutinised.

### **2017 Local Government and Social Care Ombudsman Education, Health and Care Plans: our first 100 investigations: Learning lessons from complaints**

<https://www.lgo.org.uk/information-centre/news/2017/oct/a-disproportionate-burden-families-struggling-with-new-special-educational-needs-system-when-councils-get-it-wrong>

### **2017 Care Quality Commission Registering the right support: CQC's policy on registration and variations to registration for providers supporting people with a learning disability and/or autism**

([https://www.cqc.org.uk/sites/default/files/20170612\\_registering\\_the\\_right\\_support\\_final.pdf](https://www.cqc.org.uk/sites/default/files/20170612_registering_the_right_support_final.pdf))

### **2017 The Special Educational Needs and Disability (First-tier Tribunal Recommendations Power) Regulations**

Power to make recommendations in respect of health and social care needs with EHC Plans from April 2018.

(<https://www.legislation.gov.uk/ukxi/2017/1306/contents/made>)

### **2017 United Nations Convention on the Rights of Persons with Disabilities - Committee on the Rights of Persons with Disabilities**

Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland (Oct)

Section III – Part 6. Principal areas of concern and recommendations

The Committee ...observes with concern:

(a) The insufficient incorporation and uneven implementation of the Convention across all policy areas and levels within all regions, devolved governments and territories under its jurisdiction and/or control;

- (b) The lack of consistency across the State party in the understanding of, adapting to and applying the human rights model of disability and its evolving concept of disability;
- (c) The absence of a comprehensive and cross-cutting review of the State party's legislation and policies, including within the devolved governments, in order to harmonize legal content and practice with the Convention;
- (d) The existing laws, regulations and practices that discriminate against persons with disabilities;
- (e) The lack of information on policies, programmes and measures that will be put in place by the State party to protect persons with disabilities from being negatively affected when article 50 of the Treaty on European Union is triggered.

**2018 Quick Guide: Guidance for health services for children and young people with SEND** (NHS England)

(<https://www.england.nhs.uk/publication/guidance-for-health-services-for-children-and-young-people-with-special-educational-needs-and-disability-send/>)

**2018 Working Together to Safeguard Children** (DfE)

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/942454/Working\\_together\\_to\\_safeguard\\_children\\_inter\\_agency\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf))

**2018 DfE SEND Tribunal: Single Route of Redress National Trial Guidance for Local Authorities, Health Commissioners, Parents and Young People** (March)

**2018 National Institute for Health and Care Excellence (NICE) Arranging services for people with a learning disability and behaviour that challenges: A quick guide for commissioners**

<https://www.nice.org.uk/media/default/about/nice-communities/social-care/quick-guides/arranging-services-learning-disability-quick-guide.pdf>

**2018 Department of Health and Social Care & Department of Education - Government Response to the First Joint Report of the Education and Health and Social Care Committees of Session 2017-19 on Transforming Children and Young People's Mental Health Provision: A Green Paper**

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728902/HESC\\_Print\\_3\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728902/HESC_Print_3_.pdf))

**2019 Timpson Review of School Exclusion**

Introduction by Edward Timpson

Schools must be calm and safe places, and it is right that we fully support head teachers in using exclusion where this is appropriate. Head teachers considering exclusion have a tough choice to make, having to weigh the profound implications that it can have on a young person's life with the interests and needs of pupils and staff in the wider school community. We must support school leaders in this difficult task, whilst making sure no child gets left behind.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

### **2019 National Audit Office Report Support for pupils with special educational needs and disabilities in England** HoC DfE (Oct)

#### Key facts

1.3m pupils in England identified as having special educational needs and disabilities (SEND) at January 2019

£9.4bn our estimate of the Department for Education's funding to support pupils with SEND in 2018-19

81.3% proportion of local authorities that overspent their high-needs budget in 2017-18

1.0% to 5.9% variation between local authorities in the proportion of pupils aged 5 to 15 with education, health and care plans

2.6% real-terms reduction in funding for each pupil with high needs between 2013-14 and 2017-18

32.4% real-terms increase in local authorities' spending on independent special schools between 2013-14 and 2017-18

44.9% proportion of permanent exclusions involving children with SEND in 2017/18

91.8% proportion of state special schools that Ofsted had graded as good or outstanding at August 2018

50.0% proportion of inspected local authority areas that Ofsted and the Care Quality Commission had assessed as underperforming at July 2019

<https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs.pdf>

### **2019 House of Commons Briefing Paper Number 8561, Post-16 Special Educational Needs and Disabilities in England: FAQs (May)**

(<https://commonslibrary.parliament.uk/research-briefings/cbp-8561/>)

**2019 House of Commons Education Committee, Special educational needs and disabilities - First Report of Session (Oct) (Halfon report)**

Let down by failures of implementation, the 2014 reforms have resulted in confusion and at times unlawful practice, bureaucratic nightmares, buckpassing and a lack of accountability, strained resources and adversarial experiences, and ultimately dashed the hopes of many. The reforms were the right ones. But their implementation has been badly hampered by poor administration and a challenging funding environment in which local authorities and schools have lacked the ability to make transformative change. The Government has recently taken initial steps to rectify the latter of these two challenges, but there is much left to be done.

(<https://publications.parliament.uk/pa/cm201919/cmselect/cmeduc/20/20.pdf>)

**2019 Local Government & Social Care Ombudsman Not going to plan? Education, Health and Care plans two years on learning lessons from complaints (Oct)**

(<https://www.lgo.org.uk/information-centre/news/2019/oct/a-system-in-crisis-ombudsman-complaints-about-special-educational-needs-at-alarming-level>)

**2020 House of Commons Committee of Public Accounts Support for children with special educational needs and disabilities First Report of Session 2019–21 Report, together with formal minutes relating to the report (Apr/May)**

**Summary**

Many of the 1.3 million school-age children in England who have special educational needs and disabilities (SEND) are not getting the support that they need. This is a failure that damages their education, well-being and future life chances. Half of the local authority areas inspected are not supporting children and young people with SEND as well as they should, and the action plans these areas have put in place are not addressing their weaknesses quickly enough. The Department for Education (the Department) has not done enough to understand the reasons for significant disparities in children's identified needs and access to support—between girls and boys, different ethnic groups and different parts of the country. Education, health and care (EHC) plans have become a 'golden ticket' that parents fight for to secure access to adequate support for their children. Children with SEND but who do not have EHC plans risk missing out on the support they need, especially in mainstream schools that are under significant financial

pressure. Parents still feel left out of decisions that affect their children, and they do not have full confidence in the system.

(<https://committees.parliament.uk/publications/941/documents/7292/default/>)

#### **2020 Coronavirus Act (May)**

(<https://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>)

**2020 House of Commons Women and Equalities Committee – Unequal Impact? Coronavirus, disability and access to services: interim Report on temporary provisions in the Coronavirus Act First Report of Session 2019–21** Report, together with formal minutes relating to the report (Sept)

(<https://committees.parliament.uk/work/227/unequal-impact-coronavirus-covid19-and-the-impact-on-people-with-protected-characteristics/>)

#### **2020 Department of Education Vulnerable Children and Young People Survey - Summary of returns Waves 1 to 4**

The Department for Education (DfE) established a survey of local authorities in England to help understand the impact of the coronavirus (COVID-19) outbreak on Children's Social Care. Local authorities are asked to report to DfE every 2 weeks on the following areas:

- Contact with children supported by the local authority Children's Social Care
- Children's Social Care Workforce
- Cost pressures
- System pressures

#### **2020 Care Quality Commission and Ofsted COVID-19 series: briefing on local areas' special educational needs and disabilities provision - Evidence from visits to six local areas between 5 and 14 October 2020**

##### **Main findings**

Children and young people with SEND were less likely to be attending their schools and colleges than their peers this term.

Some children and young people who experienced prolonged absence from education were exposed to increased levels of abuse and neglect while at home or in care.

Practitioners and leaders working with children and young people with SEND have found the pandemic personally and professionally difficult.

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/943488/COVID-19\\_series\\_briefing\\_on\\_special\\_educational\\_needs\\_and\\_disabilities\\_provision\\_November\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943488/COVID-19_series_briefing_on_special_educational_needs_and_disabilities_provision_November_2020.pdf))

**2021 All Party Parliamentary Group for SEND Report Forgotten. Left behind. Overlooked. The experiences of young people with SEND and their educational transitions during the Covid-19 pandemic in 2020**

<https://www.naht.org.uk/Portals/0/SEND%20docs/APPG%20for%20SEND%20Report%20Spring%202021.pdf?ver=2021-04-27-112014-380>

**2021 House of Commons Briefing Papers Number 07020 Special Educational Needs: support in England (Apr)**

(<https://researchbriefings.files.parliament.uk/documents/SN07020/SN07020.pdf>)

**2021 Ofsted Research and Analysis Supporting SEND (May)**

Although recent reports by Ofsted and others have highlighted some strengths in the special educational needs and/or disabilities (SEND) system, there are also significant weaknesses. These include:

- gaps in external provision and training
- lack of coordination between services
- lack of accountability
- weak co-production

This study was developed to explore how the needs of children and young people are met in mainstream schools and how approaches vary between providers.

(<https://www.gov.uk/government/publications/supporting-send/supporting-send>)

**2021 IFF Research & Belmana, Evaluation of the national trial extension of Special Educational Needs and Disability (SEND) Tribunal powers – Government Social Research (GSR) (published by DfE July)**

This report presents findings from the evaluation of the trial extension of powers of the First-tier Special Educational Needs and Disability (SEND) Tribunal. The extended powers allow the Tribunal to make non-binding recommendations about health and social care elements of appeals alongside education aspects.



[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1004123/SEND\\_tribunal\\_national\\_trial\\_independent\\_evaluation\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004123/SEND_tribunal_national_trial_independent_evaluation_July_2021.pdf)

**2021 DfE SEND Tribunal: extended appeals Guidance for local authorities, health commissioners, parents and young people (Sept)**

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1014438/DBOT\\_2122\\_single\\_route\\_of\\_redress\\_guidance\\_-\\_1\\_September\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014438/DBOT_2122_single_route_of_redress_guidance_-_1_September_2021.pdf))

**2022 HM Government Opportunity for all: strong schools with great teachers for your child**  
(White Paper -March)

The Levelling Up mission for schools is that by 2030, 90% of children will leave primary school having achieved the expected standard in reading writing and maths and the GCSE average grade will rise from 4.5 to 5.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1063602/Opportunity\\_for\\_all\\_strong\\_schools\\_with\\_great\\_teachers\\_for\\_your\\_child\\_print\\_version\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063602/Opportunity_for_all_strong_schools_with_great_teachers_for_your_child_print_version_.pdf)

**2022 HM Government SEND Review: right support, right place, right time**

**Government consultation on the SEND and alternative provision system in England** (Green Paper – March)

The current SEND system means that too many children and young people with SEND are achieving poor outcomes. Parents and carers are facing difficulty and delay in accessing support for their child. Providers have to navigate a complex system where it is not clear what support should be provided or who should pay for it. Despite a more than 40% increase in high needs funding between 2019-2020 and 2022-2023, local government spending is outstripping funding and the system is financially unsustainable..

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1063620/SEND\\_review\\_right\\_support\\_right\\_place\\_right\\_time\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063620/SEND_review_right_support_right_place_right_time_accessible.pdf)



**05.01.2018 'Families and young people are left in limbo': Children are being failed by a system that keeps hundreds of pupils with special educational needs waiting longer than a year for a support plan** - Helen Ward, TES

<https://www.tes.com/magazine/archived/families-and-young-people-are-left-limbo>

**01.04.2018 Special needs cash shortfall 'leaves thousands of pupils unplaced'** - Hannah Richardson, BBC News

<https://www.bbc.co.uk/news/education-43604865>

**04.12.2018 Missing special needs support 'a national scandal'** - Hannah Richardson, BBC News

<https://www.bbc.co.uk/news/education-46400397>

**07.01.2019 Families waiting too long for special needs support in England** - Ben Weisz, BBC Sussex

<https://www.bbc.co.uk/news/education-46658243>

**30.01.2019 Special needs overspend in eight out of 10 councils** - Branwen Jeffreys, BBC News

<https://www.bbc.co.uk/news/education-47058309>

**15.04.2019 The 'untold misery' of special needs shortfalls** - Hannah Richardson, BBC News

<https://www.bbc.co.uk/news/education-47827856>

**15.04.2019 The National Education Union has found that SEND funding granted to local authorities from central government since 2015 has failed to keep up with rapidly increasing demand for special educational needs and disabilities (SEND) provision** - National Education Union press release

<https://neu.org.uk/press-releases/send-provision>

**26.06.2019 Families take government to court over special needs** - Hannah Richardson, BBC News

<https://www.bbc.co.uk/news/education-48758740>

**19.07.2019 Special needs education breaking our budgets, warn councils: Sharp rise in pupils requiring special support leads to £100m overspend in England** – Richard Adams, The Guardian

<https://www.theguardian.com/education/2019/jul/19/special-needs-education-breaking-our-budgets-warn-councils>

**07.08.2019 SEND crisis: 6000+ SEND appeals is the 'new normal' in a 'broken system'** - Hayley Mason, Special Needs Jungle

<https://www.specialneedsjungle.com/send-crisis-6000-send-appeals-new-normal-broken-system/>

**06.09.2019 Williamson promises review of special needs education in England: Education secretary admits 'problems' following changes to support for pupils in 2014** – Richard Adams, The Guardian

<https://www.theguardian.com/education/2019/sep/06/gavin-williamson-review-special-needs-education-england>

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<https://schoolsweek.co.uk/send-review-launched-to-tackle-postcode-lottery-of-support/>

**06.09.2019 DfE launches major SEND review: Government review will look at how to give mainstream schools incentives to better support pupils with SEND** - John Roberts, TES

<https://www.tes.com/news/dfe-launches-major-send-review>

**11.09.2019 Special needs pupils without care plans 'vulnerable'** - Katherine Sellgren, BBC News

<https://www.bbc.co.uk/news/education-49640713>

**11.09.2019 Children with special needs are marginalised at school, says NAO: National Audit Office says the system incentivises schools to be less inclusive** - Richard Adams, The Guardian

<https://www.theguardian.com/education/2019/sep/11/children-with-special-needs-are-marginalised-at-school-says-nao>

**04.10.2019 'Unprecedented' level of special needs complaints upheld** - Hannah Richardson, BBC News

<https://www.bbc.co.uk/news/education-49924189>

**07.10.2019 Families lose challenge over special-needs funding** - By Katherine Sellgren, BBC News

<https://www.bbc.co.uk/news/education-49958807>

**23.10.2019 'Unlawful practices and buck passing' over special needs** - Hannah Richardson, BBC News

<https://www.bbc.co.uk/news/education-50140141>

**26.11.2019 Bristol's special needs education plan failure 'shocking'** – BBC News

<https://www.bbc.co.uk/news/uk-england-bristol-50547393>

**26.11.201 The right to a suitable education: what the law says** - Bren Prendergast, Special Needs Jungle

<https://www.specialneedsjungle.com/right-suitable-education-what-law-says/>

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<https://www.bbc.co.uk/news/education-51107400>

**03.02.2020 'Drastic change' call over Bristol special needs education** – BBC News

<https://www.bbc.co.uk/news/uk-england-bristol-51356425>

**26.02.2020 SEND support in Central Bedfordshire 'a constant battle' say parents** – BBC News

<https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-51645636>

**23.03.2020 Low attendance at scaled-down schools sparks fears for vulnerable pupils: Relief at lack of demand for skeleton service mixed with concern for some absentees** - Sally Weale, The Guardian

<https://www.theguardian.com/world/2020/mar/23/parents-heeding-calls-to-keep-children-home-from-school-say-heads>

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[https://www.bbc.co.uk/news/health-52022965?intlink\\_from\\_url=https://www.bbc.co.uk/news/education&link\\_location=live-reporting-story](https://www.bbc.co.uk/news/health-52022965?intlink_from_url=https://www.bbc.co.uk/news/education&link_location=live-reporting-story)

**28.03.2020 Coronavirus: Legal challenges 'certain' over SEND rule changes** - Samantha Booth, Schools Week

<https://schoolsweek.co.uk/coronavirus-legal-challenges-certain-over-send-rule-changes/>

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<https://www.theguardian.com/education/2020/apr/06/uk-councils-face-lawsuits-over-access-to-education-in-lockdown>

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<https://www.theguardian.com/society/2020/apr/15/pandemic-isolates-families-disabled-children>

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<https://www.theguardian.com/education/2020/apr/22/make-it-compulsory-for-vulnerable-children-to-go-to-school-no-10-urged>

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<https://www.theguardian.com/education/2020/may/06/education-system-for-children-with-special-needs-in-england-riddled-with-inequalities>

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<https://schoolsweek.co.uk/dfes-send-review-must-address-significant-failings-says-public-accounts-committee/>

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<https://schoolsweek.co.uk/dfes-reports-10-rise-in-number-of-ehc-plans/>

**16.05.2020 Government faces legal challenge over emergency SEND powers** - Samantha Booth, Schools Week

<https://schoolsweek.co.uk/government-faces-legal-challenge-over-emergency-send-powers/>

**19.05.2020 Coronavirus: £10m emergency home-learning fund set up for families with SEND pupils – Reporter, Schools Week**

<https://schoolsweek.co.uk/coronavirus-10m-emergency-home-learning-fund-set-up-for-families-with-send-pupils/>

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[https://www.bbc.co.uk/news/uk-england-devon-52665688?intlink from url=https://www.bbc.co.uk/news/topics/cnrxy1nq9kxt/special-needs&link location=live-reporting-story](https://www.bbc.co.uk/news/uk-england-devon-52665688?intlink_from_url=https://www.bbc.co.uk/news/topics/cnrxy1nq9kxt/special-needs&link_location=live-reporting-story)

**27.05.2020 Coronavirus: Parents of disabled children 'cut off and ignored'** - Sean Coughlan, BBC News

<https://www.bbc.co.uk/news/education-52806105>

**01.07.2020 'Utter abandonment' of special needs families during lockdown** - Hannah

Richardson & Katherine Sellgren, BBC News

<https://www.bbc.co.uk/news/education-53248609>

**01.07.2021 English schools 'using coronavirus as excuse' not to teach special needs pupils: Risk assessments being used to keep children at home for 'spurious reasons', MPs hear** - Sally Weale, The Guardian

<https://www.theguardian.com/education/2020/jul/01/english-schools-using-coronavirus-as-excuse-not-to-teach-special-needs-pupils>

**02.07.2020 Ombudsman report: Boy with special needs failed by council twice** – BBC News

<https://www.bbc.co.uk/news/uk-england-norfolk-53254303>

**03.07.2020 SEND in schools 2019-2020: It's just so depressing** - Tania Tirraoro, Special Needs Jungle

<https://www.specialneedsjungle.com/send-in-schools-2019-2020-its-just-so-depressing/>

**04.07.2020 SEND rules back to normal from September (but prepare for local relaxations)** - Freddie Whittaker, Schools Week

<https://schoolsweek.co.uk/send-rules-back-to-normal-from-september-but-prepare-for-local-relaxations/>

**09.07.2020 Ofsted's SEND inspections put on hold owing to Covid-19: However, the watchdog is planning to carry out visits next term to better understand the experiences of pupils with SEND during lockdown** – John Roberts, TES

<https://www.tes.com/news/coronavirus-ofsteds-send-area-inspections-hold>

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<https://www.tes.com/news/send-system-not-working-well-admits-dfe>

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<https://www.specialneedsjungle.com/dfe-on-send-failures-inquiry-well-get-back-to-you-later-and-its-not-our-fault/>

**31.07.2020 Coronavirus: The shielders turning the word 'vulnerable' on its head** - Octavia Woodward, BBC News

<https://www.bbc.co.uk/news/disability-53351241>

**16.09.2020 SEND review won't be out until 2021, says Williamson** - Freddie Whittaker, Schools Week

<https://schoolsweek.co.uk/send-review-wont-be-out-until-2021-says-williamson/>

**02.10.2020 Special educational needs and disabilities: The 'forgotten' children** - Phil Shepka, BBC News

<https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-54266181>

**24.11.2020 Special educational needs support 'offered after exclusion'** - Kayleen Devlin, BBC Ouch

<https://www.bbc.co.uk/news/disability-54613655>

**05.12.2020 Funding gap of £643m puts special needs teaching at risk** - Chaminda Jayanetti, The Guardian

<https://www.theguardian.com/society/2020/dec/05/funding-gap-of-643m-puts-special-needs-teaching-at-risk>

**07.01.2021 Covid-19: SEND families' struggles amplified in lockdown** - Thamayanthi McAllister, BBC News

<https://www.bbc.co.uk/news/uk-england-55551913>

**19.02.2021 Provision denied: Children with SEND have had their needs and education “pushed to one side, for the convenience of the majority”** Special Needs Jungle survey shows a widespread failure to restore disabled children's SEND provision when children returned to school in the Autumn Term 2020 - Special Needs Jungle

<https://www.specialneedsjungle.com/provision-denied-disabled-children-report/>

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<https://www.getsurrey.co.uk/news/surrey-news/demand-special-educational-needs-assessments-20494822>

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<https://www.theguardian.com/education/2021/may/15/councils-in-england-facing-funding-gaps-plan-to-cut-special-needs-support>



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Catriona Moore, Special Needs Jungle

<https://www.specialneedsjungle.com/minister-admits-legal-entitlements-children-send-up-for-review/>

**17.07.2021 SEND review looking to reduce parent need for EHC plans: Top Department for Education official says government wants more parents to have child's needs met without needing to go for an EHCP – John Roberts, TES**

<https://www.tes.com/news/send-review-looking-reduce-parent-need-ehc-plans>

**23.07.2021 Government must act now to protect SENCO time by law - Adam Boddison, Chief Executive, nasen – Schools Week**

<https://schoolsweek.co.uk/its-time-for-government-to-protect-senco-time-by-law/>

**26.07.2021 Increased Support for SEND Pupils Needed to improve Home Education, MPs Say: Greater support for children with special educational needs and disabilities (SEND) and tougher measures to tackle off-rolling have been recommended by MPs to improve home education in England - Fiona Simpson, Children and Young People Now**

<https://www.cypnow.co.uk/>

**02.09.2021 Ten percent Send funding increase ‘not sufficient’ to tackle deficits – Jonathon Knott, Local Government Chronicle (LGC)**

<https://www.lgcplus.com/services/children/ten-percent-send-funding-increase-not-sufficient-to-tackle-deficits-02-09-2021/>

**07.09.2021 Bedfordshire parents protest over special school places gap – BBC News**

<https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-58478345>

**08.09.2021 Schools in England forced to cut support for special needs pupils: Third of headteachers had to slash their budgets last year due to insufficient funding, survey finds -**

Rachel Hall, The Guardian

[https://www.theguardian.com/education/2021/sep/08/schools-in-england-forced-to-cut-support-for-special-needs-pupils?utm\\_term=f267a19eeb88071047b8005634d8c588&utm\\_campaign=GuardianTodayUK&utm\\_source=esp&utm\\_medium=Email&CMP=GTUK\\_email](https://www.theguardian.com/education/2021/sep/08/schools-in-england-forced-to-cut-support-for-special-needs-pupils?utm_term=f267a19eeb88071047b8005634d8c588&utm_campaign=GuardianTodayUK&utm_source=esp&utm_medium=Email&CMP=GTUK_email)

**25.09.2021 Let’s talk about how disabled children are treated in the United Kingdom in the year 2021 – Write It Out Right**

<https://writeitoutright.wordpress.com/2021/09/25/cold-tea/>

**21.10.2021 Hanging by a thread: How the system is failing SEND children:** Shocking reports detail how vulnerable children and their families are left to fall into crisis - John Dickens

<https://schoolsweek.co.uk/hanging-by-a-thread-how-the-system-is-failing-send-children/>

**17.11.2021 SEND review 'steering group' appointed to push through reforms: Children's minister defends delays to landmark review and warns Covid has 'intensified' issues** – Freddie Whittaker, Schools Week

<https://schoolsweek.co.uk/send-review-steering-group-appointed-to-push-through-reforms/>

**30.11.2021 Ask, Listen, Act, so disabled learners' two years of pandemic misery is never repeated** - Tania Tirraoro, Special Needs Jungle with Dr Emma Ashworth (she/her) PhD AFHEA CPsychol, Lecturer in Psychology, Disability Coordinator, School of Psychology, Liverpool John Moores University

<https://www.specialneedsjungle.com/ask-listen-act-disabled-learners-pandemic-misery-never-repeated/>

**06.12.2021 SEND Will Quince tells MPs DfE 'could have done better' in its engagement with stakeholders** - Freddie Whittaker, Schools Week

<https://schoolsweek.co.uk/send-review-has-taken-too-long-and-comms-regrettable-minister/>

**How do Education, Health and Care Plans create symbolic capital for children and young people with special educational needs and disabilities, their families and professionals in the field?**

1. Go around the group ask for name replies to include answer to - “what are your experiences of Special Educational Needs and Disability (SEND)?”
2. Group - How do you feel about the acronym SEND?
3. What do you know about statutory assessment and Education, Health and Care Plans? (sub questions if appropriate: For the purposes of my research, can you let me know what you think about the processes? Have you been involved?)
4. Why do you think we have statutory assessment and EHCPs?
5. What do you feel EHCPs are for? What do you think they can do?
6. Would you say you have been invested/keen in the past for a child or young person (or yourself) to get an EHC Plan?
7. Why do you think this was?  
What do you think they can do?  
What difference do you think an EHC Plan makes?
8. What do you think Education, Health and Care Plans are useful for? (explicit)
9. Do you think an Education, Health and Care Plan can make a difference? Why/How?  
What difference do you think an EHCP *could* make? (both explicit and implicit)
10. Are there things that an Education, Health and Care Plan ‘brings’ that is different to what you expected? (implicit)
11. Do you think there is anything negative about having an Education, Health and Care Plan?  
Are there situations when you think an EHC plan would not be useful?
12. What do you think EHCPs bring? If you were to list what they ‘bring’ in order of what you value the most at the top and carry on down, what would be at the top? What might be in the middle? What would be at the bottom?
13. What would you say an EHCP symbolises? Do you have a way of describing an EHCP?

## Appendix D 30.01.20 Educational Psychologists Group

Researcher: So they're pretty general questions, and I am gonna try and be really quiet. So I've been given some techniques to do to try and keep myself quiet, while I wait for you guys to answer.

Suggested techniques, 'bag of knitting beside you?' 'band on wrist?' more laughing and joking.

Researcher: The first thing I'm gonna ask you to do, is say your name and just let me know what your experiences of special educational needs and disabilities. Just so that I've got your names and things. I'm pretty sure I'll remember, hear your voices and know your names and stuff, but it's just so that, yeah, so shall I start with Participant 1? So, what's your name?

Participant 1: My name is Participant 1, I'm an Educational Psychologist. My experience is from, across the different areas of the code of practice, four areas. From 0-25, although I say that I would say I don't think I've seen anyone below the age of 2 and my oldest is 23. But I don't want to give a wrong impression, because actually most of the post 16's seem to be 17 or 18 or one or two that are a bit older, so I wouldn't say I am regularly seeing people from 16 to 25. So, I think that's a challenge, but that is my experience. I have been trained for two years and I'm gradually building my understanding.

Researcher: Brilliant, thank you. Participant 2....

Participant 2: Hi, I'm Participant 2, I'm an Educational Psychologist as well and have been for nearly ten years. In terms of the SEN, that's kinda what we do, it's bread and butter so I think almost Educational Psychologist for nearly ten years kinda says the experience, like Participant 1 says, across the age range, mainstream and special schools, very rarely Post 16 providers actually in my experience. But, um yeah. Done.

Researcher: That's great thank you.

Participant 3: I'm Participant 3, also an Educational Psychologist, I've been qualified for ten years this year, I think. I don't know (Participant 2: so your eleventh year of practice) eleventh year of practice, there you go. Um yeah, covered all of the age ranges and I guess all the areas of the code of practice in one way, shape or another.

Researcher: Thank you.

Participant 4: Yeah and I'm Participant 4, Educational Psychologist, in my tenth year of practice and also the three years since training, cause that's, part of your placement is you're learning about SEN, so yeah that is the job isn't it, SEN is our job

Researcher: Brilliant, thank you Participant 4, that's great. So, the first question is then, how do you feel about the acronym SEND?

Silence: 03: 27 – 3:33 (Researcher: It's really difficult to get started isn't it?)

Participant 4: I find it strange that it's special educational needs, because we were taught to talk about additional needs aren't we, (agreement in the room, uhum) rather than special needs. So you'd never say a child's got special needs, you would say they've got additional needs, and yet SEN is the, that's stuck, hasn't it.

Participant 2: It's probably stuck because legally that's, well not legally, I can't remember what's in the law, but it's certainly in the code of practice, so that's the professional, governmental term

Participant 4: yes but it used, so was idiot and um retard (Participant 3: umm) (Participant 2: absolutely) they were all

Participant 2: and special's going that way, special is often used in a derogatory manner.

Participant 4: yeah, you would never say to a child, 'you've got special needs', would you, because that would be seen as (Participant 3: politically incorrect) yeah, (Participant 3: yeah) and yet we still have it as the (Participant 2: yeah) official acronym for the code of practice.

Participant 2: I don't suppose I have any clear feelings though until someone asks me about it. (Researcher: yeah) It's not something that occupies (Researcher: no, no) my space.

Participant 1: I think, I think that because so many people just use the term SEND and talk about SEND, I don't think that, a lot of people really think about the words behind it. I think Participant 4's quite right, if you break it down and say Special Educational Needs it is quite, quite difficult. And actually I think we are very careful about the language that we use, typically in, in reports.

Participant 4: and also because it is a word. I was thinking about this thing, I was at a meeting earlier, we talk about SEND, and that becomes an acronym that people don't know what we're talking about doesn't it (Participant 3: Umm). And if it was DNS, you can't pronounce DNS can you? DNSE, you can't pronounce that so you might talk about that and actually use, but because it's a word, it gets used (Researcher: um) *all* the time. (Researcher: yep) but nobody explains, or knows what. You ever been in a meeting and someone goes, what's SEND? A parent saying or young people. So I don't think it's helpful that it is a word.

Researcher: I hadn't even thought about the fact that it's a word.

Participant 2: I'm surprised by the narrow interpretation that exists within schools still. I think, I find myself still frequently drawing schools' attention to the fact that SEMH *is* a special educational need, whereas they just, often it's a learning need that's what we mean. If you can't attend school, because you keep getting booted out because of your behaviour then that's a barrier to your learning. And they rarely, rarely marry it up. It's like the pastoral department in secondaries that are rarely integrated with the SEND departments. It baffles me.

Participant 4: They do, I've heard, 'Well they haven't, they haven't got SEND, they're just too anxious to come to school. They haven't got SEND at all' (Participant 2: umm) And you have to say well yeah, there is, that's the code of practice one of which is SEMH, that's SEND isn't it? If a child is so anxious, (Participant 2: I suppose) they cannot go to school.

Participant 2: It baffles me (over the top of is so anxious they cannot go to school), it's the whole concept around this you know, it's the medicalised model, it's the reductionist approach to trying to fit complex human beings into a limited set of categories, that don't particularly work or describe what's going on.

Participant 3: I think we get it a lot at secondary schools with that flit between the pastoral and the SEN departments and then, and so particularly something like um, an SEMH issue, it's because well they're not on the SEN register, they're nothing to do with our department. So, I think yeah, I think I agree there is a sort of limited view and understanding by some families or professionals involved, as to what, what actually, what does SEND incorporate (Researcher: umm). Umm, I feel, I don't know, I feel a bit like that disability bit on the end of it has been tagged on without really any thought, I'm not sure that anybody, we seem to have sort of moved from a world of SEN to SEND without anybody really discussing what that means perhaps. I don't know that might just be me. And I think in the world of schools that's become difficult where SENCOs are they SENCOs, are they SENDCOs are they...what's their title?

Participant 4: and if the disability that they've got gives you SEN, then why does it need to be (Participant 3: why does it need to be) Why does it need to be SEN *and* disability? It's as if they are two different things because the disability is the SEN isn't it? (Participant 1: absolutely) If it's not then it's not, they're not a SEND.

Participant 3: Then it doesn't need to be included anyway. (Participant 4: No)

Participant 2: Do you mean it doesn't need to be included in terms of the umbrella notion of SEN? Because I can see a disability being present, if you go down the social model of disability.

OK if it stirs up to the front door of your school, it's gonna be difficult to attend school, but you don't have SEN, but you do have disability preventing you to get in, the adjustments need to be made. Disability needs to be acknowledged somewhere because there's likely gonna be the requirement for something to be adjusted.

Participant 4: Say you had asthma or something, but it was well controlled. It's a disability isn't it? (Participant 2: uhum) But it's not impacting on your SEN at all, is it, in school? You could have a child in school, that you never knew they had asthma (Participant 2: uhum) But if it becomes, if it becomes an issue in school, then it becomes a special educational need, doesn't it? So, if, if he had to go off and have a nebuliser every hour, then that would impact on your education wouldn't it. So, it becomes.

Researcher: Do you think this is a really big area to try and grapple really, the whole idea about what is an educational need, compared to what is a medical, social, emotional need? Just out of interest. (at the same time as Participant 4: Well they're the same aren't they?)

Participant 4: Well they're all the same aren't they? (Researcher: Yeah, you'd say?) Isn't that what we are saying? If a child's got an emotional dysregulation that means they, high anxiety or they can't come to school, their self, that is going to have an impact. Isn't it.

Participant 1: I think it's interesting that, we had a conversation yesterday, I think it was yesterday, or the day before, in a team meeting, about report writing, particularly looking at advices, um and how we can, if there are areas that we can be more succinct and obviously we want to be as detailed as you can, because that might, might make a difference, and try not duplicate what, what we would say, and there was a real difficulty in looking at that across the categories, which, which Participant 2's saying, as he says, you know are quite difficult to, because children don't come into that package. And you look at one area, if it is disability for example, um that actually can have a massive impact on somebody's self-efficacy and you know approach to learning and all those, all those other things, but you know, it's difficult not to separate them out and not repeat yourself.

Researcher: how do you feel about the acronym SEND?

Participant 4: I find it strange that it's special educational needs, because we were taught to talk about additional needs aren't we, rather than special needs. So you'd never say a

child's got special needs, you would say they've got additional needs, and yet SEN is the, that's stuck, hasn't it.

Participant 2: It's probably stuck because legally that's, well not legally, I can't remember what's in the law, but it's certainly in the code of practice, so that's the professional, governmental term

Participant 4: yes but it used, so was idiot and um retard (Participant 3: umm) (Participant 2: absolutely) they were all

Participant 2: and special's going that way, special is often used in a derogatory manner.

Participant 4: yeah, you would never say to a child, 'you've got special needs', would you, because that would be seen as (Participant 3: politically incorrect) yeah, (Participant 3: yeah) and yet we still have it as the (Participant 2: yeah) official acronym for the code of practice.

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Researcher: That's really helpful. It's a very different perspective, I think. Um, so, what do you know about, the next question is. What do you know about statutory assessment and education, health, care plans (quiet laughter). What do you think about the processes and the way that you guys have been involved?

Participant 2: I think things have shifted considerably in the last few years. My sense these days are that schools for the most part are doing virtually everything that's gonna be written into a plan anyway, (Participant 3: umm) so in that respect the plan does nothing really for the whole school, but provide a bit of extra money, or open the door to an alternative provision if required. Now the bit of extra money might be important, um particularly if you are devoting a huge amount of human resources at the time.

Participant 4: It's seldom enough money to do anything with though isn't it?

Participant 2: It isn't (Participant 4: practical) but across the piste you then, you know you've got three or four EHC's in your school (Participant 4: umm) well then that's potentially twelve grand, that is arguably going to be a hole in the budget. A lot of schools won't put the resources in place until there is a plan, to make them put them in place and that, so the problem is, cause that isn't a judgement on the school, the problem is *nobody* has enough money. We're all scrabbling around locally trying to grasp the last penny when the major issue actually, rests in respect of central government and there isn't enough coming down to schools or the people that try and support schools to meet the needs of kids, the demands go up, the resources go down.

Participant 1: I think it's really, really complicated, and I'm not sure if I can answer that in a simple kind of, discussion. There are so many just kind of bit's to it. But, looking at, seeing what Participant 2 is saying there about how schools have changed and what they can and can't support, and actually their approach to learning and how that's changed. And that's almost becoming a way of protecting themselves um and that kind of changes what schools want from Educational Psychologists and the need for us to have conversations about how, how we practice and what we will do to support. Either some preventative work and get in there firstly, um or this process, which is twenty weeks, plus the assessment time, plus plan, do review time and everything like, just to get a piece of paper later on. I'm deeply concerned about some, some of the schools, um their packages like for example um 'ready to learn', which might be, might be good for some children, not so much for others. But there is this, either I need enough from you to move a child on, or I, you know rather than, well let's get into the, into where the problem is, let's get a wider understanding.

Participant 2: But I think one of the limitations recently, and so there are two points that I wanna make, firstly is we *don't* have the capacity or the opportunity to do much in the way of meaningful work anymore, not something that will actually move a situation on greatly. Whereas that used to be the norm, you used to go into a piece of work thinking how am I gonna help make a positive difference here, now it feels more and more like we are box tickers. We are in because we're meant to be part of the process, not because we've got the capacity or the schools got the capacity to make any great shifts as a result of our involvement. The other part that I think needs to be considered within this is, I don't think anyone will consciously do it in an individual level, but there is a vested interested within the psychology service for EHCs to

happen, because it is our statutory function and we are facing a local authority that has to make millions of pounds worth of saving, so the way we preserve our jobs, is being involved in a statutory role. And I think that's a, that's a conflict and there's an issue, it comes down to funding again and resourcing.

Participant 4: Yeah, and on the theme of funding, I, I don't, so you alluded to it earlier, if a child has been in a school for two, three, four years and they're going through the EHC process, they should be everything, school should be doing, I don't think that anything changes, for that child, the day after they've got, OK they've got their EHC, I don't think (Participant 1: it shouldn't though should it, it absolutely shouldn't) *anything* will change for that child, I don't think it makes any.

Participant 2: but it should do (Participant 4: but it should yeah), because that's, what's the point

Participant 4: and I don't think there is a, I, I really struggle, I get quite frustrated sometimes you know it's lauded isn't, 'Oh we're getting an EHC', the parents get really excited and you get it through, and they get to the drafting meeting and parents go 'Oh that's taken me years' and I know, if I know the school and I know it will not make a scrap of difference for that child, nothing *at all* is going to change and, because it is not resourced is it? It's not funded, so you could either have a system where lots of children have EHCs but they are all fairly meaningless, cause nothing comes from them in terms of resource. Or you could make EHCs more targeted and they came with a pot of money, or you could have a bigger pot of money to start with, there's just you've a small pot of money and lots of EHCs. So that is so diluted, it doesn't do anything and if you can't increase the size of the pot, you could reduce the amount of EHCs so that actually when you got an EHC it did make a difference. Or you could..

Participant 2: The one thing it does do, Researcher and I were at the same legal training together, so one of the reasons that you many need to issue the plan is because the school won't commit resources without the plan and that does have potential. I've come across that in a couple of my mainstreams in the past, that the kid is not going to get the level of support that they require if the plan isn't in place.

Participant 2: that is frustrating (Participant 3: that is frustrating)

Participant 4: can you think of a child in school that the EHC comes into force and suddenly they get to access lots of new things.

Participant 1, Participant 2 and Participant 3 – No, No, No

Participant 4: I genuinely can't think of any...

Participant 3: but normally the schools have to, they have to put in the evidence that they have been providing above and beyond. (Participant 4: yeah). So, it's in that sense I guess, arguably it's not the plan itself, you know the day the plan is issued and the day before aren't going to look any different to each other and shouldn't. but potentially if you look at a *broader* bit of time should the year before, the year before that look very different? Do you see what I mean? Because the schools have to evidence that they have put that in (Participant 4: umm) and that it has had an effect, so it wouldn't change the day after it is issued. Do you see what I mean?

Participant 4: yeah, but only if the school are only putting that in just to get the EHC, if they're just putting it in because it's good teaching. You know I think it's really sad, that all the time I've been an EP and how ever many EHCs I've been involved with, I can't think of a single thing that's changed for a person cause they've got an EHC, other than (Participant 2: apart from they've gone to special school) yes other than yes that's the golden ticket isn't it's specialist provision.

Participant 3: or post 16

Participant 1: I just feel, I just feel like it does make thing's a real challenge to, kind of, push for a more holistic view of a child and what's going on for them. And there is this sort of, there's something wrong with this child and we need to just do this, very within child, kind of approach, come in and do your assessments and do your (Participant 3: umm). And, you know, so, for example school that's talking about difficulties in processing, and I'm looking at the child and I might do some, I don't know kinetic family drawing for example, and then gain a wider understanding actually that there are all these problems, all these problems are at home and that's what we need to bring in, and that's, that's where it is, but from the schools perspective it's his fault and he's in the class and these are the problems and he's not managing to, look at his levels they're all going down, and its you know, so it's all go support in literacy and support in that. I find that a real problem, I find that a real problem for statutory, to try and get, to move away from that, to try and get teachers into, um different um systemically, different attitudes towards the children as a whole. This warning system, you know two strikes and out, and actually you know, look at what is going on and look at how are attitudes are towards them, the child. Whereas, we are sat there going, this is the strengths and this is a need in every little box and then you know, we'll put this in place for them, typically outside of a classroom. Rather

than, I think for me, that's what, that's my biggest concern, is that, you know and I find myself, and it's something I've thought a lot about my practice just recently where I have found myself working with individual children more and it's something I really want to try and push back against, to try and get a bit more systemic in my, in my approach and a few more kind of multi-agency meetings to gain wider understanding and wider understanding of how we can help and support. That's ..

Participant 2: and I think to develop your point slightly. So, it was a while ago I circulated a reference, but it was around, it was a study of school psychologists reports in America, and there was effectively five factors that could explain why a child was experiencing a difficulty, when you then looked in the school psychologist report at what they describe, the vast majority were within child (Participant 1: yeah) and that's what the EHC advice does, (Participant 1: Absolutely) it places the problem within child, we don't look at the curriculum content or the curriculum delivery or community issues, or systemic issues around the child, because, frankly, I think we are all a little bit too scared to name things that might then be challenged at tribunal. Which is understandable because we're kinda trying to work with adults, but those things are very real issues. You know I've been harping on for years, what is quality first teaching, can somebody provide me a definition so that I don't write it into my advice, because the feedback sometimes come, well that looks like quality first teaching (Participant 4: yeah) it's not defined anywhere so that's someone's opinion of what quality first teaching looks like, (Participant 4: yeah) it isn't something that they can say that's quality first teaching and the next person would definitely agree with them. And we need those kinds of descriptions and discussions, and those documents to ensure that we can (Participant 1: umm) name what is above and beyond, because at the moment we can't. And we also need to be, like you said, to be a bit more systemic in our thinking, this is not just about a child who finds it difficult. This is about a system that is currently set up in a very damaging way to those children who need the help.

Participant 4: I was asked this week, a school has identified twelve children that their behaviour is of a significant concern and could I be part of a process that drew up twelve individual kind of plans, all bespoke for each child as to how they were going to manage them. And I suggested setting up a nurture group (Participant 2: Beautiful Participant 3: umm, umm) in the school that those children could attend and I was just met with a kind of, it was partly what's that, what's a nurture group? But also no that's not what we want, we, I've been you know, that shift in

thinking, and I spent ages, and ages, and I think I might've sown the seed and it might, it might but that's a totally different way of working then isn't it in terms of our resources and capacity, if one or two of those children end up going through the EHC process, then that's our time, that's so much of our time taken up, isn't it? (Participant 1: Yeah) That you then can't devote, because your time in school is finite and precious, and fought over isn't it, (Participant 1: yeah) by different people and there's EHC process seems to trump everything doesn't it?

Participant 2: Do you think it's because

Participant 4: that is statutory

Participant 3: Well, because it does, and that is frustrating because like you said, that's the bit that we probably feel like makes the least difference of the young people that we work with

Participant 4: yeah, I think it makes no difference at all, other than specialist provision, it is a gateway isn't it?

Participant 3: I have a slightly different concern around the whole EHC process than we've talked about, which is regarding the input of both health and social care to it. And the fact that there's no sort of statutory bases or funding that comes from them to do it. So, some of our *most* complex young people who we *potentially could* affect some sort of change for *through* the EHC process, we can't because the other agencies aren't combined and involved properly. Um, so, that's *my* bigger concern, although actually, I agree with the other points, but I do feel that lack of, you know I kinda joke about it being an education health care plan, with a capital H, capital E, small h and c, you know, it just doesn't, it doesn't feel like it's joined up, it doesn't feel like any, it's any different to the previous system, other than the fact we call it something different. And *all* that does is set parents up with an expectation which then gets them really frustrated when they're like, and I sat in the drafting meeting, where the dad was there going 'why is there no representative from health here, her *main* issue is around her health, why is there nobody from health here?'

Participant 4: how often does a drafting meeting have anyone from health or social care? Once in a blue moon, if you're lucky.

Participant 3: I've had one I think, (Participant 4: umm) and I did a lot last year. (Laughs)



What do you know about statutory assessment and education, health, care plans (quiet laughter). What do you think about the processes and the way that you guys have been involved?

Participant 2: I think things have shifted considerably in the last few years. My sense these days are that schools for the most part are doing virtually everything that's gonna be written into a plan anyway, so in that respect the plan does nothing really for the whole school, but provide a bit of extra money, or open the door to an alternative provision if required. Now the bit of extra money might be important, um particularly if you are devoting a huge amount of human resources at the time.

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different to each other and shouldn't. but potentially if you look at a *broader* bit of time should the year before, the year before that look very different? Do you see what I mean? Because the schools have to evidence that they have put that in and that it has had an effect, so it wouldn't change the day after it is issued. Do you see what I mean?

Participant 4: yeah, but only if the school are only putting that in just to get the EHC, if they're just putting it in because it's good teaching. You know I think it's really sad, that all the time I've been an EP and however many EHCs I've been involved with, I can't think of a single thing that's changed for a person cause they've got an EHC, other than (Participant 2: apart from they've gone to special school) yes other than yes that's the golden ticket isn't it's specialist provision.

Participant 3: or post 16

Participant 1: I just feel, I just feel like it does make things a real challenge to, kind of, push for a more holistic view of a child and what's going on for them. And there is this sort of, there's something wrong with this child and we need to just do this, very within child, kind of approach, come in and do your assessments and do your. And, you know, so, for example school that's talking about difficulties in processing, and I'm looking at the child and I might do some, I don't know kinetic family drawing for example, and then gain a wider understanding actually that there are all these problems, all these problems are at home and that's what we need to bring in, and that's, that's where it is, but from the schools perspective it's his fault and he's in the class and these are the problems and he's not managing to, look at his levels they're all going down, and its you know, so it's all go support in literacy and support in that. I find that a real problem, I find that a real problem for statutory, to try and get, to move away from that, to try and get teachers into, um different um systemically, different attitudes towards the children as a whole. This warning system, you know two strikes and out, and actually you know, look at what is going on and look at how are attitudes are towards them, the child. Whereas, we are sat there going, this is the strengths and this is a need in every little box and then you know, we'll put this in

place for them, typically outside of a classroom. Rather than, I think for me, that's what, that's my biggest concern, is that, you know and I find myself, and it's something I've thought a lot about my practice just recently where I have found myself working with individual children more and it's something I really want to try and push back against, to try and get a bit more systemic in my, in my approach and a few more kind of multi-agency meetings to gain wider understanding and wider understanding of how we can help and support.

Participant 2: and I think to develop you point slightly. So, it was a while ago I circulated a reference, but it was around, it was a study of school psychologists reports in America, and there was effectively five factors that could explain why a child was experiencing a difficulty, when you then looked in the school psychologist report at what they describe, the *vast* majority were within child (Participant 1: yeah) and that's what the EHC advice does, (Participant 1: Absolutely) it places the problem within child, we don't look at the curriculum content or the curriculum delivery or community issues, or systemic issues around the child, because, frankly, I think we are all a little bit too scared to name things that might then be challenged at tribunal. Which is understandable because we kinda trying to work with adults, but those things are very real issues. You know I've been harping on for years, what is quality first teaching, can somebody provide me a definition so that I don't write it into my advice, because the feedback sometimes come, well that looks like quality first teaching (Participant 4: yeah) it's not defined anywhere so that's someone's opinion of what quality first teaching looks like, (Participant 4: yeah) it isn't something that they can say that's quality first teaching and the next person would definitely agree with them. And we need those kinds of descriptions and discussions, and those documents to ensure that we can (Participant 1: umm) name what is above and beyond, because at the moment we can't. And we also need to be, like you said, to be a bit more systemic in our thinking, this is not just about a child who finds it difficult. This is about a system that is currently set up in a very damaging way to those children who need the help.

Participant 4: I was asked this week, a school has identified twelve children that their behaviour is of a significant concern and could I be part of a process that drew up twelve individual kind of plans, all bespoke for each child as to how they were going to manage them. And I suggested setting up a nurture group (Participant 2: Beautiful Participant 3: umm, umm) in the school that those children could attend and I was just met with a kind of, it was partly what's that, what's a nurture group? But also no that's not what we want, we, I've been you know, that shift in thinking, and I spent ages, and ages, and I think I might've sown the seed and it might, it might but that's a totally different way of working then isn't it in terms of our resources and capacity, if one or two of those children end up going through the EHC process, then that's our time, that's so much of our time taken up, isn't it? (Participant 1: Yeah) That you then can't devote, because your time in school is finite and precious, and fought over isn't it, (Participant 1: yeah) by different people and there's EHC process seems to trump everything doesn't it?

Participant 2: Do you think it's because

Participant 4: that is statutory

Participant 3: Well, because it does, and that is frustrating because like you said, that's the bit that we probably feel like makes the least difference of the young people that we work with

Participant 4: yeah, I think it makes no difference at all, other than specialist provision, it is a gateway isn't it?

Participant 3: I have a slightly different concern around the whole EHC process than we've talked about, which is regarding the input of both health and social care to it. And the fact that there's no sort of statutory bases or funding that comes from them to do it. So, some of our *most* complex young people who we *potentially could* affect some sort of change for *through* the EHC process, we can't because the other agencies aren't combined and involved properly. Um, so, that's *my* bigger concern, although actually, I agree with the

other points, but I do feel that lack of, you know I kinda joke about it being an education health care plan, with a capital H, capital E, small h and c, you know, it just doesn't, it doesn't feel like it's joined up, it doesn't feel like any, it's any different to the previous system, other than the fact we call it something different. And *all* that does is set parents up with an expectation which then gets them really frustrated when they're like, and I sat in the drafting meeting, where the dad was there going 'why is there no representative from health here, her *main* issue is around her health, why is there nobody from health here?'

Participant 4: how often does a drafting meeting have anyone from health or social care?  
Once in a blue moon, if you're lucky.

Participant 3: I've had one I think, (Participant 4: umm) and I did a lot last year. (Laughs)

Researcher: So, it brings me onto my next question then, in a way, because you've already started touching on it really, (Participant 3: sorry), no no, it's good don't be! Why do you think then that we have statutory assessments and education, health care plans, why do they exist?  
Silence 24: 07 – 24: 18

Participant 1: It's a good question isn't it, but I think, I think, a simple answer would be to sort of gain a wider understanding of a child that is struggling beyond what we can, what we are managing. And, but, and I think there is an attempt to do the right thing

Participant 4: it comes from the right place doesn't it, but

Participant 1: yeah, but actually it is, it is within child. I don't, I also don't know if I could come up with a better alternative, but you know, for me often when I'm writing, if I'm writing something like this, I'm thinking the most important part is getting that background and that understanding of a child first and even that is sort of trumping, for us, our money seems to be in the interventions and the you know and the outcomes, but for me, if I know what's going on for this child, you know, quite often you can, you might be able to make a shift, or at least gain an understanding, you know, if there's domestic abuse in there and that's where, that's where all of the issues come from to get to, so..

Participant 2: and that's so interesting, because I would lean towards the formulation as well (Participant 1: yeah) having sat on panel, there's a lean towards outcomes and provision, that's the bit that gets dissected (Participant 1: absolutely, yeah, yeah). Yeah, I'm with you, more important part is the story (Participant 1: yeah).

Participant 4: and yet, we're told at the team meeting, when you're writing your advice, (Participant 2: make the story briefer) don't worry about the story, it's all about what comes into provision.

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Participant 1: So, if you, why

Participant 2: it's not nice to hear that message isn't important, because that's not what we

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Participant 1: I think back, I think back to, Participant 4 and I supported a critical incident OK, it sounds like I'm really off tangent, (Researcher: no no it's fine) but I'm not at all. Whilst we, and we support critical incidents in different ways and we met with a number of children together and I think one of the things that came from that, was just an absolute wider understanding of



what was going on for the children, some of them really close to the incident itself, but some of them were um challenges, difficulties that they, they had already existing. Now after that, um, what I noticed when I went it, was that the teaching staff were much, much more aware of the community within the school and what was going on for their children um and actually their teaching, because it came from a nurturing place, which gradually, which they managed to maintain for some time and then it sort of faded a little bit, was much more efficient and much more held and maintained. So, if I was to answer a question, that would be it for me, is to, is to understand the children.

Participant 4: Again, this week, I've had a useful week, but um a school, another school is thinking of setting up a provision, off-site for fifteen of its young people, with the clear intention that they go in, have some intervention and then come back. And the person that's in charge of setting this up, in this school, said I'm not sure we've got the right personnel to run this, and obviously the key, the people that are key, and I said don't forget you've got four EPs that work in this school, all of which, of whom do a day (Participant 2: one of which is qualified), but you've got four EPs and he went 'Yeah, so what would that look like?' So, I said well, for instance, I could spend one of my days in that provision, getting to know those people. 'OK, why would you do that?' So, I said well I could spend time with them, I could sit down with them, I could talk to them and they might tell me something about why they're, why they're here, you know what's their, 'OK, but where would that get us?' and it was like, I was, I was explaining it like that, obviously that would be a good thing, you know, maybe if you did form a bond with a child and they told you something about their life, you suddenly got an understanding of why they, why they're one of the fifteen children in the whole school that needs to be (Participant 3: umm) but I couldn't get... to me it was obvious but ...

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Participant 2: But we are... We've been set up again as gatekeepers to the SEN process (Researcher: yep) and I it's (laughing) interesting being interviewed by you Researcher, but the 0-25 Team has been a significant part of that, of that role (Researcher: it exists because of it, yeah, absolutely) But, no us as gatekeepers, (Researcher: oh yes, yeah, yeah) it's not going anyway if an EP is not involved. That message is given so often in so many different ways, that schools can't help but see that, we can't...

Participant 3: It's difficult, I ended up in a meeting a couple of weeks ago, I hadn't even met this young person and there was a range of professionals around the table and they all looked at me and went, when's the EHCP happening? And I was like, I haven't met this, that, what, I, I was like do you think maybe we should have a little process of plan, do, review? Could I have some assessment over time? Could I have some involvement before we decide whether or not? But, in the same meeting I had to say, I am not the gatekeeper to an EHCP, if you wanna put in a proposal, put in a proposal, but to be fair on that occasion, the school were going, we're not ready, we don't have any evidence, we're not, he's not been here very long. So, that's quite useful but I do think we are quite limited by various professional groups and school staff who do often limit our role to being that, to being a purely statutory one, (Researcher: umm) whereas we would see that as the tip of the iceberg I guess and not what we would want to be our main function.

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Researcher: So as a general question then, where do you think, well actually it might even be my next one, yeah, so you could go at it from this angle actually and then we would probably come round to it anyway, um so, Would you say that you yourselves have been invested in the past in getting an EHC for a child, and if so why? Like you've just said

Participant 4: personally invested?

Researcher: Yeah, as a professional when, yeah, absolutely, because like you say, we do hear from other professionals, saying you know, I think this child needs an EHC. Have you ever experienced that yourselves?

Participant 3: in terms of us really thinking that somebody does?

Researcher: Yeah, that this child

Participant 4: I definitely have, (Researcher: yeah?) if it's a child in a mainstream school who's really really struggling and parents know they're struggling and the school, and you *know* that that child needs specialist provision

Participant 1: yes as a gateway

Participant 4: as a gateway yeah

Participant 2: I suppose you are conflating plan with provision

Participant 4: only, *only* to get specialist provision,

Participant 3: never for any other reason, yep, yep

Participant 4: never to help a child in school, this child is not mainstream, you know the perfect school for them is X the only way they are going to get there is via an EHC

Participant 1: and depending where they are developmentally um it can devalue our, I think, can devalue our involvement, so for example early years is, is a real challenge, it's been a real challenge for me in terms of my practice, you see them very little and we'll be looking from the beginning of the year um and we'll have a massive load of early years children and we'll know from the children we see that it might be appropriate, obviously with parent choice, but it might be appropriate that they source specialist provision and we will be thinking along the timeline of, matching panel is, will be April or May so we're thinking we wanna get an EHC complete by Easter if we can, and you work back your twenty weeks and then, so really, so early years just becomes a try and see all these children as quickly you can, to get that report in, so that proposal is then complete by half term at the latest. Which is a really odd way to work and I think, it devalues what we offer. In terms ...

Participant 3: and we would, I think we would probably all agree, the worst bits of EP advice that you write are the ones where you *really* don't know the person well enough (Participant 1: yeah) that you are writing about and it *does* feel like you are really not adding anything to the process at all (Participant 1: yeah) if it has any value.

Silence 38:42 – 38:47

Researcher: So, it sounds a little bit, from what you're saying that it's driven by bureaucracy rather than your area of expertise.

Participant 1: Yeah I suppose so.

Participant 4: You've got no time. You get the case don't you, you look at it and you think oh is this one that is basically everyone thinks this child needs to go, and then that's it isn't it? And so you immediately start down that route, on day one.

Participant 1: especially if you are on a timeline

Participant 4: Yeah, because you are, aren't you with early years?

Participant 1: Yeah

Participant 3: umm

Participant 2: It's true, it's gonna, it is going to vary slightly. I'm sat here and I'm thinking that there are times when I quite like the process of writing the advice (Participant 3: yeah) because it's a psychological formulation that builds towards an intervention plan. (Participant 1: yeah) That's good psychology, that's good work. The issue *is*, we don't then see that intervention plan through. (Participant 3: umm) Not to any great extent, certainly not to the extent we would like to, and you're slightly trusting people will a - understand what you've written and be able to interpret that in a meaningful way, without a huge amount of support afterwards, b – they'll put it in place.

Participant 1: yeah

Participant 2: in a meaningful way.

Participant 1: And it's a big document isn't it, (Participant 3: umm) it's got to be thorough. It's a big, big document.

Participant 2: yeah it's legally binding and *we all* have to be prepared to stand up and defend it, if it ever goes to tribunal.

Participant 4: But they don't though, cause if you see, because I see Cornish and Devon EHCs, through ACE and they're literally just wafer thin, there's nothing on there.

Participant 2: they don't even need to be written we discovered.

Participant 4: There's nothing on there

Participant 2: you can go verbally

Participant 4: where's the rest of it? That's it, it tells you nothing, literally nothing.

Participant 1: and here for us, and that's a worry isn't it across counties this difference.

Participant 4: Ours are so amazingly good

Participant 1: and we're thinking about, if they're not as detailed.

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Participant 1: and then a school, people aren't reading it all are they? It's too much (same time as Participant 4)

Participant 4: well then, yeah but that's saying they're a pointless thing anyway innit. That's admitting they're pointless, so why waste too much time writing them.

Participant 3: so maybe that is the view we should have?

Participant 4: well maybe it is.

Participant 2: So, ours might be a better (Participant 3: looking, yeah) more informed plan slash document slash report, but we just pissed away a load of hours doing it (Participant 3: it's not effecting any change) it's not going to make a jot of difference.

Participant 4: how many times you go to a year 10, year 11 review of EHC and when you're reading it, it says when Johnny, when Johnny goes to, (Researcher: laughs) makes the transition from Primary School and you think What? This? It's And I'm not making it up, it's I've that happens

Researcher: yeah, yeah

Participant 2: But we are back at resourcing issue

Participant 4: so who's looked at that then? So you've got this EHC, it's been in a drawer for, it even comes out at a nominal, annual review and nobody's even read it cause it says primary school, when they go into year 6 or something, when they go into year 5.

Participant 2: and I don't know if it will be transcribed but, not all the annual reviews get read, (laughs), so the plans don't get updated, (Participant 4: no they don't) so the system is broken. (Participant 4: yeah)

Researcher: I can share with you I think that there has been, well I've done an awful lot of work on this area, so it's really nice to hear that little bit because that supports something that Management has taken forward.

Participant 4: But that isn't about the SEN Team, that's about school. (Researcher: yeah, but it is..) If school have sat on an EHC for 5 years and they haven't noticed this

Participant 3: It's a bit of both, (Researcher: yeah it is, but it is the bureaucracy as well) because sometimes schools do change them, they do get changed. (Researcher: and resourcing)

Participant 1: it is a challenge, some schools have a lot more children with EHCPs than others, but they can have a number of children with EHCs and really they ought to know what is in those EHCPs and you know all the staff working with those children should know that as well, in terms of their approaches. Um..

Participant 4: I was talking to a SENCO yesterday and he said it's the proudest moment of his career, as a SENCO, that the last five EHC reviews they've done in school, they've actually done properly. (Researcher: right) They've had the champion, they've sent stuff out in time, they've had a person-centred review, they've had flipcharts up on the walls. The child's contributed with biscuits and they've chosen, they've done that and he's said he's almost moved to tears, the difference

Participant 1: the child's contributed biscuits? (Participant 3: Laughs)

Participant 4: you know what I mean, the champion, they choose the biscuits, they choose the music. And he said it's just been an *amazing* thing to be part of and it's his best thing he's done in his whole career. So, it ...

Participant 2: Oh, you see I find the whole person-centred stuff (Participant 4: Do you? I think it's wonderful, I love it) potentially a little bit wankee.

Participant 3: laughs

Participant 4: Don't

Participant 2: I value the child voice, I'm just concerned that the person centred stuff now has become tokenistic and formulaic, that this is how we do it with the flip-charts up and we make sure they brought their biscuits and they've got their music playing and everyone says nice stuff

at the start. It's just a (Participant 4: but it) new formula to deliver something, person-centred, it's individualised, that's at the heart of all of it. (Participant 4: yeah) yet we just trot out

Participant 3: and we give it a system

Participant 2: we trot out the six step

Participant 4: but that child, they only have the one don't they, you know, they don't know that

Participant 2: the six step process, the run of an individualised person centred plan, make sure you brought biscuits, put good music on and put the flipcharts up

Participant 4: but for that child it's important isn't it?

Participant 2: it's very important for the child (Participant 3: It's)

Participant 4: and for the family they'll come out and say I've never had a review like that, it's always been just a pointless paper exercise (Participant 2: great) I really feel

Participant 3: I can

Participant 2: would the child, would the child have said that's how I want the review to run? Or has the child just thought that's a great idea, you bring the biscuits

Participant 3: I do see what you're saying, I can see that it could be really valuable, but I also get Participant 2's point, that if it is going to be person-centred and individualised it needs to be individualised and thought of as an individual process not as another tick box system of what are the things that we need to do to make it, that being said, you know

Participant 2: we still have people stuck with what's the child's voice, 'Oh they couldn't tell me' 'they couldn't speak'. That *isn't it*, (Participant 4: yeah, so given the) that's not the sole source.

Participant 4: so giving the child the champion in the school for two weeks before, that's really useful isn't it? If you're sat with the child (Participant 2: it has the potential to be) on and off for two weeks you're not going to get to that meeting and say

Participant 2: but you're buggered if you don't like your champion

Participant 4: but you choose your champion, don't you?

Participant 2: but you might, (Participant 4: the child chooses their champion) schools are going to be limited aren't they, there's only going to be a few people that schools are gonna say (Participant 4: well) are gonna be your champion

Participant 4: well, nothings perfect. You'd say to the, I'd say the child, who would you like?

Participant 2: my main concern (Participant 4: yeah) is that the whole process is meant to be highly individualised and it's not, everyone trots out the same document to deliver the person-

centred planning in the same way. It's just another highly formatted highly structured approach to doing a meeting, it just happens to involve the kid and biscuits, that's the main difference.

Participant 4: no well, alright, I disagree

Participant 1: Can you remind me of the question, because I just want to make a good answer

Researcher: So, um, oh gosh, good question in itself, so whether we'd been invested or keen in the past for a child um to get an EHC Plan and then I was going to ask, what, why do you think that was and what difference do you think they can make, but we've sort of covered a lot of that.

Participant 1: yeah sure, (Researcher: I mean) I would agree with Participant 2 that actually um, once or twice, do a little more work for a child towards an education, health and care plan and it has offered a wider understanding um, and hopefully changed some, some understanding of how to support a child regardless of whether they'll get it

Participant 2: when you type this up, can you send me that, the bit where Participant 1 says I would agree with Participant 2, (Researcher: he agrees with Participant 2, yeah, yeah, I get it) I'd appreciate that, (Participant 1: it's on the recording) it doesn't happen often. (Researcher: I'll put it on a big banner)

Participant 4: the other thing is that.

Participant 1: the other thing, is make it clear that Participant 2 is the one that said wankee

Researcher: good point, for the tape

Laughter

Participant 3:

Researcher: but now you have too.

Participant 4: I would normally work with a child in a, try to do it in a lovely sort of holistic way, with a dynamic assessment and then you anyway near an EHC and they go 'Oh I need a WIATT' because we need some, (Participant 1: yeah there's a pressure for number's isn't there) there's that pressure for numbers

Participant 3: Is there? (Participant 2: Who says that?) (Participant 4: I get it all the time) I.. I haven't put numbers in very many of my EHCP advices.

Participant 2: hardly ever

Participant 3: I very, very rarely do it



Participant 4: I was told by a, I was lambasted by a consultant paediatrician 'What is the point, that tells me nothing, I want numbers'

Participant 2: well then, you use one of your clinical psychologists to get your numbers for you

Participant 4: yeah but I there, we don't like it, but there's still, I think there's still there is that perception out there (Participant 2: ) that in order to make a case for a, (Researcher: that you have to do some sort of cognitive assessment) it's gonna carry some weight at the at panel.

Participant 1: that is a question for you guys, I've had a SEND Officer suggest to me, that we need some numbers because we've got no levels

Researcher: they do like it, the panel do like it (Participant 4: they do) to be fair, um.

Participant 4: and I know that, and I know, that if I'm invested in that child, getting a specialist provision or something (Researcher; yeah) I don't want, I don't wanna be the reason they don't get it, so I will do a WIATT (Participant 1: absolutely) and I would put it in and I would say look they are really low, you knew that already but look they're first centile for everything (Researcher: umm) and that's hard to argue with isn't it on a panel, unfortunately.

Researcher: So there's a lot of responsibility, would you say there's a lot of responsibility then (Participant 4: yeah), cause I think that's part of the way my team, or the team I work within, um feel, is there's a real responsibility you take the best case forward (Participant 4: absolutely, yeah) and from what you're saying you'll go above and beyond and do things that perhaps you wouldn't necessarily be doing (Participant 4: yeah) or you know carrying out, so using professional time to do those things (Participant 4: yeah) because you're you are invested in the child getting an education, health and care plan.

Participant 4: Yeah I will waste my time probably (Participant 1: yeah) doing a WIATT and writing it up (Participant 1: uhummm and). To prove what everyone knows, that the child is way behind but..

Participant 1: and the real concern about that, is sometimes, you talk about some of the children we work with at that first percentile, and some of them may not have an awareness that they're, that that's, that's how they've scored, but often that's not the case and, and ethically there is a real struggle umm, and in terms of their self-esteem and the anxiety that that provokes, they come out of working with you, however much you do your best, and they come away, you've got your numbers, but actually it's been a little bit damaging for that child to come away, going 'Well I know, I know I can't read then' 'I know I can't do maths,' you know,

particularly on the discontinues. (Participant 4: yeah, you've gotta go four, then you have go get four in a row wrong) I feel it's awful, yeah know you know what, we'll do a couple more other ones, let's just move back to number seven, OK yeah great, do know what we'll do them all, let's start at one, you know (Participant 4: yeah, laugh)

Participant 2: but, you know I've never had an experience where I've felt a child's become overly distressed in those situations

Participant 4: no you would stop surely wouldn't you? I've never had it but yeah

Participant 2: well just because the, I think we worry about it

Participant 3: I always explain it, if it is hard, that's how we know when to stop

Participant 4: yeah

Participant 1: but a child might not show (Participant 4: no) that level of stress in the room. I, I did one with a child, who I thought everything was going, going well, I thought he was really happy because he smiled, but his smile was actually, gosh I feel really stressed.

Participant 2: you do have a, you do have a tendency to trigger people don't you?

Participant 1: and as I was going, he was laugh, he was very, uhh

Participant 4: laugh

Researcher: So then, from, cause in a way then it is interesting, I, I sort of, I picked up on what you said Participant 4, cause to me that does show that you have been invested in the past, you know and you've said for special schools and for um, support within the school, but actually you know there is something else there, isn't there, you are thinking this child needs one presumably?

Participant 4: yeah because I know what it unlocks (Researcher: umm) and, and the other thing, I think, I always do the one to one (Researcher: yeah) (Participant 1: and I do) and I personally, I can't understand how you can not do one but the, the from on highs, you don't need to do them, isn't it (others: umm) (Participant 2: I don't; Participant 3: I do ) and I think sitting in the home with the parent for a couple hours (Researcher: yeah personally) finding everything out and also explaining to the parent, this is the process 'do you know what an EHC is all about?' 'Do you know why we are doing this?')

Participant 2: as an observation, (Participant 4: yeah) and purely as an observation, so if it, if it comes out sounding at *all* critical, it is *not* meant to, but (Participant 4: but, but) the schools you don't work with many schools at the moment and one of the schools you do work for, you've

been there for years, in fact the two of the schools you work for, you've been there for years and they are highly flexible in how you use your time and you therefore have that opportunity and capacity to go and sit in someone's home for a couple hours (Participant 4: um) and for that to be perfectly OK within those schools (Participant 4: that's true). That isn't true everywhere (Participant 4: no) and so having just come from the primary team you know, with God knows, it was up towards thirty EHCs last year, if I sat in every single person's home for a couple of hours to do that in detail, I would do virtually nothing else and so I think there's, (Participant 4: yeah) we need to be mind again, of the systems that we work within and it isn't an equal system, (Participant 4: no), it's not a fair system currently.

Participant 4: you'd think somebody in XXXX, with fifteen, sixteen well you did last, didn't you

Participant 2: fifteen, sixteen schools, absolutely, and I

Participant 1: I worked for XXXX for two days a week seven schools, so if each one of those schools just put two or three EHCPs in a year, and that's only two, two days a week, (Participant 4: that's you done innit) (Participant 3: umm) so what is it like for somebody else working, working five days, five days a week?

Participant 4: yeah

Participant 2: and that's what ..

Participant 3: and it's not just XXXX, cause you know I had a *high* level of statutory work last year on two days a week, and one term I think had twelve going on (Participant 1: yeah) on two days a week (Participant 1: two days a week) but I can't even write, I didn't even have enough *days* to write my reports, let alone do the assessment work, let alone sit in somebody's house for two hours. It's um unfortunately, it just can't always happen (Participant 1: yeah) the way. So it's the gold standard isn't it, you'd want to, you'd want to always start with that one to one, but sometimes

Participant 4: that's where you get the first bit, the children's story isn't it? That where you find out everything you put in that, is from ..

Participant 2: hopefully *not* by then, I mean generally we've been involved for a little bit (Participant 4: well, not always) and the reason I don't do the one-to-ones so religiously, is because I'm often thinking about what I'd need to know in a one-to-one, prior to the point where a one-to-one would be needed (Participant 3: yeah) so, those questions I think (Participant 4: you don't know what you) for me frequently have already been asked

Participant 4: You don't know what, until someone tells you though do you? So, I'll, you'll probably cringe when I tell you, but why, when I say, I said to a parent the other day, can you tell me, I need a bit of a chronology to help me write it and they, she said 'Oh where do you want me to start?' 'Well start from birth' she went 'really?' and I said yeah go on, tell me, and then you hear the story, now until you hear that story

Participant 1: and you say no not your birth (laughter)

Participant 4: but then they'll tell you something that you just would of never, and you didn't know that you didn't know that you see what I mean, there's such richness of.

Participant 2: there is, there is a part of me, and I've had this conversation with Participant 1 a few times, I've resigned myself to being barely good enough in the role, because I simply haven't had the time or capacity to do the job that I'd like to be able to do, so you cut the corners where you can, you do the best fit for what's available, it is *all* about capacity. And ..

Participant 4: I had nine before Christmas, I had nine that I was doing at one point and then, yeah you are just run ragged aren't you? (Participant 2: umm) the job totally changes cause all you are doing is feeling the pressure of (Participant 3: umm) when's my next drafting meeting and when's my next

Participant 2: yeah and interesting, I know in the next two terms probably I'm gonna have four or five to do and I think at least two of them are with kids that I've never met, I haven't met yet. More than five, I've just thought of a couple of early years.

Participant 1: There's no room then is there for that wider systemic work, if you are just, you are snowed under and you are just EHCPs.

Participant 4: Oh, from what Participant 2 said it's a totally different way of work isn't it, so when I was at XXXX, I had a day a week, every week and nobody, I completely (Participant 2: governed your diary) governed that diary, nobody ever, ever asked me, how long are you going to spend on that? (Participant 2: uhum), or can you not do that? Or

Participant 1: no, but there are a number of children to get through

Participant 4: yeah, but it's at your discretion isn't it? Nobody ever queried where I was or what I was doing or (Participant 1: yeah) so I

Participant 2: and let's not forget again, systems, the relationship for Participant 4 by that point was different (Participant 3: ummm) from the school that you've walked into, (Participant 1: yeah) because actually that's now changed. Because I was thinking XXX, at XXX (PRU), she

doesn't give a monkey's what we do with our time, she trusts us, (Participant 4: yeah) the issue with XXX (PRU) is there is just a whole truckload of kids that need addressing.

Researcher: it's like a bus load each week isn't it, a different bus load each week

Participant 2: yeah

Researcher: umm, it's interesting

Participant 2: Frankly if you're in XXX (PRU), you probably should have an EHC. It's a specialist provision.

Researcher: um

Participant 1: you're smiling, looking at that

Researcher: I am, I am

Participant 1: but I'm looking at it, I'm looking at some of the ones that we, so with XXX (PRU), we have our planning meeting, a *general* planning meeting, (Researcher: umm) but we've also had a look at Year eleven planning meeting. And if we look at the people that haven't been picked up prior to Year eleven and suddenly they're thinking about their planning in terms of (Researcher: Post sixteen, yeah) post sixteen it comes down to what Participant 4's saying again about specialist provision of some kind, I know the funding is different post sixteen, (Researcher: No, but yeah) but we're suddenly then in a real race against time, to think well they must be, at least have some transition visits by the summer, so again, we will be behind time, almost always. And then I'll get to approach post 16 setting, most of them without an EHCP, where the, where the support, you're expected to be suddenly so much more independent

(Researcher: I think you're absolutely right, I think year 11 in particular at XXX is really tricky. And because you get them anywhere in the year (Participant 2: especially when it doubles through Year 11) Yeah, after Christmas it gets insane, (Participant 2: yeah) yeah absolutely and it's really difficult then because the schools that they've come from XXX struggles to get those schools to submit anything or to give her the information to apply, but at the same time, um because XXX is at XXX, at panel every single week she and because she has to do her own systems to be able to manage all that work, (Participant 2: uhum) she is very aware of the ones who perhaps don't need one to be able to go back into a different mainstream school and that, you know, and she can prioritise because she knows which ones are definitely going to need one and which ones need to move on, whether that's you know. And it is generally because of, I'm

not going to get them back into mainstream without a plan, because they are going to want some extra funding or plan of support, (Participant 1: yeah) or I need to move them on to special school. (Participant 1: yeah) But yeah you're right the Year elevens is a whole different ball game, you cannot access specialist provision Post 16 without an EHC Plan, because there is no funding otherwise and they won't take you. (Participant 1: yeah)

Would you say that you yourselves have been invested in the past in getting an EHC for a child, and if so why?

Participant 4: personally invested?

Researcher: Yeah, as a professional when, yeah, absolutely, because like you say, we do hear from other professionals, saying you know, I think this child needs an EHC. Have you ever experienced that yourselves?

Participant 3: in terms of us really thinking that somebody does?

Participant 4: I definitely have, if it's a child in a mainstream school who's really really struggling and parents know they're struggling and the school, and you *know* that that child needs specialist provision

Participant 1: yes as a gateway

Participant 4: as a gateway yeah

Participant 2: I suppose you are conflating plan with provision

Participant 4: only, *only* to get specialist provision,

Participant 3: never for any other reason, yep, yep

Participant 4: never to help a child in school, this child is not mainstream, you know the perfect school for them is X the only way they are going to get there is via an EHC

Participant 1: and depending where they are developmentally um it can devalue our, I think, can devalue our involvement, so for example early years is, is a real challenge, it's been a real challenge for me in terms of my practice, you see them very little and we'll be looking from the beginning of the year um and we'll have a massive load of early years children and we'll know from the children we see that it might be appropriate, obviously with parent choice, but it might be appropriate that they source specialist provision and we will be thinking along the timeline of, matching panel is, will be April or May so we're thinking we wanna get an EHC complete by Easter if we can, and you work back your twenty weeks and then, so really, so early years just becomes a try and see all these children as quickly you can, to get that report in, so that proposal is then complete by half term at the latest. Which is a really odd way to work and I think, it devalues what we offer. In terms ...

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Researcher: So, it sounds a little bit, from what you're saying that it's driven by bureaucracy rather than your area of expertise

.

Participant 1: Yeah I suppose so.

Participant 4: You've got no time. You get the case don't you, you look at it and you think oh is this one that is basically everyone thinks this child needs to go, and then that's it isn't it? And so you immediately start down that route, on day one.

Participant 1: especially if you are on a timeline

Participant 4: Yeah, because you are, aren't you with early years?

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Participant 1: yeah

Participant 2: in a meaningful way.

Participant 1: And it's a big document isn't it, it's got to be thorough. It's a big, big document.

Participant 2: yeah it's legally binding and *we all* have to be prepared to stand up and defend it, if it ever goes to tribunal.

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Researcher: I can share with you I think that there has been, well I've done an awful lot of work on this area, so it's really nice to hear that little bit because that supports something that Management has taken forward.

Participant 4: But that isn't about the SEN Team, that's about school. (Researcher: yeah, but it is..) If school have sat on an EHC for 5 years and they haven't noticed this

Participant 3: It's a bit of both, (Researcher: yeah it is, but it is the bureaucracy as well) because sometimes schools do change them, they do get changed. (Researcher: and resourcing)

Participant 1: it is a challenge, some schools have a lot more children with EHCPs than others, but they can have a number of children with EHCs and really they ought to know what is in those EHCPs and you know all the staff working with those children should know that as well, in terms of their approaches.

Participant 4: I was talking to a SENCO yesterday and he said it's the proudest moment of his career, as a SENCO, that the last five EHC reviews they've done in school, they've actually done properly. They've had the champion, they've sent stuff out in time, they've had a person-centred review, they've had flipcharts up on the walls. The child's contributed with biscuits and they've chosen, they've done that and he's said he's almost moved to tears, the difference

Participant 4: he said it's just been an *amazing* thing to be part of and it's his best thing he's done in his whole career.

Participant 2: Oh, you see I find the whole person-centred stuff (Participant 4: Do you? I think it's wonderful, I love it) potentially a little bit wankee.

Participant 2: I value the child voice, I'm just concerned that the person centred stuff now has become tokenistic and formulaic, that this is how we do it with the flip-charts up and we make sure they brought their biscuits and they've got their music playing and everyone says nice stuff at the start. It's just a (Participant 4: but it) new formula to deliver something, person-centred, it's individualised, that's at the heart of all of it. (Participant 4: yeah) yet we just trot out

Participant 3: and we give it a system

Participant 2: we trot out the six step

Participant 4: but that child, they only have the one don't they, you know, they don't know that

Participant 2: the six step process, the run of an individualised person centred plan, make sure you brought biscuits, put good music on and put the flipcharts up

Participant 4: but for that child it's important isn't it?

Participant 2: it's *very* important for the child

Participant 4: and for the family they'll come out and say I've never had a review like that, it's always been just a pointless paper exercise (Participant 2: great) I really feel

Participant 2: would the child, would the child have said that's how I want the review to run? Or has the child just thought that's a great idea, you bring the biscuits

Participant 3: I do see what you're saying, I can see that it could be really valuable, but I also get Participant 2's point, that if it is going to be person-centred and individualised it needs to be individualised and thought of as an individual process not as another tick box system of what are the things that we need to do to make it, that being said, you know

Participant 2: we still have people stuck with what's the child's voice, 'Oh they couldn't tell me' 'they couldn't speak'. That *isn't it*, (Participant 4: yeah, so given the) that's not the sole source.

Participant 4: so giving the child the champion in the school for two weeks before, that's really useful isn't it? If you're sat with the child (Participant 2: it has the potential to be) on and off for two weeks you're not going to get to that meeting and say

[Discussion about the champion]

Participant 2: my main concern (Participant 4: yeah) is that the whole process is meant to be highly individualised and it's not, everyone trots out the same document to deliver the person-centred planning in the same way. It's just another highly formatted highly structured approach to doing a meeting, it just happens to involve the kid and biscuits, that's the main difference.

Participant 4: no well, alright, I disagree

Participant 1: I would agree with Participant 2 that actually um, once or twice, do a little more work for a child towards an education, health and care plan and it has offered a wider understanding um, and hopefully changed some, some understanding of how to support a child regardless of whether they'll get it

Participant 4: I would normally work with a child in a, try to do it in a lovely sort of holistic way, with a dynamic assessment and then you anyway near an EHC and they go 'Oh I need a WIATT' because we need some, (Participant 1: yeah there's a pressure for number's isn't there) there's that pressure for numbers

Participant 3: Is there? (Participant 2: Who says that?) (Participant 4: I get it all the time) I.. I haven't put numbers in very many of my EHCP advices.

Participant 2: hardly ever

Participant 3: I very, very rarely do it

Participant 4: I was told by a, I was lambasted by a consultant paediatrician 'What is the point, that tells me nothing, I want numbers'

Participant 2: well then, you use one of your clinical psychologists to get your numbers for you

Participant 4: yeah but I there, we don't like it, but there's still, I think there's still there is that perception out there (Participant 2: ) that in order to make a case for a, (Researcher: that you have to do some sort of cognitive assessment) it's gonna carry some weight at the at panel.

Participant 1: that is a question for you guys, I've had an XXXX (LA) Officer suggest to me, that we need some numbers because we've got no levels

Researcher: they do like it, the panel do like it (Participant 4: they do) to be fair, um.

Participant 4: and I know that, and I know, that if I'm invested in that child, getting a specialist provision or something I don't want, I don't wanna be the reason they don't get it, so I will do a WIATT (Participant 1: absolutely) and I would put it in and I would say look they are really low, you knew that already but look they're first centile for everything and that's hard to argue with isn't it on a panel, unfortunately.

Researcher: So there's a lot of responsibility, would you say there's a lot of responsibility then (Participant 4: yeah), cause I think that's part of the way (people in the LA) XXXX team, um feel, is there's a real responsibility you take the best case forward (Participant 4: absolutely, yeah) and from what you're saying you'll go above and beyond and do things that perhaps you wouldn't necessarily be doing (Participant 4: yeah) or you know carrying out, so using professional time to do those things (Participant 4: yeah) because you're you are invested in the child getting an education, health and care plan.

Participant 4: Yeah I will waste my time probably (Participant 1: yeah) doing a WIATT and writing it up (Participant 1: uhummm and). To prove what everyone knows, that the child is way behind but..

Participant 1: and the real concern about that, is sometimes, you talk about some of the children we work with at that first percentile, and some of them may not have an awareness that they're, that that's, that's how they've scored, but often that's not the case and, and ethically there is a real struggle umm, and in terms of their self-esteem and the anxiety that that provokes, they come out of working with you, however much you do your best, and they come away, you've got your numbers, but actually it's been a little bit damaging for that child to come away, going 'Well I know, I know I can't read then' 'I

know I can't do maths,' you know, particularly on the discontinues. (Participant 4: yeah, you've gotta go four, then you have go get four in a row wrong) I feel it's awful, yeah know you know what, we'll do a couple more other ones, let's just move back to number seven, OK yeah great, do know what we'll do them all, let's start at one, you know

Participant 2: but, you know I've never had an experience where I've felt a child's become overly distressed in those situations

Participant 4: no you would stop surely wouldn't you? I've never had it but yeah

Participant 2: well just because the, I think we worry about it

Participant 3: I always explain it, if it is hard, that's how we know when to stop

Participant 1: but a child might not show (Participant 4: no) that level of stress in the room. I, I did one with a child, who I thought everything was going, going well, I thought he was really happy because he smiled, but his smile was actually, gosh I feel really stressed.

Researcher: So then, from, cause in a way then it is interesting, I, I sort of, I picked up on what you said Participant 4, cause to me that does show that you have been invested in the past, you know and you've said for special schools and for um, support within the school, but actually you know there is something else there, isn't there, you are thinking this child needs one presumably?

Participant 4: yeah because I know what it unlocks and, and the other thing, I think, I always do the one to one (Participant 1: and I do) and I personally, I can't understand how you cannot do one but the, the from on highs, you don't need to do them, isn't it (others: umm) (Participant 2: I don't; Participant 3: I do ) and I think sitting in the home with the parent for a couple hours (Researcher: yeah personally) finding everything out and also explaining to the parent, this is the process 'do you know what an EHC is all about?' 'Do you know why we are doing this?')

Participant 2: as an observation, (Participant 4: yeah) and purely as an observation, so if it, if it comes out sounding at *all* critical, it is *not* meant to, but (Participant 4: but, but) the schools you don't work with many schools at the moment and one of the schools you do work for, you've been there for years, in fact the two of the schools you work for, you've been there for years and they are highly flexible in how you use your time and you therefore have that opportunity and capacity to go and sit in someone's home for a couple hours (Participant 4: um) and for that to be perfectly OK within those schools (Participant 4: that's true). That isn't true everywhere (Participant 4: no) and so having just come from the primary team you know, with God knows, it was up towards thirty EHCs last year, if I sat in every single person's home for a couple of hours to do that in detail, I would do virtually nothing else and so I think there's, (Participant 4: yeah) we need to be mind again, of the systems that we work within and it isn't an equal system, (Participant 4: no), it's not a fair system currently.

Participant 4: you'd think somebody in XXXX, with fifteen, sixteen well you did last, didn't you

Participant 2: fifteen, sixteen schools, absolutely, and I

Participant 1: I worked for XXXX for two days a week seven schools, so if each one of those schools just put two or three EHCPs in a year, and that's only two, two days a week, (Participant 4: that's you done innit) (Participant 3: umm) so what is it like for somebody else working, working five days, five days a week?

Participant 3: and it's not just XXXX, cause you know I had a *high* level of statutory work last year on two days a week, and one term I think had twelve going on (Participant 1: yeah) on two days a week (Participant 1: two days a week) but I can't even write, I didn't even have enough *days* to write my reports, let alone do the assessment work, let alone sit in somebody's house for two hours. It's um unfortunately, it just can't always happen



(Participant 1: yeah) the way. So it's the gold standard isn't it, you'd want to, you'd want to always start with that one to one, but sometimes

Participant 4: that's where you get the first bit, the children's story isn't it? That where you find out everything you put in that, is from ..

Participant 2: hopefully *not* by then, I mean generally we've been involved for a little bit (Participant 4: well, not always) and the reason I don't do the one-to-ones so religiously, is because I'm often thinking about what I'd need to know in a one-to-one, prior to the point where a one-to-one would be needed (Participant 3: yeah) so, those questions I think (Participant 4: you don't know what you) for me frequently have already been asked

Participant 4: You don't know what, until someone tells you though do you? So, I'll, you'll probably cringe when I tell you, but why, when I say, I said to a parent the other day, can you tell me, I need a bit of a chronology to help me write it and they, she said 'Oh where do you want me to start?' 'Well start from birth' she went 'really?' and I said yeah go on, tell me, and then you hear the story, now until you hear that story

Participant 4: but then they'll tell you something that you just would of never, and you didn't know that you didn't know that you see what I mean, there's such richness of.

Participant 2: there is, there is a part of me, and I've had this conversation with Participant 1 a few times, I've resigned myself to being barely good enough in the role, because I simply haven't had the time or capacity to do the job that I'd like to be able to do, so you cut the corners where you can, you do the best fit for what's available, it is *all* about capacity. And ..

Participant 4: I had nine before Christmas, I had nine that I was doing at one point and then, yeah you are just run ragged aren't you? (Participant 2: umm) the job totally

changes cause all you are doing is feeling the pressure of (Participant 3: umm) when's my next drafting meeting and when's my next

Participant 2: yeah and interesting, I know in the next two terms probably I'm gonna have four or five to do and I think at least two of them are with kids that I've never met, I haven't met yet. More than five, I've just thought of a couple of early years.

Participant 1: There's no room then is there for that wider systemic work, if you are just, you are snowed under and you are just EHCPs.

Participant 4: Oh, from what Participant 2 said it's a totally different way of work isn't it, so when I was at XXXX, I had a day a week, every week and nobody, I completely (Participant 2: governed your diary) governed that diary, nobody ever, ever asked me, how long are you going to spend on that? (Participant 2: uhum), or can you not do that?  
Or

Participant 1: no, but there are a number of children to get through

Participant 4: yeah, but it's at your discretion isn't it? Nobody ever queried where I was or what I was doing or (Participant 1: yeah) so I

Participant 2: and let's not forget again, systems, the relationship for Participant 4 by that point was different (Participant 3: ummm) from the school that you've walked into, (Participant 1: yeah) because actually that's now changed. Because I was thinking XXX, at XXX (PRU), she doesn't give a monkey's what we do with our time, she trusts us, (Participant 4: yeah) the issue with XXX (PRU) is there is just a whole truckload of kids that need addressing.

Researcher: it's like a bus load each week isn't it, a different bus load each week

Researcher: umm, it's interesting

Participant 2: Frankly if you're in XXX (PRU), you probably should have an EHC. It's a specialist provision.

Researcher: um

Participant 1: you're smiling, looking at that

Researcher: I am, I am

Participant 1: but I'm looking at it, I'm looking at some of the ones that we, so with XXX (PRU), we have our planning meeting, a *general* planning meeting, (Researcher: umm) but we've also had a look at Year eleven planning meeting. And if we look at the people that haven't been picked up prior to Year eleven and suddenly they're thinking about their planning in terms of (Researcher: Post sixteen, yeah) post sixteen it comes down to what Participant 4's saying again about specialist provision of some kind, I know the funding is different post sixteen, (Researcher: No, but yeah) but we're suddenly then in a real race against time, to think well they must be, at least have some transition visits by the summer, so again, we will be behind time, almost always. And then I'll get to approach post 16 setting, most of them without an EHCP, where the, where the support, you're expected to be suddenly so much more independent

(Researcher: I think you're absolutely right, I think year 11 in particular at XXX is really tricky. And because you get them anywhere in the year (Participant 2: especially when it doubles through Year 11) Yeah, after Christmas it gets insane, (Participant 2: yeah) yeah absolutely and it's really difficult then because the schools that they've come from XXX struggles to get those schools to submit anything or to give her the information to apply, but at the same time, um because XXX is at XXX, at panel every single week she and because she has to do her own systems to be able to manage all that work, (Participant 2: uhum) she is very aware of the ones who perhaps don't need one to be able to go back into a different mainstream school and that, you know, and she can prioritise because she

knows which ones are definitely going to need one and which ones need to move on, whether that's you know. And it is generally because of, I'm not going to get them back into mainstream without a plan, because they are going to want some extra funding or plan of support, (Participant 1: yeah) or I need to move them on to special school. (Participant 1: yeah) But yeah you're right the Year elevens is a whole different ball game, you cannot access specialist provision Post 16 without an EHC Plan, because there is no funding otherwise and they won't take you. (Participant 1: yeah)

Researcher: That's all really, really helpful, I'm really grateful, I came up with a few questions myself whilst you were talking because one of the things I wanted to ask you as education professionals, is have you ever seen any research that demonstrates the impact of education, health care plans, on like children you know academically, and progress and achievements.

Participant 2: No

Researcher: So, for me personally, OK they exist, but what impact are they having? Is there any research around that? Does it improve children's life in adulthood?

Participant 2: sounds like a piece of doctoral research for you Researcher.

Researcher: it does doesn't it.

Stop there? As goes into general discussion.....

Participant 4: there is a bit that XXX (independent supporters) did wasn't there last year or the year before. It was the first year after EHCs came in and they did a, some research with parents, families.

Researcher: There's lots of research on parents and um, their satisfaction (Participant 4: a year on, yeah) of it all. That's all the research I can find.

Participant 4:

Participant 3: It's a difficult piece of research

Participant 1: The question, that I feel you really want an answer to .....

Tape went off for 20 minutes or so, EPs asked me to put it back on as general conversation continued:

Participant 4: The other thing I was going to say, before you go, before you stop it, is I've never, it's a standing joke, but if you ask 2 EPs you will get 3 opinions, (Laughter) I've never known, I've

never known 4 EPs agree on anything before. (Laughter) (Researcher: right) but it's a genuine point, apart from the um, usefulness of a person-centred plan we don't...

Participant 2: It's not the usefulness of a person-centred plan, (Participant 4: I know, but, but) it's the formulaic approach

Participant 4: I know, but apart from that, we've been uniform haven't we, I've never, very unusual

Participant 1: I'm going back but I do still feel think there is a difficulty in that, that um, by pushing everything onto an EP you get um, a better understanding, er, er sorry a less comprehensive understanding from some of the other professionals that might be involved.

Participant 3: And

Participant 1: so that physical disability (Participant 3: But) like Participant 2's saying, you might *not even* get an OT to come to the drafting meeting you know, and you're thinking (Researcher: Might? You might not? Sorry) (Laughter) not even come. Their report isn't, it isn't up to date (Researcher: or written in that way) and you think oh is there anything, I'll just kinda you know, um well I'm sure, well that's up to you isn't it cause you can just you know, well no not really, because you know if you're talking about a child and their transfers from there to there, you know, I would only know that terminology through you, you know.

Researcher: Yeah and it comes back to what Participant 3 said at the very beginning about health and social care input into the whole process.

Participant 1: yeah, health and social care input and there is this whole perception that it is just the role of the EP and particularly at early years, there are, you know um portage for example. Why are we getting involved with, with that? (Researcher: yeah) That's not our, that's not up to us? You know and you're thinking we will see a child for what two sessions. (umms agreement in the room) and they are working with a child every week (Participant 3: yeah) you know it greatest, you know

Researcher: You know Participant 2 talked about audits? .... Me talking about processes again.

Participant 3: well again, thinking back to that, you know the one to one and the you know, being the AC and all, I do think we add this view of you know, the EP being more heavily involved in the whole process, because more often than not, one of us is the AC? (Researcher: yes, yes) So, from everybody's perspective, from the parents, from the school from *all* the other

professionals involved it looks like we are a bigger part of the process (Researcher: yes, that's a good point) than we necessarily are.

Participant 2: That said, culturally, there's always been this thing, I remember us spending in the first two or three years, mildly baffled by how much weight my voice seemed to carry in a meeting. (Participant 4: laughter) No, I can remember distinct examples of where a learning mentor had suggested something, and the school had largely disregarded it, but then say well actually that's a really good thing and then it was implemented. This is *ludicrous*.

Researcher: Yeah, yeah, so the professional, the level of professionalism that you're held at compared to other professional colleagues.

Participant 3: Yeah, I mean we are more trained as well. We're better qualified.

Researcher: But you're right, we are reinforcing it as well, by making you AC and even if you're not AC you're writing the key, the majority of what is put into the plan. (Participant 1: yeah, yeah)

Participant 2: Some people have got considerable more, more experience

Participant 3: I'm not dissing the other professionals at all.

Participant 1: I've got a case at the moment with a Post 16 child that is stuck at home, not managing to move forward and there is nothing from CAMHS, and I can see that from the previous school, they had contacted CAMHS and written a letter, trying to get information from them, any reports, any information that you can possibly offer and there was still nothing from CAMHS and I am still struggling to get something from CAMHS. And one of their nurses have said, you can give me a call at some stage, but I don't write and actually that's where the, (Researcher: umm) the child's you know...

Researcher: that's where their needs, their biggest area of need is their social, emotional, mental health

Participant 1: yeah, yeah

Researcher: We do have a link now ..... Again process

Like health professional we go to her for everything to do with health, another health professional at Livewell gets a copy as well and so it's always worth, if you are struggling, let the guys know, it's a generic

Researcher: again process re DSCO and social care representative.

Joint tribunal – tribunal trial for education, health *and* social care



Researcher: So, the first thing then is to ask you all whether there are any particular ground rules that you would like for the group? Um obviously my first one is all well you have seen it in confidentiality um the consent form, confidentiality is a really big thing.

One person: Uhum (possibly 3)

Researcher: The problem with focus groups that of course is that you cannot guarantee that other people might not say something, but there is sort of a sense that within this group what we say in within this room stays in the room.

One person: Uhum (one person – different to first – possibly 4)

Researcher: Is everybody happy with that?

Everyone: Yes

Researcher: and is there anything else that people feel, no not at the moment? I mean obviously you can say what you like it is a safe space um, OK, so. Are you ready to start?

Some slight humour/nervousness expressed in sighs, exhalation

Researcher: So like I said before what I would really like to do today is to think about how we all feel, or how people feel education, health and care plans are important. One of the first things then is to ask you all if you could say with your name, what are your experiences of special educational needs? So before we get onto education, health and care plans, what are your experiences of special educational needs and disabilities, so one sentence with your name? Are you happy to start 1? What is your experience of special educational needs and disability?

Participant 1: You mean my personal, how I got to this point?

Researcher: umm (in an encouraging way)

Participant 1: So it's Participant 1 and I am an Advisory Teacher, previously a SENCO at a primary school and Year 1 teacher. Um so my experience in the classroom and then supporting whole class SEN needs and now as an advisory teacher supporting about 20 primary schools across the city.

Researcher: Thank you. So what I haven't said is that I am going to make notes as well just so that it is supposed to be a back up to the tape, but also you know just observations and things. Thank you Participant 1.

Participant 2: Um, I am Participant 2, um I am like Participant 1, I work as an Advisory Teacher. Prior to that I worked as oo about 10-12 years for the behaviour support team in XXX before it



was disbanded. Um prior to that I was a Classroom Teacher, Key Stage Coordinator and SENCO um at a local primary school. Um so I guess my experience has come from the classroom and the behaviour support team and now with the communication and interaction team so.

Researcher: Thank you.

Participant 3: Hi, I'm Participant 3, an Advisory Teacher for children with additional needs early years, 0-5. My experience is that I er did a specialist degree at University in er teaching children with, at that time, with a mental handicap so it would be SEND. I then er taught in a special school for children with severe learning difficulties in Wiltshire, for 2 years. I then came to XXX to teach at XXX (Special) school for children with physical difficulties for 6 years. Er had my own children, but at that point was on supply um in both special schools across the City in Plymouth and in mainstream schools, because my degree enables me to teach up to Year 6 in mainstream. I have taught adults with learning difficulties, run um er placements in er sort of holidays, after teaching at XXX (special school) I then um became a pre-school Advisory Teacher so the role I am in, and so that has been 22 years in the job. So, my experience with special educational needs is quite vast.

Researcher: Thank you, Participant 3, that's great

Participant 4: My name's Participant 4 and I'm a SEND Officer for the XX Team, um, my experience currently is writing and going to lots of drafting meetings for children who have special educational needs. How I came to do that I previously worked in a primary school um supporting students with special educational needs and not, across mainly Key Stage 1, but some of Key Stage 2 as well.

Researcher: Thank you

Participant 5: I'm Participant 5 and I am also an SEND Officer, I've got over 25 years experience of working with children and young people with SEND, that's included working in schools, working for behaviour support team, inclusion service, um managing 2 short start children's centres, um also doing a bit of commissioning work for adults with um learning difficulties as well, and my experience within the current team.

Researcher: Thank you

Participant 6: Um I'm participant 6, I did my degree in psychology, I specialised in child psychology with statistics, um I've worked, I think across the range of of er SEND support, so I've been a one to one support for children with SEN, I've been an SEN TA, um I was a teacher for a

number of years with a high level of SEN in my classroom across nursery to Year 6 and then I was the SENCO of a small primary school and then I was a Head and SENCO at a larger primary school, and now I am here, supporting children writing EHCs.

Researcher: Brilliant thank you all so much, that's great. So um one of the first questions then for you to discuss as a group would be **How do you feel about the acronym Special Educational Needs and Disabilities?**

Silence 5:42 s – 5:47

Participant 5: **I think it varies. Um I think it, sometimes it's quite useful, but other times, it doesn't sound right.**

Researcher: uhum (quietly but encouragingly)

Participant 5: It's more about how the youngsters view it really.

Participant 3: **For teachers I think it can be quite helpful. Um but for parents, um I think the idea that you have a child who may have a disability, when actually they don't perceive their child has a disability,** so special educational needs *and* (emphasised) disability, um some parents say well my child hasn't got a disability. Um and the the um definition, what is the definition of disability? Special educational needs sometimes I think parents prefer it to be additional needs (sounds of agreement in the group) rather than special educational needs um and I think it does vary on the people that you meet and their perspective and their experience around special educational needs and their views about it.

Participant 1: And I think for me, 1 (bit of a giggle as people saying their name). **I think for me personally SEND as in a professional capacity sits with me, fine, but I think in meetings with parents its important to establish early on the terms, the preferred terms um and adapt in order for meetings to run smoothly.** So you might have those explanations and those definitions, but actually preferred terms is probably what I would go with.

7:29 – 7:33 silence

Researcher: Has anyone got anything they would like to add?

Participant 4: No I would just say, Participant 4. I would say that **I think for a lot of parents it is perceived as a negative response,** but actually when I think of it from a classroom perspective actually I think it should encompass more children because we view it as the tiny small percent at the bottom of the class who are not achieving but actually every child has special educational needs and if we were able to provide the level of support to those that are not achieving so well

to all children, how much better would all children achieve? Erm I was always very concerned with those children that were just falling above? the threshold for the school or the local authorities definition of special educational needs, but actually below where we would, if we'd been able to give them more support what they could have achieved, had they been given the same support as those who have been um dia, you know categorised as having SEND.

Researcher: OK

Participant 4: So I think it can be arbitrary.

Researcher: uhum (understanding/encouraging/suggested agreement?)

Participant 6: I would agree with that, because I think I spent a lot of time in the schools I have worked in, constantly saying, everybody learns in different ways, we all learn in different ways but then we've got this, you've got SEN, like you are on the SEN register or you aren't so yeah I'd agree with that.

Participant 1: and I think that threshold if there is that line in the sand (Participant 6: um) of where it is, varies from school to school, (Participant 6: yeah) to setting to setting, depending on your cohort of children, (Participant 6: um) that child would look very different (Participant 6: absolutely) in a different school etc. etc. and I guess it's open to interpretation whether a child is on the SEND school register (Participant 6: um) or not, and then that does come down then to, you know the environment the context and the parents.

Participant 6: I have definitely seen it vary with cohort of children and school. So where the school is in sort of maybe a more challenging area where you've got a high level of need, and even in that year group you can (Participant 1: um) have a difference of what teachers or parents would think of as a child with additional needs or not (Participant 1: um and then Participant 6: um)

Participant 2: It's also about perceptions from the children's perceptions as well because I think, I work in secondary schools so many of my students don't want to be seen as having special (Participant 6 and Participant 1 other: uhum alongside) educational needs and disability, they don't want to be seen as different, it's a stigma, (Participant 6: um) you know it's a thing that can be used against them by their peers if, if it's not carefully monitored, whereas I think at primary school that's less obvious (Participant 6: that's less, yeah- alongside), um but I think at secondary school it is a real challenge to support those students, they don't necessarily want the

help and they don't want to be seen as different, so I think that's quite a big, a big stigma for them really.

Participant 5: and in Post 16, Post 18 as well that can become (Participant 2: uhum) very challenging for them, as the they want to become more independent and yet at times that can hold them back, even having a plan it sometimes can hold (Participant 2: uhum) them back as well

How do you feel about the acronym Special Educational Needs and Disabilities?

The acronym can be seen by parents, children and young people as a negative:

Participant 3: for parents, I think the idea that you have a child who may have a disability, when actually they don't perceive their child has a disability, so special educational needs and (emphasised) disability, um some parents say well my child hasn't got a disability.

Participant 4: I think for a lot of parents it is perceived as a negative response

Participant 2: I work in secondary schools so many of my students don't want to be seen as having special educational needs and disability, they don't want to be seen as different, it's a stigma, you know it's a thing that can be used against them by their peers if, if it's not carefully monitored

Participant 2: at secondary school it is a real challenge to support those students, they don't necessarily want the help and they don't want to be seen as different, so I think that's quite a big, a big stigma for them really.

Lots of discussion around Threshold for SEND, as 'Threshold' varies from school to school, does that make it arbitrary?

Participant 4: I think it can be arbitrary.

Participant 6: I think I spent a lot of time in the schools I have worked in, constantly saying, everybody learns in different ways, we all learn in different ways but then we've got this, you've got SEN, like you are on the SEN register or you aren't.

Participant 1: that threshold, if there is that line in the sand of where it is, varies from school to school, to setting to setting, depending on your cohort of children, that child would look very different in a different school.

Participant 6: I have definitely seen it vary with cohort of children and school. So where the school is in sort of maybe a more challenging area where you've got a high level of need, and even in that year group you can have a difference of what teachers or parents would think of as a child with additional needs or not.

Researcher: That's really helpful, I think everybody's had a chance to speak. I think that's great and it's really helpful for me, that's a good start for me as well, um so thank you all. So, um what do you know about statutory assessment?

10:48 Interruption – (Colleague, who was planning to attend session popped in to give apologies)

11:15 Researcher: Um, so what do you know about statutory assessment? I mean this is the group really that this is the eas, well it's not an easy question I suppose cause we are trying to get some underlying stuff, um what do you know about statutory assessment and education and health care plans? In terms of, what do you think about the processes and how have you been involved? I don't know whether you want to go around again, shall we start with Participant 6 this time? (Participant 6: of course) Yeah? Is that?

Participant 6: Yeah, well, um I know about, I knew, I thought I knew a lot about the process when I was a SENCO and Head, but I've learnt things from taking up this this post that I didn't know then, that I thought I wish I kinda knew that, because I might of thought about how I did my proposals (laughs) how I submitted my paperwork. So yeah as far as the process goes, I know you know exactly how it works now, now I'm here, and I see it from you know start to finish. I think, we were both talking earlier though weren't we about the (indicating Participant

5), I didn't realise of the, of as much about the threshold (Participant 5: uhum) of whether you were going to be assessed or not (Participant 5: um) or that it was going to, you were gonna, that the panel was gonna to agree for assessment, I didn't realise that was quite as low potentially as it is, (Participant 5: yeah) is that fair to say? Yeah that's interesting. Um, yeah. (trailed off)

Researcher: Do you want me to just read out the question again? (few participants laughing)

Absolutely. Um what do you know about statutory assessment and education, health and care plans and what do you think about the processes, how have you been involved?

Participant 6: OK, so I've talked about the processes, um I know a bit about how they work in schools obviously, that that was more of my area of expertise, so that's what I was doing in schools, making sure they were being implemented. Um, my experience, I found that, a lot of the work I did in schools was trying to make it clear to everyone else in school, that they were legal documents, that you have to do the things on the document (Participant 2/Researcher? Uhum, uhum) and it wasn't just something that, you know could be a bit of paper that could just sit in a drawer and that you pulled out at annual review. Actually, I spent a lot of time as a SENCO and then as a Head in a multi-academy trust, really saying that this is actually important, this needs prioritising for this child, as well as everything else that you are trying to do for these young people and making sure those things happened. I think a lot of the time in schools SENCOs potentially are/is the lonely voice (Participant 2/Researcher?: uhum), saying this needs to happen. That might just be my experience. Um, yeah, that's me. All done.

(Laughter)

Participant 5: Um I've been involved in all aspects of the processes of it, from talking to parents initially on the phone um about any concerns they have and see proposals coming in, um the whole panel process, um the assessment process, writing the skeletons, drafts, finals. Um review processes as well. Um, so I've been involved in all of that aspect of working alongside children and young people, families, professionals, schools as well. I think in the last couple of years in particular, um we have been doing a lot of work with Post 16, Post 18 and although the processes can be very similar, I think the approach is very different.

Participant 4: I would have said similar to what Participant 5 just said, cause we do the same job, but I would say, I think part of the question, so something about the perception?

Researcher: Yeah so the bigger question is yeah sort of how people perceive education, health and care plans, this one is um what do you know about statutory assessment, what do you think about the processes and how have you been involved? but you are right the bigger question (Participant 4: yeah), is what is people's perception of them.

Participant 4: because the only bit I think I can add to Participant 5, is that I think people think it is a very complex process and there is an awful lot of hoops people seem to have to jump through to get what they think is needed to support their child, and some people will just be quite happy, when you, they don't get what they want, to accept a professional opinion, that is not required, and other people, even though the professional opinion is such that their child does not require that support, for whatever reason, a parent can have very strong views, that actually their child does need that support and it's very difficult for us to challenge their views, and that makes it very problematic, because then, from my perspective we see um some students who maybe might of thought, yes we would of wanted to do an assessment, and they are told no and go away and other parents who we quite agree with the decision that they don't need an assessment yet they keep banging on the door and then we end up having to do it because it is parental right to have an assessment, and as Participant 6 said, the threshold starting the assessment, and as we found out from our training on Thursday, is extremely low, you only need to demonstrate that they potentially, may have (Participant 3: yes) special educational needs. So that is kind of the frustration in the system we are trying to operate. And there are not enough resources, as everybody knows, to do, what is required.

Participant 3: um so I've been um part of um the consultation on the white paper in the early days around education, health and care plans and the processes and um equally in the beginning um was an assessment coordinator, but writing the plans and um now no longer that, but I am an assessment coordinator so I am aware of the processes, which I think for an early years setting and parents can feel um quite quite difficult, um because of the way that the early years settings and practitioners work in the sense of they may not be given time enough to actually initiate the proposal, they find it rather cumbersome, they don't know what they are writing, often it is not detailed enough um that's down to a lot of other factors, so sometimes I've helped people write the proposal, um I think there is some conflict of interest sometimes because I have written a proposal, I've then been the assessment coordinator and then run the meetings so then there is a conflict of interest. Um, yeah, um it can be as the others have said, I

think the perception also is that some settings perceive that someone else should be doing it, not them and that can cause problems for parents and for the child getting and what they may need, and access to the appropriate provision that they may need, be that special school or not.

18:13 – 18:15

Participant 2: (laugh as a few seconds silence) um I think its almost like going back right to the very start for me, because when the educational, health and care plan is raised as an option, or a consideration or a want from parents and from schools, it's you know why really? (me: umm) What do you think it's going to bring? What's going to be different in your setting that's not currently there now? I think for parents sometimes, they well I would say 98% of the time, they view it as having a one to one support, (agreement in the room) so we to very have to quickly sort of say that's really not going to happen. Um and sometimes schools, especially with tight budgets at the moment, I do feel that schools feel that they are maybe putting in more EHCP proposals because they might need the funding to support the children. Er I have to say some of my schools are fantastic at putting in support and go over and above and there are some that do not do much at all. Um so I can see it from their perspective so I think you know my advice, in my role is to support schools in making sure um parents we've got all the evidence that we can possibly have to make the proposal as strong as possible um, but obviously you know there are, the threshold is quite low anyway, as you were saying um and I think, you know I am an assessment coordinator like Participant 3 as well, so writing them, um not writing them, but being part of the lead in the meetings. Um and obviously trying to make sure that once the plan is in place to support the schools in making sure that it *is* (Participant 2 emphasised) put in place. Um I think you are absolutely right, I think, I think my experience of many SENCOs is they get frustrated that actually it is not always put in place in school, or that you know the um those above them don't necessarily value the EHCP as much as the SENCO does, so trying to put the (Participant 6: exactly what I was trying to say) resources in place. (laughter from Participant 2 and Participant 6, as well as others in the room) in place is a real challenge and I think some of my SENCOs have real battles with their managers and line managers in order to get the resources for the children. Um so my job is to support in that role as well and also to support parents in understanding what it means for them. In terms of the process, I think um, I do think sometimes parents sit there and very confused by the whole plan because it is, some of them are quite wordy, some of them are quite long and some of them use lots of technical language



that parents don't necessarily understand so I do I do think we need to look at that really for parents.

Participant 1: Um I'm, it's difficult to add actually cause I agree with everything that everybody has said here. Um um, I think, I think my role, so I feel quite confident in the process and I've been an assessment coordinator as well, many times. Never been involved in writing plans, but involved at every stage in terms of the the pre-talk part of it and the gathering evidence part of it. Um adding my report which feeds into it and then part of the review. So all the processes fine. But I think from a schools perspective there are, there's always that spectrum of schools that do things really well and those not so well and then there's this core in the middle that um, in my view need more support on doing the whole plan, do, review cycle. Rather than going from *argh* (emphasised by Participant 1) we can't manage, we need an EHCP for this child (sounds of agreement in room). So there is lots of support and discussion around, hang on a minute, we need to slow things down, let's look at what is in place, lets, we do need to reflect on that, this is going to take time, we need to revisit through those cycles. And we've always had a graduated response, it's nothing new, we might of called it different things over the years, but it is nothing new. But there is this sense for lots of my schools, too many of my schools I feel, that we go from 0-60 (Researcher: ahem) very, very quickly. Um so my role is in helping them understand that, the perception is that I think the EHCP is going to bring something wonderful and different um

interrupting – Participant 2: I also think sometimes, schools think an EHCP is a way to get children out of their school, as well, so I think that is something to challenge. (Researcher: um)

Participant 1: I Yeah, I absolutely do agree with that. It's it is a, the gateway (some small laughs – Participant 3: I think as well..) to choices. In a good way, (Participant 2: in a good way too) and (Participant 2: no) not such a good way, cause I think the EHC for many of my parents gives a level of protection. So there are a core bunch of schools that do it really well, do the processes really well and those documents are active documents that are um used regularly, that are in, that are being broken down and informing short term targets and IEP targets and they're doing really well with that and it is about that protection at moving on transitions that's that's in my view is how they should work, but too many times it is about the money that it brings and the gateway to other options, ah and that might be (Participant 2: I agree with you) special schools.

Participant 2: The other problem I have as well, is I have quite a few schools that seem to think that they need to get it quickly at Year 6, to move on. They've identified problems in Year 6 that they have been managing quite well, but they seem to think because they are going on to Year 7, they need an EHCP to move on. So I think it's challenging that as well, you know, you know why do they need an EHCP in Year 7 if they haven't needed it at primary school? So, but also secondary schools will say why hasn't this child had an EHCP in primary, (laughs and one other too), you know, you know it should have been done. So, I think there is a whole conversation to be had between primary and secondary schools about the whole process.

Participant 5: I think that's a really good point, I think you see that through transitions (Participant 2: yes) cause we also get it with Post 16. As I am getting a lot of 16 year old requests they've been managing OKish up until then (Participant 2: uhum) and suddenly they are going into Post 16 and Post 18 education, and even higher, we have had some applications for 20 year olds um.

Participant 1: I guess there is so much, dependent on what hat you are wearing, it really is. (Participant 5: yeah) because from a professional's point of view, as an Advisory Teacher, or within a school and from a parent's perspective is all very different. And parents know so well (Participant 5 sounds of agreement 'umm') and the teachers do too and the environments are so vastly different (Participant 5 sounds of agreement 'umm') from a very, some of our children are going from one form intakes in a primary school (Participant 5: 'yeah' quietly) with half a dozen teachers, very small nurturing environment and going into you know, 4, 5, 6, form intake secondary schools. You *can* anticipate that there are going to be difficulties. And there is a gap between the professional understanding and what we can do to support that transition and it feels sometimes, with my mum hat on, that we are setting children up to fail on transitions if plans or something more robust, maybe not a plan, but something more robust to support transition from 6 to 7.

Participant 4: (just before Participant 1 finishes) but even then you've still got to have, the parent has got to have trust in the transition plan because there are many where the transition plan has been a suggested option from a panel decision, but the parent does not have the *trust* that even a robust transition plan will be sufficient, and then they challenge a decision.

Participant 6: and I think. (same time as Participant 1)

Participant 1: I think er, I think there is a gap between even good transition plans and what an EHCP, I think they and I think there is that weight that one is a statutory document and one is an advisory document. (some agreement in room 'umms') umm and just experiences (Participant 4 "Oh definitely, I agree") (at the same time as Participant 1 says 'I think') there is a big gap between those two options.

Participant 3: So I think also in the early years, I think there is the same sort of concern around from parents or schools like if a child's going to a school and they might have gone on an open visit. The school might say to the parent 'has he got or has he or she, got an education, health and care plan?' So we often have to say no, but they will need to be a very enhanced transition. So what are the drivers for that? Um around, is it money? Is it actually they can't meet need? And they might not of even met the child, so it's a very interesting perception.

Participant 4: I think that perception leads onto the fact that in all the scenarios we are talking about it's fear of the unknown ('uhum' from Participant 2; 'absolutely' from Participant 3) because actually *we know*, because obviously we've dealt with many many cases across a number of years, actually whether it's nursery to primary, or primary to secondary, a vast majority of children even that are on SEN register do really, really well on transition and (Participant 2 'umm') actually they grow with their cohort, they take on the new routines and they do well. But actually, for some they don't and it's difficult to know which, which camp a child is going to fall into. Umm so that's what I think parents you know, as you say parents know their children best and they're worried rightly so, about what is going to happen for them without that protection of an EHC.

Participant 1: I agree

Some laughing in agreement

Participant 2: I was just going to say finally, sort of, one of my experiences – it's happened twice, one more recently, is that sometimes when children move schools, if they've got SEN, that um they have been told they can't move to their school unless they, by the headteacher, unless they have an EHCP. So that's had to be challenged as well, so I think sometimes schools use it as a way not to have children, not to be inclusive.

Participant 3: I think I know um, M, I think um XXX (Head of SEND) was saying at a meeting I was at, that XXX has the um highest mobility rates of children with SEN across the country.

Researcher: Really? (before end of Participant 3's sentence).

Participant 3: and it's about, so there are some figures

Researcher: I need to get those don't I?

Participant 3: you do

Researcher: yeah

Participant 3: and it's very interesting that they have looked at them and most of the children have SEN. But a lot of it is underhand, in the sense that it is conversations between schools, (Researcher: 'uhum') rather than actually due process (Researcher: 'yeah') to actually how is this going to happen. And um yeah.

Researcher: sounds really interesting

Participant 3: um yeah so that might be helpful for your research

Researcher: yeah

What do you know about statutory assessment and education and health care plans? In terms of, what do you think about the processes and how have you been involved?

Is the process complicated? General feeling that the threshold is quite low – parents can request an assessment, even if LA do not agree it is appropriate at the time. This group spoke quite a bit about the XXX LA process, working as Assessment Coordinators, the Multi Agency Draft Planning Meeting for example.

Participant 6: I thought I knew a lot about the process when I was a SENCO and Head, but I've learnt things that I didn't know then, that I thought I wish I kinda knew that, because I might of thought about how I did my proposals how I submitted my paperwork.

Participant 2: I do think sometimes parents sit there and very confused by the whole plan because it is, some of them are quite wordy, some of them are quite long and some of them use lots of technical language that parents don't necessarily understand so I do I do think we need to look at that really for parents.

Participant 2: its almost like going back right to the very start for me, because when the educational, health and care plan is raised as an option, or a consideration or a want from

parents and from schools, it's you know why really? What do you think it's going to bring?  
What's going to be different in your setting that's not currently there now?

Participant 2: I think for parents sometimes, they well I would say 98% of the time, they view it as having a one to one support,

Participant 2: sometimes schools, especially with tight budgets at the moment, I do feel that schools feel that they are maybe putting in more EHCP proposals because they might need the funding to support the children.

Participant 5: I think in the last couple of years in particular, we have been doing a lot of work with Post 16, Post 18 and although the processes can be very similar, I think the approach is very different.

Participant 4: I think people think it is a very complex process and there is an awful lot of hoops people seem to have to jump through to get what they think is needed to support their child

Participant 1: there is this sense for lots of my schools, too many of my schools I feel, that we go from 0-60 very, very quickly....the perception is that I think the EHCP is going to bring something wonderful and different.

Participant 2: I also think sometimes, schools think an EHCP is a way to get children out of their school, as well, so I think that is something to challenge.

Sometimes request for assessment leads to challenge of professional opinions.

Participant 4: some people will just be quite happy, to accept a professional opinion, that is not required

Participant 4: other parents who we quite agree with the decision that they don't need an assessment yet they keep banging on the door and then we end up having to do it because it is parental right to have an assessment.

Participant 4: frustration in the system we are trying to operate. And there are not enough resources, as everybody knows, to do, what is required.

Participant 3: some settings perceive that someone else should be doing it, not them and that can cause problems for parents and for the child getting and what they may need.

Sometimes an EHCP is requested to support transition:

Participant 2: I have quite a few schools that seem to think that they need to get it [an EHCP] quickly at Year 6, to move on. They've identified problems in Year 6 that they have been managing quite well, but they seem to think because they are going on to Year 7, they need an EHCP to move on.

Participant 2: Why do they need an EHCP in Year 7 if they haven't needed it at primary school? But also secondary schools will say why hasn't this child had an EHCP in primary, you know it should have been done. So, I think there is a whole conversation to be had between primary and secondary schools about the whole process.

Participant 1: I think there is a gap between even good transition plans and what an EHCP, I think they and I think there is that weight that one is a statutory document and one is an advisory document.

Participant 3: In the early years, I think there is the same sort of concern around from parents or schools like if a child's going to a school and they might have gone on an open visit. The school might say to the parent 'has he got or has he or she, got an education, health and care plan?' And they might not of even met the child.

Participant 4: I think that perception leads onto the fact that in all the scenarios we are talking about it's fear of the unknown... a vast majority of children even that are on SEN register do really, really well on transition and actually they grow with their cohort, they take on the new routines and they do well. But actually, for some they don't and it's difficult to know which, which camp a child is going to fall into. So that's what I think parents you know, as you say parents know their children best and they're worried rightly so, about what is going to happen for them without that protection of an EHC.

Participant 2: sometimes when children move schools, if they've got SEN, they have been told they can't move to their school unless they, by the headteacher, unless they have an EHCP. So that's had to be challenged as well, so I think sometimes schools use it as a way not to have children, not to be inclusive.

Researcher: Thank you guys, that's really good, um again, really really helpful for me. um so then this is the, one of the big questions really then, because you've sort of led up to it. Why do you think we have statutory assessment and Education and Health Care Plans? Why do you think they exist?

Participant 3: Being in education quite a long time and in special education a long time from er the point that going to university in 1981 when um the um code of practice was, was brought out. Um, I think er there was er, it was er a way of helping children who were deemed to be uneducable at that time and actually having some due process and (whisper I can't catch) having some accountability around children with educational needs, special educational needs. um I think the climate has changed dramatically since that point, um you know, when I first started teaching there was myself and a nursery nurse, with ten children with additional needs, or SEN needs in a special school class and they had severe learning difficulties. They had, they had complex needs, but I think there is a different view around what children's requirements are and how you are going to meet that. Um I think it can be helpful, but um perhaps we need to have a different view around it. Things have moved on, things have changed.

Participant 2: Can you read the question again Researcher?

Researcher: Of course, yeah. So why do you think we have um, statutory assessment and education, health and care plans?

Participant 4: I think there is a slightly wider discussion around that, is actually, from when I went to school in the 70's, the curriculum and the way the curriculum was delivered was different to the expectations and the way the curriculum is delivered now. And so some research I had done for my own degree was around the fact that if we were able to offer, and it related a lot to boys, the um, with the more hands on approach type delivery of a curriculum, that actually the level of social, emotional and mental health needs which we have, which we see in challenging behaviour, was not as great, because the expectation of what you needed to do was not as great. And so as a society we've increased the expectation on very young children (agreement in the room, 'umms') of what they need to do and none of us, I, all of the ladies in the room here are of a certain age, um and we grew up in a time when we did not have to do half of the things that primary school children have to do, but we are all very educated people, so it didn't stop us moving on, you know, to get good qualifications exam wise and higher levels of um education. So the question I would say is to take a step back, do we need to be putting children under the pressure that we put them under and if we didn't do that, would we have the level of SEN needs that we currently have?

Participant 5: It's almost as if we're making the children fit into a system and when it's not child led. (sounds of agreement Participant 4: No)

Participant 6: I feel like the plans are there to protect the children from that though, that's the way I see them (sounds of agreement) like the pressures are there, and I completely agree with you like the expectation increased hugely. And um at least when the child has that document it's kinda like a protection from 'we're not going to be piling all this on you, all these outcomes'. Actually this child needs to be working on these things and they are slightly you know more broken down and more child centred, which I think (Participant 1: yeah I agree there) is something in todays ..

35

32/3. mins

Participant 1: it's a form of protection, to support them in in accessing and engaging with some of the learning, but also to allow them to have time out for the things that they might need (Participant 6: that personally important the outcomes (Participant 1: the personable yeah) for



them, not important outcomes for the school because they need to get their 85% read and write and Maths, but these children (Participant 1: absolutely) potentially need something different). Participant 1: so I guess the plan is there for children who have over time very long term enduring (Participant 2: Yeah) differences (Participant 2: yes the long term part) that's the long term part (Participant 2: umm umm) enduring differences that is making accessing that learning really difficult for them and that's why the plan is in place to support them with that. I mean there is a bigger question (umms in the room) bigger than this remit I would suggest as to the expectations that across our country schools, mainstream schools, are put under to meet targets and expectations and that is adding to the stress levels I think (Participant 2: uhum) within classrooms, or that's individuals, whole classes, teachers in order to get the children to jump through particular hoops that's making it harder to do.

Participant 6: and that's yeah impacting on the number of proposals that the schools are putting in because I think they're seeing it as a, a way to support the children aside from the pressures that are coming from above so that they can then at least go to the people above and say actually, this is why we are working on this for this child, this is why we are doing it. It shouldn't be like that, you should just be able to say actually we're, we are teachers here and we know, and parents, and we know these children really well and we know this is what they need but it's not like that anymore (Participant 2: No, Participant 3: yes) you have to actually prove it with a legal document.

Participant 2: and I think schools in general are, my experience of my schools, are pretty skilled at many, dealing with many of the children with SEN, thinking around autism and ADHD, I think you know when I went to school, we didn't really hear anything about autism or ADHD. So, I think their skill base is certainly stronger. I guess my aim, again like you, would be to not have so much pressure on (Participant 6: umm ) the children academically, but you know, skill up the staff to be able to manage those children with SEN needs um more effectively, so actually you wouldn't need an Education, Health and Care Plan in the first place. That would be the ideal really wouldn't it. So...

Participant 3: I, I think in early years, so it's Participant 3, I think in early years I think it's still the same argument or case, that actually if we upskilled and trained the staff and I think in teacher training, (Participant 2: umm) there is an element of there of we train, our, the teachers of tomorrow. The level of um information that they gain on SEN and the impact that will have on

their, how they run their groups, how they run their interventions, all of that and what they can do to make those reasonable adjustments might be helpful. But equally in early years you have a lot of movement of staff so it's a continuing cycle of training or informing to meet the needs.

Participant 6: I think, sorry, even if you upskilled everyone (Participant 3; umm) , and I think that's really really important, that like you said there's lots of teachers out there that are really highly skilled (Participant 3: umm) but they almost lean on the document as a justification of what they are doing (Participant 3: yes quietly) and they'll do it anyway (3: uhum) because most teachers do what they think is the right thing for children (Participant 3; yeah) but yeah, it's almost like having it there because you have to now, justify everything that you do (Participant 2: yeah) and why.

Participant 2: and I think that reasonable adjustments is really important as well (Participant 6: ummm), because you know, I do find resistance from schools sometimes and not wanting to make changes to support a child (Participant 6: umm) with SEN, so I think if you've got the EHCP, you've got legal document which says you have to make those reasonable adjustments.

Participant 5: and I think the parents it does give them more sort of power or control over that, because they've got the document (Participant 2: uhum) and they know the schools coming up to them saying no we can't do this, we can't do that, then they've actually got that document which states actually this is the support that my child needs.

Participant 1: So in essence really there could be a bit of a cultural shift here really, isn't there? Because I think we are going down the, it feels like we are rapidly going down this road where an EHCP is the only answer (Participant 5: umm, it's the golden ticket) Yeah, it is the golden ticket. And (36:54-56 long pause)

Participant 3: We were here, we were in the same scenario with the old statements (Participant 2: uhum) and education, health and care plan were meant to be a, a new way of looking at things and actually giving parents more control, um and greater understanding and joined up working around education, health *and* care. I think the majority for me it's mostly around education (Participant 2: uhum) (Participant 1: it still remains around education) I think education is the main thing. Um that happens particularly when you have a drafting meeting it tends to be education that actually inputting into the document and I think there is scope, if we are looking at education, health and care, for that to be widened if this is what the government feel is necessary for children with special educational needs and disability.

Researcher: It's interesting because I did have two sub-questions to that question, that you have sort of answered and maybe that could be an activity for another time. So, what do we feel EHCPs are for and what do we think um they can do? Because you've said, you know about addressing the curriculum for example and supporting children so they are like a safety net. You've given lots of reasons of why you think they exist really, and and um what you think they can do, but you've also come up with things for the future, thinking about, you know, can they do as much as maybe people think? I don't know is that what you, is that where it's coming from? Can they do as much as you, as people perhaps think they can do?

Participant 4: I think people see that, having a plan will fix 'the problem', not saying that children have special educational needs and disability are a problem, but it will sort things out, it will be this magical piece of paper. But actually, the piece of paper is only as good as the people that deliver (Participant 1: oh absolutely, others: umm) the content within it (Participant 1: absolutely, 100%) at the end of the day it is only a piece of paper and so as (Participant 1: 100%) people have already said if the schools good, actually they probably don't need the piece of paper, cause they're doing it already. And those schools that are not doing it, even though the piece of paper exists, are probably still not going to do it.

Participant 1: The, the harsh reality is, is I might meet with um, in a classroom and the TA that is always, often the person that has the most contact with that child with additional needs, might not have even seen the document (Participant 3: yeah, others: ummmm) and that to me is, sums up what is it for? And goes back to that whole perception and why we're having EHCPs in the first place. What is it to do with, if the document hasn't been read? And this is this whole shift, and this whole understanding and this whole training around it as well, I think that if I was a SENCO in a school now, it would be around, we have these children with EHCPs what does that look like, how are we accessing them? How are we breaking them down and picking out those short-term targets and putting them on IEPs? Where should they sit? Let's rip off those pages and have our sections, E and F at the back and kind of be looking at those sections. What is this small team around this child? We need to be having regular review meetings, not just waiting for that annual review, when you blow off the cobwebs and get the plan out then at that point.

Participant 3: I think we need to stress more that it's a working document, that has both short term and long-term plans and that actually it needs to be adhered to. Um you know, whatever school, I'm sure that you know some of them are just placed somewhere and actually how you

know, I mean I don't know M, maybe it might be helpful to ask how is it used in some of our specialist provisions (Researcher: yeah, yeah) and how are they (Researcher: umm) using it? Or do they just look at the teachers, with some their skills and are they just thinking well I know where I'm going so I'm just going to do this, this and this. Actually does it match with the plan, or is there generally a mis-match of what the child's accessing and achieving and being given educationally, or even social and emotionally, all those areas of their development or not.

Participant 2: I think the biggest thing that's missing from them is the child involvement though, because I think it, one of my secondary schools SENCOs is brilliant she took all the children had EHCPs and she sat them all down and went through the document with them, you know, this is what we are aiming towards, this is what you know things you find difficult, what's your perception on things. And I think that made a real difference, to that child having ownership of that EHCP and actually working towards targets. I just feel sometimes, it's something that is done to children that they actually don't have a say, they don't know what it means, or what it involves. I know at primary you have the IEP which is broken down into smaller targets, I'm thinking more secondary school really where they don't tend to go down those routes. So I think it is about ownership as well.

Participant 5: Yeah so some of those schools that do that really well (Participant 2: umm) they include the young people, but they are far and few (Participant 2: uhum) it almost needs to be a consistent approach.

Participant 3: I think also the parents need to have; I think there is a sense sometimes that parents need to have greater ownership of it. And how much they may be able to challenge the decisions that are actually within it, or not, or just to have a discussion around them, 'so what does this actually mean for my child in the classroom, or their setting, on a day to day basis?' and how is that, how is that communicated to the parents with the teachers, or with the headteacher, or whatever.

Why do you think we have statutory assessment and Education and Health Care Plans?

Why do you think they exist?

In talking about the original code and experiences of teaching in special schools,  
Participant 3 suggested Statements originally/historically were about

Participant 3: [historically] having some accountability around children with educational needs, special educational needs. I think the climate has changed dramatically since that point. Things have moved on, things have changed.

There was a discussion about the education of children and the increased expectations of primary school students for example putting them perhaps under pressure.

Participant 1: As a society we've increased the expectation on very young children of what they need to do.

Participant 4: the question I would say is to take a step back, do we need to be putting children under the pressure that we put them under and if we didn't do that, would we have the level of SEN needs that we currently have?

Participant 5: It's almost as if we're making the children fit into a system and when it's not child led.

It is suggested by the group that EHCPs then become a shield of protection? They talk about how it can be used to justify individual curriculums, perhaps suggesting with school pressures it extracts these children from the data crunching national statistics upon which school performance is based? That the professionalism and expertise of teachers is being challenged and that this shouldn't be happening.

Participant 6: I feel like the plans are there to protect the children from that though, that's the way I see them, like the pressures are there, and I completely agree with you like the expectation increased hugely. And at least when the child has that document it's kinda like a protection from 'we're not going to be piling all this on you, all these outcomes'.

Participant 1: it's a form of protection, to support them in accessing and engaging with some of the learning, but also to allow them to have time out for the things that they

might need 6: personally important the outcomes for them not important outcomes for the school

Participant 1: there is a bigger question bigger than this remit I would suggest as to the expectations that across our country schools, mainstream schools, are put under to meet targets and expectations and that is adding to the stress levels I think within classrooms, that's individuals, whole classes, teachers in order to get the children to jump through particular hoops that's making it harder to do.

Participant 6: and that's yeah impacting on the number of proposals that the schools are putting in because I think they're seeing it as a, a way to support the children aside from the pressures that are coming from above. It shouldn't be like that, you should just be able to say actually we're, we are teachers here and we know, and parents, and we know these children really well and we know this is what they need but it's not like that anymore you have to actually prove it with a legal document.

Participant 2: I think schools in general are, my experience of my schools, are pretty skilled at many, dealing with many of the children with SEN. I think their skill base is certainly stronger. I guess my aim, again like you, would be to not have so much pressure on the children academically, but you know, skill up the staff to be able to manage those children with SEN needs um more effectively, so actually you wouldn't need and Education, Health and Care Plan in the first place. That would be the ideal really wouldn't it.

Participant 6: even if you upskilled everyone, and I think that's really really important, that like you said there's lots of teachers out there that are really highly skilled but they almost lean on the document as a justification of what they are doing, it's almost like having it there because you have to now, justify everything that you do and why.

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support a child with SEN, so I think if you've got the EHCP, you've got legal document which says you have to make those reasonable adjustments.

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Participant 3: I think there is a sense sometimes that parents need to have greater ownership of it. And how much they may be able to challenge the decisions that are actually within it, or not, or just to have a discussion around them, 'so what does this actually mean for my child in the classroom, or their setting, on a day to day basis?' and how is that, how is that communicated to the parents with the teachers, or with the headteacher, or whatever.

Researcher: So, bearing all of that in mind, which is all really good stuff, would you say then that you have been invested or keen in the past for a child or young person to get an EHC plan yourself? Um you mentioned Participant 3, that you have been part of completing a proposal form for example in the past. So, have you been invested or keen for, you know, that a child or young person gets one, and if so why do you think that was?

Participant 3: Um predominantly the children that I'm with, because obviously I have to follow a process of um of having a conversation with an Educational Psychologist, and it's always been with a view that the child may need alternative provision, or their needs are over and above anything that maybe a school may need, could provide. So, currently I have got a child who, um has got quite significant medical needs and um, has a chromosome abnormality, which means that he can't communicate, but actually he's a very able young man. So, its about the level of support that he will need in that classroom to um, so, it is about support, but it's also about protection, but it's also about that actually all of the, in his case the health, education, health and care need to come together to formulate a plan. So, generally, most of the children that I look at who need a plan are those, hopefully, possibly, going on to specialist provision. So, with



a development around 8 – 20 months. The rest of the children um, I'm looking at support through an enhanced transition, and specialist and targeted work, um just going into school.

Researcher: You do, and as an aside, you do a lot of work around that early transition don't you?

Participant 3: Yes, vast amount.

Researcher: So how do you, how, at what level, like we've talked about the threshold we'd say for an EHC is reasonably low, at what level would you say that transition 3 becomes requesting an EHC?

Participant 3: Well, in conversation with the Educational Psychologist, they're predominately saying if their development is 0-11 or 8-20 (Researcher: right) then that is almost the threshold. Or looks like they are going to have long-term needs, that are going to be quite complex, um and ongoing, and um having an impact on their ability to access the environment and learn and develop.

Researcher: That's great thank you, I didn't mean to distract, I should ask then. Shall I reread the question, so that we can go back onto that one? Sorry I'm just very aware that transition came up earlier as well, and I know that, you know I know how many children are on that transition list, compared to how many children are starting school with Education, Health and Care Plans.

So, would you say you have been invested or keen in the past for a child or young person to get an EHC plan and why do you think that was?

Participant 2: I think my reasons are the same as Participant 3's really (Researcher: umm, umm) I don't think they are any different. You know it is about recognising that long and enduring need (Participant 3: umm), or a child's needs, you can see they are so great, they are going to need to be somewhere different to a mainstream setting, but what that setting might look like is, is a challenge, but.

Participant 5: and I think that view is in a variety of roles (Participant 2: uhum) because although we don't get to see the children very often, we can still, you know we've got all that information about that individual child and then we can make our own professional judgements on how much need there is. And for us it is also about pride in what we're doing to ensure the way it's written in such a way so that we're really highlighting those needs in order for them to be able to get a plan in the first place. So,...

46:24 - 46:28 Long pause

Would you say then that you have been invested or keen in the past for a child or young person to get an EHC plan yourself?

In the group, it was proposed that individuals are invested, or keen on a plan for a CYP if they have long term and enduring needs which would make learning in a mainstream setting challenging for them, and if they are looking at special school.

Participant 3: generally, most of the children that I look at who need a plan are those, hopefully, possibly, going on to specialist provision.

Participant 2: You know it is about recognising that long and enduring need or a child's needs, you can see they are so great, they are going to need to be somewhere different to a mainstream setting, but what that setting might look like is, is a challenge.

Researcher: So, another question with that, I mean again the whole discussion, because I think were finished at this one to be honest, today, because um you've done a great job, and I'm very aware of um of being late and we have been going for 3 quarters, over 3 quarters of an hour. So, you have already said what you think EHC plans can do, and the ones that you've been invested or keen on, you've particularly said that it's because of um, perhaps a child needing alternative provision, or having long term and enduring needs, so um what do you think then, that the EHC plan that you know, could do as a result. So, you've been invested in an EHC plan being agreed, or an assessment and then a plan for a child, and there are reasons for that cause you can see perhaps that they will need alternative provision, or that they have long term enduring needs. What different then do you think the plan makes?

Participant 6: It helps all the professionals working with the child work towards the same outcomes, so there is like a clarity and a kinda vision for the, for the young person, to everybody then working together I think that's more effective if it's um, yeah outlined a little more clearly in the document.

Participant 4: I think from a parent's perspective, I guess a level of accountability (few umms in room, Researcher: uhum) so the parent can then, so we have already talked about the feelings

where the parents are unsure about what is going to happen for their child and they are worried and concerned. It gives them, as Participant 1 said before, a level of protection, but it's that accountability that they can then say to a school, well you need to be doing this for my child, not 'oh sorry we don't have the resources to do it', 'oh we can't make those adjustments' there is that sort of protection there for them

Participant 6: It must give them choice as well, I know we talk about children moving from school to school, but that is going to happen and that is parent right to move to another school, and not have to start the journey again from the beginning, and say well actually this is what my child needs when they come here, and a school can't then say, but we don't do that here. You know, it's in that document so it helps.

Participant 3 : I mean there are

Participant 1: even small – sorry Participant 3 – go on

Participant 3: There are some parents who are actually very clear on the um provision that their child, their child requires because they understand the needs of the child, and the complexity of the child's needs and I think they, having a plan, just, just cements for them, actually I've been listened to and um I am going to almost access the type of education that is going to help my child to develop. Equally in XXX we have a process that if you do want to go to anything alternative, be it our more specialist provisions, then you do need a plan, it is a requirement. So, actually um, the processes we have and the requirements mean that we have to go down that route, and it's very important how we explain that to parents

Participant 6: They definitely improve communication between (Participant 3: They do) parent and school, because you can say this, this is what we are doing, (Participant 3: umm) it is outlined here, this is why we are doing it. And like you say, they can say the same.

Participant 1: I think it does help everybody in that team to focus, it helps them to focus. And then movement between schools, is actually transition within school as well, when there is a whole, not always a completely new team around that child, but there are a lot of changes, just from one key stage to another, one year group to another, and from schools within the same city. I think it helps to focus, and pull everybody together.

Participant 4: Also, I think it can be a barrier to moving schools, within the city. So, thinking of children that have just moved house, or actually it has not worked in one school, because we have to then consult with the receiving school and they go, 'huh, they have an EHC, oo we can't

possibly make the adjustments, we can't provide for their needs'. Whereas if they didn't have an EHC, and there is a space in the parent's preferential choice, they could just go there, and nobody would ask any questions. So, from that perspective sometimes it can be a barrier to access to another mainstream school, which is frustrating.

Participant 1: It seems like a system's error. A processes kind of.

Participant 4: I think, there is some stuff in the code of practice about we have to consult with a receiving school.

Participant 1: Oh, yeah, yeah, yeah I am aware of that

Participant 4: It is um yeah, we have raised it as discrimination, (Participant 1: and that, yeah) as they are being discriminated against because they have a plan. (Participant 1: absolutely) whereas if they didn't have a plan, school admissions, would just give them a place.

Participant 1: and I think that's very reflective of where we are currently in terms of tight resources in schools (Participant 5: yeah definitely)

Participant 3: I think sometimes if you've got a plan there is that disadvantage, um sitting as a school governor as well, in the sense that um, if a head is asked to look at a plan, or as a governing body, I know that sometimes it can be a bargaining tool, as in so from the local authority, so, OK, so what's coming with it, so yes we will have the child, but what else is going to come with it. Or we will have the child for this, this and this, but what else is coming, are you going to give us more funding, or is it going to be reduced timetable or um. And then that becomes a discussion around the child, which could be taken both ways, it could be a positive or it could be deemed to be negative. And I think if you've got a space you, in the school, am I right you have to take the child anyway?

Participant 2: Legally yes.

Researcher: You have to anyway if the child has an EHC.

Participant 1: there is, there is an unless, isn't there, is it like the physical environment or something, you've got a child with a need that, and they're on 3 flights?

Participant 4: Unless it's um ....

Researcher: The inefficient use of resources or (Participant 4: detrimental to the efficient education of others)

What different then do you think the plan makes?

The key differences suggested by this group, that a plan can make are; clarity, vision, communication, everybody working together, accountability for all those concerned, confidence for parents as their child has the protection of plan, team working with the child or young person has all the information they need, even when they transition, could attend special school if appropriate, a point of focus for all those working with the child and perhaps sometimes a bargaining tool ie. what do we as a school get for taking this child with SEND onto our roll?

Participant 6: It helps all the professionals working with the child work towards the same outcomes, so there is like a clarity and a kinda vision for the, for the young person, to everybody then working together I think that's more effective if it's outlined a little more clearly in the document.

Participant 4: I think from a parent's perspective, I guess a level of accountability, we have already talked about the feelings where the parents are unsure about what is going to happen for their child and they are worried and concerned. It gives them, as said before, a level of protection, but it's that accountability that they can then say to a school, well you need to be doing this for my child, not 'oh sorry we don't have the resources to do it', 'oh we can't make those adjustments' there is that sort of protection there for them

Participant 6: It must give them choice as well, I know we talk about children moving from school to school, but that is going to happen and that is parent right to move to another school, and not have to start the journey again from the beginning, and say well actually this is what my child needs when they come here, and a school can't then say, but we don't do that here.

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Researcher: They're the reasons schools give, but it doesn't matter the DfE direct a school. Well no, who is it? [Hindsight – a wonderful thing – the Secretary of State]

Participant 5: We (and Participant 4) direct a school.

Researcher and Participant 5: We direct the school, but then ...

Participant 5: then if they want to appeal, they (Participant 4, and Participant 5) have to go to the DfE.

Researcher: Isn't it some school minister, or some, some particular...

Participant 5: Some particular department in the DfE.

Researcher: I can't think who it is.

Participant 4: No-one has ever gone that far, but we have had a lot of schools that are not very happy with us. (laughing in the room)

Researcher: Regularly

Participant 4: I have one at the moment, who is really not very happy with us.

Researcher: and that is really helpful actually because one of the things we will move onto next time is um, what I want to talk about, why you think they are useful explicitly which you have already done the ground work for and implicitly, and then also what are the positives and negatives. And it's, you know (Participant 4: umm), there are some negatives, but that's for next time. Thank you all so much. I'm going to stop this now and

**Similarities and differences of codes/nodes of data**

Green – Most common themes

Pink – Significant themes, although discussed less

	<b>Groups (x6 as one = interview)</b>		<b>Individual Interviews (x10)</b>		<b>Total</b>
	Ref		Ref		
Annual Reviews	8	Comments about the annual review process, and expectations of reviews for CYP with EHCPs	18	Comments about the annual review process; experiences of annual reviews in special schools, experiences of health and social care input/or not at annual reviews, focus on education, experiences of Post 16 providers and YP regarding Annual Reviews.	26
Disability part of EHCP	9	Inclusion of D in SEND, funding for equipment, amount of information from health colleagues in plans.			9
Education part of EHCP	4	Education, Health and Care Plans – Education still appears key.			4
EHCP symbolises	51	Lots here about the support of CYP that an EHCP can bring – some similarities with Why EHCPs?	43	Overall, what an EHCP means to those interviewed.	94
Emotional Investment			69	Child Node to EHCP Symbolises Comments about emotional investment in an EHCP – linked to support for CYP?	116
To help support children and young people.	47	Child node of Why EHCPs? Most common reason given for an EHC Needs			



		Assessment/Plan. Some emotional reasons and symbolism.			
Symbolic Language	97	Sub heading of EHCP symbolises, to create word cloud	437	Sub heading of EHCP symbolises, to create word cloud	534
			35	Child Node to EHCP Symbolises, specific metaphors and similes regarding EHCPs	
Mental health	8	SEND includes SEMH, little input from CAMHS in EHCPs			
Negatives of EHCPs	37	Not sure what extra EHCPs will bring, labelling, transitions, Post 16 and onward job opportunities, stereotypes, lack of aspiration for CYP with SEND	69	What EHCPs cannot be useful for, the negatives of having one.	106
Parents	26	How and reasons why parents may feel they have had to fight for an EHC Needs assessment and EHCP			
Post 16	13	0-25 and what this can mean	75	EHCPs for Post 16 YP	88
Pressures on Health			33	Variety of pressures on health requests to assess and writing/content of EHCPs.	
Pressures in schools	67	Expectations of CYP compared to just 10 years ago or more in terms of educational achievement, testing etc. and how this may have impacted on an increase in requests to assess.	67	Comments by SENCOs/professionals and parents regarding expectations within school environments for CYP with SEND and EHCPs.	134
Pressures on LAs and professionals	15	Bureaucracy of EHC statutory processes,	13	Comments directed to 'me' as LA	28

		range of participants interviewed, employed by LA.		representative, or in general regarding LA services/professionals	
Pressures on Professionals	41	Individual comments on ways of working with schools, professionalism in light of statutory processes.			41
Pressures on social care			38	Comments from SW, professionals and families regarding pressures on social care for CYP with SEND and EHCPs	38
Social Care part of EHCP	5	Difficulties accessing social care input to EHCP.			5
Specialist Placement	2	Request for EHC Needs Assessment and EHCP as passport to special school.			2
Use of term SEND	20	Special Educational Needs and Disabilities, is the term useful? How is it interpreted?	23	Comments regarding the Acronym SEND – Special Educational Needs and Disabilities	43
Confusion about the term SEND	12	Child node to use of term, some confusion for CYP, families and professionals regarding SEND, send, SEN with a D	10	Child Node to use of term, confusion regarding term SEND, SEN, Disability etc.	22
Negative use of term SEND	7	Child node to use of term, some thoughts about negative connotations of acronym, e.g. 'special' particularly as CYP become older.	10	Child Node to use of term, Thoughts regarding some negativity regarding the term SEND	17
Term SEND/Understanding of the term	22	Child node to use of term, particularly focusing on the acronym itself.	3	Child node to use of term, Comments regarding the term SEND, and what it can mean.	25

Statutory Process	29	Linked to Child node below – statutory assessment	53	Everything to do with the statutory process of assessment	82
Length of time of statutory process			11	Child node to statutory process Key timings, 6 weeks for LA response whether to assess, 16 weeks for LA response whether to issue an EHCP, 20 weeks for LA to finalise plan.	11
When request to assess is refused	7	Experiences of CYP, families and professionals when a request for EHC Needs assessment is refused. Links with pressures on LAs.	14	Child node to statutory process Feelings and impact on professionals, families and YP when LA decides not to carry out a statutory assessment.	21
Writing proposals to request assessment	3	Thoughts about when being asked to support/write proposal to request EHC Needs Assessment.	45	Child node to statutory process Pressure on settings, families and YP regarding requesting an EHC Needs Assessment.	48
Why EHCPs?	77	Participants thoughts on why EHCPs can be useful, some explicit, some implicit. Child notes to separate out reasons given.	121	Comments regarding why professionals, families and YP think an EHCP is important.	198
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Why Statutory Assessment?	21	Participants thoughts on statutory assessment, links to Why EHCPs?			21

Statutory Assessment	29	Child node to Why Statutory Assessment? Thoughts about the processes, consideration about pressures on schools, LAs etc. and how they impact on parents. Some discussion about resulting non statutory EHCPs, not legally binding.			29 – linked to above.
Young People's Experience	10	Experience of group of YP interviewed in school and in employment. Long discussion regarding SEND, and what this means. Didn't really get to many questions about EHCPs, as an unknown.			

## Appendix G Symbolism of EHCPs - Symbolic Language

Inclusion Professionals Group, Participant 2; "I would see it as a level of protection for the child moving on, because for the reasons I've described previously which I won't sort go over again, but so yeah, apart from when they leave primary, they need some level of, of being, standing out a little bit, so that, they don't get swamped in the morass of inefficiency and lack of interest.

Independent Supporters Group, Participant 2; "I think it's been, seen as, as bubble wrap to make sure that your child is supported".

Inclusion Professionals Group, Participant 1; "they can be helpful because they offer, they recognize children's needs as being kind of serious. You know they give gravitas to what a child needs in school and they offer, they can offer an extra layer of protection".

Angela, SENCO; "For parents, it's, it's hope and security, security that their child is gonna get what their child needs".

Christine, parent; "from a parent carer point of view, they feel that without them their child will slip through the net. That without it they will become further apart and they will leave school with no education".

Donna, SENCO; "it actually gives them that safety net, that actually if you move schools you've got this record of need".

Educational Psychologists, Participant 4; "that's the golden ticket isn't it, it's specialist provision".

SEND Health Professionals, Participant 1; "life changing, without them would not be able to access not even their education, but all the social stuff that comes with it".

Angela, SENCO; "I don't think our children really realize that they've got them, but I think for older children there can be stigmatising can't they?"

Emma, Careers Advisor; "it does open a lot of doors for young people".

Independent Supporters Group, Participant 2; "EHCPs are enforceable".

SEND Health Professionals Group, Participant 1; "You do hear many people, probably myself included, you say oh for example, does that young person have an EHCP? Um, sometimes as an example of just how complex that person, or that the level of need is kind of yeah, as a, as a maybe as a potential gateway through to accessing other things".

Donna, SENCO; "I will only apply for an EHCP when I feel that, that, there is, it's the last resort for me".

Lorraine, Social Worker; "It opens up avenues, doesn't it?"

SEND Professionals Group, Participant 2; "it's statutory and that is where we can, you know, I don't wanna say, um, ah arm what's the word you use here, but kind of um, you know wrangling someone

Participant 1: yeah, twisting somebody's arm,

Participant 2: yes, yes, thank you, sorry

Participant 1: holding people to account".

Inclusion Professionals Group, Participant 1; "a passport for special school".

Christine, parent; "the support that needs to be put in place by the school for your child to thrive educationally".

Angela, SENCO; "I think it is because we need a level playing field for every child with SEND or every child who has a disability or a difficulty that can't be met universally, and I think we've got to have that level playing field because I think we all know, don't we that there's a bit of a post code lottery where you live...I think and that for me is why we have an EHC, to give the child, young person the support to make get to the point where the playing field level, once it's level then they can achieve, but if they can't get there, if they're fighting, you know this uphill battle. Umm, they're not going to be able to make the progress, that actually, they're capable of making. If you can't get the barriers out of the way, they're not going to be able to, you know, maybe access education, you know, in, in the way that they would be able to"

Angela, SENCO; "I think you know there's a lot of, there are a lot of pitfalls there that it would be very easy to fall into. You know to make this very reliant child who actually then doesn't have a lot of expectations of themselves, 'cause I've got an EHC and it's like you know, my get jail free card when it's there's something difficult".

Inclusion Professionals Group, Participant 2; "Victory over the system"

Educational Psychologist Group, Participant 2; "that's what the EHC advice does... it places the problem within child, we don't look at the curriculum content or the curriculum delivery or community issues, or systemic issues around the child, because, frankly, I think we are all a little bit too scared to name things that might then be challenged at tribunal".

## Appendix H What EHCPs are for

- Holistic assessment
- Recognition of needs
- Additional support
- A focus for settings to see CYP as individuals
- Indication of how complex CYP is
- Enable CYP to develop as rounded individual
- Reach potential
- To measure progress
- To get to the point that they can do what everyone else can
- To enable CYP to achieve to the best of their ability
- Aspire to aspirations
- Differentiated support
- Tailoring things
- Access to the best things
- Bespoke provision
- Financial benefits
- Resources
- Equipment
- Transition
- Empowerment
- Preparing for adulthood
- Access to specialist post 16 provision
- Support for post 16 provision
- Potential gateway
- Special school placement
- Regular review
- Extra layer of protection

SEND Health Professionals, Participant 2; “more of a holistic assessment”.



Sandra, Health Professional: "They're about education, health and social care coming together to produce a, a document that can be, for the, above and beyond what is the school offer to support children and young people in a, in a setting, in a school setting, whatever that may look like, in order that they can reach their full potential and their aspirations".

Lily, parent; "to support the children that need more help beyond what the school offer, offer as a, as a standard. It's to go above and beyond that, for the children, who have more complex needs....to give other options of schools, obviously, you need an EHCP, to get into a special school".

Inclusion Professionals, Participant 1; "they recognize children's needs as being kind of serious. You know they give gravitas to, what a child needs in school and they offer, they can offer an extra layer of protection".

Angela, SENCO; "to make sure that the child gets the resources that they need, in their education".

SEND Health Professionals, Participant 2; "sometimes, having that um, is that you get, you know the additional support that you require. Or that you get reasonable adjustments. Those things that maybe you wouldn't quite readily get, without having it".

Sandra, Health Professional; "that they have their individual needs met".

Sandra, Health Professional; "a focus for settings to see children as individuals".

Emma, Careers Advisor; "to identify that individual's sort of learning needs and, and to be able to sort of work through what their outcomes are, or what they need to do, what support needs to be put in place for them".

SEND Health Professionals, Participant 1; "you do hear many people, probably myself included, you say oh for example, does that young person have an EHCP? Um, sometimes as an example of just how complex that person, or that the level of need is".

SEND Health Professionals, Participant 1; "Enable them to develop but not just from an educational perspective, develop as the whole rounded complete individual".

Sandra, Health Professional; "Well they are specifically for identifying what it is that the child needs above and beyond what would be available in a normal setting, so that child meets it's full potential".

Sandra, Health Professional; “done right and with all the information contained within, and a really robust plan, could absolutely make the difference between the child reaching their full potential, and their, reaching their aspirations”.

Angela, SENCO; “they clarify the child's needs in a way that the parents then feel that they can work with because it gives you outcomes, it gives you targets and that for parents is very clear.....it helps us write IEPs. It helps us, you know, measure progress”

Angela, SENCO; “to get them to the point that they can do what everyone else can do”.

Inclusion Professionals, Participant 1; “to try and make sure that their kids are the best that they can be, educationally... better outcomes for the child in terms of their progress and attainment”.

SEND Health Professionals, Participant 2: “so that they can you know aspire to their aspirations”

SEND Health Professionals, Participant 2; “so that things are you know differentiated, so that they, they can, so if they require, you know support in a different kind of way, then they’re getting um the right people, the right person that’s gonna have the skills to help them to get there”.

Independent Supporters, Participant 2; “a way of ensuring that school puts adequate and sufficient education, educational support in place”.

SEND Health Professionals, Participant 2; “a way to support, enable them to have access to the best things, support, people, everything, so that they can then, you know, be able to grow develop to the best of their potential”.

SEND Health Professionals, Participant 2; “recognition of their, their needs ....so their skills and their strengths ...empower them ... it you know kinda puts an impetus to the school to say, well, let’s work from a strengths model you know, what they can do, and not what they cannot do and, and kinda tailoring things around that, so the provision, the bespoke”.

Independent Supporters, Participant 2; “to give an additional resource and scaffolding to enable children to achieve to their best ability, and overcome any barriers that they’ve got”.

SEND Health Professionals, Participant 1; “probably attached to financial benefits I think”.

Inclusion Professionals, Participant 2; “so that we can get a full understanding of the range of need, in order to put a good education plan in place. I think it's also a pathway to funding for schools...There's more money because you know children which require the additional resource, and then it is also is a foot on the ladder to a special school”

SEND Health Professionals, Participant 1; “so that certain pieces of equipment can be accessed. Quite costly pieces of equipment”.

Emma, Careers Advisor; “something to support you going onto your next steps in education”.

Emma, Careers Advisor; “The EHC process I see as more involving the other, you know the other bits that help young people, like their health needs, their identifying those and their care needs, alongside their education needs which is their priority one really. Um and about how, how that um can then support that individual, so it’s looking at them as an individual, identifying that they’ve got additional needs and identify what exactly what those additional needs are um and then looking at under each area for those young people, um what needs to be put in place, but what does that young person need to work towards, you know it’s sort of preparing them for adulthood making them ready for the workplace, making them ready for the next stage in their lives”.

Pete, Social Worker; “I’m going to sound like I’m saying the obvious thing, but I guess it's about bringing a focus back on, particularly for, obviously it is for, children with additional needs in terms of, 'cause their education is more nuanced, .... So, I think it just brings everyone together and keeps a focus, on, on that, preparing them for adulthood”.

Emma, Careers Advisor: “You know we’ve got ‘another specialist programme’ which you know a young person would need a plan to be able to access that”.

SEND Professionals Group (1), Participant 5: “I also think sometimes, schools think an EHCP is a way to get children out of their school, as well”.

Inclusion Professionals, Participant 2; “to access special school”.

Inclusion Professionals, Participant 1; “why I do think that I'm keen often for kids to get one, is because of the review process 'cause I just feel like it gives the local authority more of an inroad, to kind of making sure that the EHCP and that plan for the child is being delivered”.

Christine, parent; “because they were failing at school”.

## Appendix I When you need an EHCP

- Struggling in educational setting
- When CYP cannot access learning
- Mainstream not appropriate
- When we don't know what else to do
- When need advice and support from other professionals
- High needs
- Specialist placement
- Accessing post 16 provision
- To help stop exclusions

Angela, SENCO; "This child really needs an EHCP because you know we put all this in place in mainstream, and you really still are struggling. You know emotionally, socially as well as academically. Those are the children who I've been really kind of, 'You really need an EHCP'".

Emma, Careers Advisor; "providers sees that, how much you're struggling to then say, actually I think now we need to put you forward, you know we need to request an assessment for you".

Educational Psychologists; "if it's a child in a mainstream school who's really, really struggling and parents know they're struggling and the school, and you *know* that that child needs specialist provision".

SEND Professionals Group 1, Participant 3; "the threshold starting the assessment, ... is extremely low, you only need to demonstrate that they potentially, may have special educational needs. So, that is kind of the frustration in the system we are trying to operate. And there are not enough resources, as everybody knows, to do, what is required".

Angela, SENCO; "I think there have been the occasional child that I thought I really need EHCP for you because mainstream is not the place for you".

Angela, SENCO: He must be, they must be so complex that they need an EHC, that seems to be sometimes the thinking that's going on when you unpick it. Well, there's nothing more that we can do, so they must need the EHC".

Donna, SENCO; "for me it's, it's also about recognising that level of need where actually you, for me in my school, when I've gone absolutely as far as I can and I've thrown everything at this, at

this child actually what else can we do, that, you know exceeds our school resources, to be able to put everything in place”.

Donna, SENCO; “one of my Year 5 boys ... has had wraparound one to one support for a long period of time and that is just not sustainable. And, and actually for me it was about recognising his level of need it isn’t just about the financial package for me, it’s about what we, what support that brings, what advice that brings from different professionals who make me feel that I’m not on my own kinda trying to manage the children”.

Rachel, Inclusion Professional; “so it happens routinely so we’ve got children that come into care, already with EHC Plans, but I would suggest more that often they’re in the care system we identify those additional needs based on their early childhood experiences and their current experiences and how challenging they find school, and it’s agreed that we need to pursue a statutory assessment”.

Educational Psychologists, Participant 1: “I am concerned, picking up on what Participant 3 was saying there, about other people’s understanding of an EHCP what it is and how it is you know. And if you see a child with a certain amount of need in a certain area, there is a, ‘he must, he or she must have an EHCP’ and not really knowing necessarily what it is, or parents coming in and saying ‘I want my child to have an EHCP’ and not knowing why they want an EHCP or what it is, or what, what it will give them and it’s a massive battle throughout and when I put it back and say, so if you’re saying that you want some kind of specialist provision beyond universal or targeted, or should I say, beyond what the school can currently provide, or are providing, what would that be? Rarely come up with an answer ... that question, because that’s, that’s the answer, to that you know if you want an EHCP, that’s what you are saying then what you want, can you articulate what that is, then what you want?”

Emma, Careers Advisor; “for young people accessing things post 16”.

Emma, Careers Advisor; “we have some young people that need a, you know, a higher needs sort of provision or something where by the only way to access that would be with an EHC plan”

Independent Advisors, Participant 1; “certainly seen parents where they’ve been fobbed off and fobbed off. They say, no, no, no they’ll be alright, give it, give it a month, give it a week, give it a year and what have you. And I think a, a prime example of this is a secondary school where parent had a meeting, she says I’m extremely worried, ah he’s had eight fixed term exclusions, I’m extremely worried, we couldn’t make two meetings and low and behold what came up the

permanent exclusion, and if we'd been at the meeting before when they said look we've done this, we've done this, we've done this, we've done this, we've done this, we've done this. I said gosh has the child got SEND? They said yeah? Oh do you think they need er support, may need the support of an EHC plan? Yeah. How long have you thought this? Ooh, about a year and a half. Well why the heck haven't you applied for an EHC plan?"

## Appendix J Symbolism of EHCPs – Emotional Investment

- Investment in CYP so that they can learn, grow and develop
- Investment in getting EHCP to be able to access other things
- Vehicle to empower CYP to achieve
- CYP feel accepted, a sense of belonging
- Parents feel reassured
- Parents break fighting for one
- When one is created feel a little bit 'yes'
- CYP left in an abyss without one
- Parents to hold schools to account
- Parents investment
- A stick to use to try and have communication
- Desperate carers who want one as behaviour is so challenging out of school
- Trying to fit human beings into a limited set of categories
- Labelling a minority of children
- Not inclusive
- Needing a diagnosis/EHCP to get the support
- Safeguard and reduce risk
- Job satisfaction
- SENCOs and pressures of EHCPs

Inclusion Professional Group, Participant 1: “‘cause some people, some people in some areas will be highly resistant to, to your belief that a child actually needs one and sometimes by creating one and seeing the positive outcomes that it can create, it proves that it's worth doing, so just that little bit of *yes*”.

SEND Health Professionals, Participant 2; “there is very, very different levels of understanding, very different levels of provision, um and again, it's not about standardisation, you, you want it to be individual and bespoke to that person, but the investment of that person, or young person, child, needing it, is that they *will* then be able to learn, grow, develop, um in *every* sense”.

SEND Health Professionals, Participant 1; "I do think that there, that there are certain attachments to certain pieces of paper and certain labels and I would say that there's been investment from, from certainly from the OT team at times, um to have EHCPs so that certain pieces of equipment can be accessed".

SEND Health Professionals, Participant 2; "it's a vehicle for them to, you know, as you said, you know and they will empower them to be able to do those things, you know whatever it is that they want to do, to, to enable them to then, you know learn and develop those skills sets that they're gonna need, with the right support in place for them, so, that they can. So, that they can achieve, and achieve those individual successes you know, it might not be for that person, but it'll be for them".

SEND Health Professionals, Participant 2: "they feel accepted, a sense of belonging, and that you know all those individual successes and achievements that um you know, that, with that EHCP, that's' that's kind of you know helped them to get that".

Independent Supporters Group; "I think if someone had an assessment, and that's why people wanna pay privately, if they had that especially, parents they would feel reassured in the fact then that they will get the help they need, I might be going off the point but I think some parents probably do welcome that sometimes, that there is a label because then I feel like they are then taken seriously".

Independent Supporters Group; "as a parent, having gone through the process. I think it's been a real up and down process for me, so I remember being incredibly grateful, that we originally got the education, as was statement and then um relieved when it went through the transition to an education, health and care plan. And at primary school, things were relatively easy to, to keep on top of and check, and, and, but having gone to a secondary school now, I find that 'ahh', the remit of the education, health and care plan, other than being a bit of a stick that I can use to try and have communication with school, is a lot less".

Independent Supporters Group, Participant 2; "we watch parents give up and say I don't really want to fight this so I'm going to electively home educate, because there isn't an appropriate setting for my child.

Independent Supporters Group, Participant 6; "all we do is we watch parents break".

Lily, Parent; "just everything to do with special educational needs, seems to be a fight. Um, and that's what, not what you need when, when you're already concerned about your child".



Independent Supporters Group, Participant 2: “we’re getting a lot of that, children who are unable to attend school, they’re not in school so, they’re not having that statutory process around them, and that assessment and that support and, and they’re, they’re kinda left in an abyss”.

Independent Supporters Group, Participant 2; “I think is the perception that parents will have something to hold schools to account. Rather than it being, um a cohesive kind of ‘lets work together,’ we need something additional for my child, my child needs extra therapy in school, my child needs extra support from a teaching assistant to achieve this, it’s ‘I need this plan for you to provide anything.’ I need this plan for, you know, to give myself some assurance that you’re gonna put any special educational need support in place because you know I don’t see it happening”.

Christine, parent; “the number of young people with an EHC while still leaving school with minimal qualifications, is horrendous”.

Lily, Parent; “the relationships with professionals, um not all that great....You kind of, I always felt like I was in a emotionally abusive relationship....It's like, you're trying to do your best for your child, but everyone's against you doing that”.

Angela, SENCO; “I think, parents get incredibly emotionally invested and sometimes it's hard not to be caught up in that, particularly when the parents got a response that they didn't expect. That's hard, 'cause you're the person that they phone, you know. So, it's very hard, you know not to you know, get dragged into the ‘oh, I can't believe you didn't get it’, because what they want you to say, they’re desperate for you to say that, ‘can you believe, you know, she hasn't got it?’ ‘Well, it's been looked at by a panel and I'm sure they made the right decision’, ‘but can you believe it?’ Well, it’s happened hasn’t it. So, you know it's hard then, not to just go, ‘Yes, I know’.

Angela, SENCO; “parents hear that and internalize it, it's not primary, he needs an EHC. So, that's I think a lot of where that comes from that parent, as you say rightly, that parental anxiety, they are not going to get what they need, they're gonna fail, it's all going to go wrong, they’re gonna be excluded, they'll never be in school again, my life is awful”.

Angela, SENCO; “So, for the children, their emotional investment is in us and they trust us, and that's great. But for the parents sometimes it's so easy to get caught up in their emotional investment, in their emotional turmoil of ‘what if I don't get it?’ ‘what if they turn me down?’ ....

You know 'they're not turning you down, they're turning my work down, you know, look at it that way, you know. So, but it's very easy to get caught up with those parents who think that this is the be all and end all, and that their child is going to fail at life if they don't get it".

Angela, SENCO; "it, just say gives them that, almost you know, support, you know they've got that jacket of support and if that goes, they feel, they just feel like they're you know, gonna end up as a puddle on the floor.... there's no, there's no, 'this has provided the support for the time that we need it we don't need it anymore' that you know they, they don't you know that's not a celebration, it's a terrible thing.....'You can't take their EHC away', 'no you're right, I can't. You're absolutely right I can't, but I'm suggesting that we ask the people who can, you know?' But, yeah, you don't people do find it really hard, to even have a suggestion of, of letting it go. It's hard enough for us to tell our parents, I don't think your child doesn't need an IEP anymore, let alone this huge thing of an EHC that to them....You know it's been like to them, they've climbed Everest to get it."

Independent Supporters Group, Participant 5; "I've been sat in meetings and all the professionals around the table, have said well, said actually giving their personal opinion to the parent, I don't know if it's personal or professional, and just saying the parent will mention an EHCP but they haven't started it because the young person not attending and they're just saying, "no, no, don't worry, I wouldn't go for it, you're not gonna get it, you're not gonna get an EHC, don't go for it," and then parents really frustrated".

Rachel, Inclusion Professional; "we can see foster carers who insist the child needs an EHC plan, not really knowing, I think entirely, or a social worker saying they need it, not knowing entirely what it means and a school being really clear, saying I don't think they'd meet the threshold for needing one. Yet absolutely desperate carers because the behaviour is so challenging out of school"

Educational Psychologist Group, Participant 2: "I suppose it baffles me, it's the whole concept around this you know, it's the medicalised model, it's the reductionist approach to trying to fit complex human beings into a limited set of categories, that don't particularly work or describe what's going on".

Angela, SENCO: "I think you know there are, you know there are some things where we could well be hamstringing some children by this perceived, oh what's the word I'm after, this perceived inability to do things when I think, you know, children can do a lot more and well, you

know that they can do a lot more than parents often believe they can. So, I think for a parent it's almost like a life raft, I can see that you know sort of parents literally clinging onto this thing, 'cause it's keeping me afloat.

Emma, Careers Advisor; "I think sometimes it's quite hard for young people to see it, or understand it as, or see themselves as having SEN, SEND. The disability side of things, I think that, that side of it can be a little bit difficult for young people".

Christine, parent; "I think it's labelling minority of children to the exclusion of their peers. In as much as what we have isn't an inclusive classroom".

Christine, parent; "We've got people saying, medically, but if they had an EHCP, they might not need a diagnosis because we can get through. We have, I know instances where a psychologist has given a young person a diagnosis, but they didn't quite meet the criteria, because the school they went to would not put anything in place to support that child until that child had the diagnosis".

Angela, SENCO; "often what I've seen from people like the speech therapist, the XX, you know when you have a child at the XX (ASC assessment centre) is that you know, seems to be their magic bullet as well. When they haven't diagnosed a child, but they need in the EHC. Well hang on, you're just not giving them a diagnosis. So, how am I going to get any EHC with you saying you're not giving a diagnosis? But you're telling me he needs any EHC? That's an interesting one. So, I think sometimes it's that people think 'I don't know what to do'".

SEND Health Professionals, Participant 1; "it will help safeguard, not it would safeguard because they're all, they all be vulnerable, without a doubt, it safeguards certain things, and it ensures that certain standards are met to make sure that those child's care needs are managed, and managed well and um reducing risk I suppose as well".

Angela, SENCO; "You know that there's not that feeling of being out of control, I think, for some people you know this is the only thing I can do to control this situation, is to get an EHC for this child".

Independent Supporters Group; "We tell them processes, those processes don't happen, we say this should be happening, it's not happening. We, and it is our job, you know the more, we know they are more tribunals, but that's because it's our job to inform parents of their rights and that's what we do. And we have to give them all of the information, support them in whichever route they choose to go and support them through it, but there is no, I think, I think we've lot

for a long time now, any job satisfaction. I certainly don't feel it, because it just, nothing ever seems to improve".

Angela, SENCO; "I do think that it, it would be easy to argue from an emotional point of view. Very easy. You know this child needs it because, and I think when you've done it, when you've done many. It's easier to, you know the objective language, don't you, you know the words that you're going to use to make your case, that isn't that emotional tug at the heartstrings, oh 'if it doesn't come, it'll be the end of his life'".

Angela, SENCO; "So, you know, I guess it's the clear conscience thing, isn't it? You know, I've done everything I possibly can to get this one through, and I guess again if you're new to the, if you're a new SENCO, if you haven't written one before, maybe you don't know when you've done enough. If you see what I mean, so that's where, that's where you get emotionally invested and you know you might get angry, I'm sure you do get quite angry phone calls at times, but I guess that's where that I guess that's where they come from isn't it? I think there is that professional pride, isn't there? About not wanting to get them turned down. About the fact that, 'how dare they turn me down' ....There's obviously you know that need to have the right thing for the child. I think sometimes there's also, could be a bit of desperation in there, as in we've done everything you know this is turned down, what on earth are we gonna do now?"

Angela, SENCO; "I think if you're in a position where as I know, some SENCOs are that you know their Heads aren't maybe as supportive SEN as I'm lucky to have, then that there is that pressure coming as well, isn't there and there's that emotional pressure of 'well you've gotta sort this'".

Angela, SENCO; "I think it's; you know, I think if you're a new SENCO, and they're the first few, you're putting in, you know you are very emotionally invested 'cause you put your heart and soul into them".

Angela, SENCO; "they are such an important document sometimes for the family and you feel that you're letting them down if you don't, write a dissertation on them, you know, and if they don't go in with every box filled in to the max and I think that sometimes is a bit of a pressure, but I think, I don't think now that you're saying I'm not so emotionally involved in them as I was if you like".

Angela, SENCO: "We're putting them through that huge emotional wringer of this huge process, that is the process that it is, it's nobody's fault that's what the process is. I mean we're putting them through that process for a long time and then that, is what has the impact on the child,

because that worry on the part of the parent. You know that are we gonna get it? Are we gonna get? Have I said the right thing? Have I done enough? Did I say the right thing? Did I tell him that? Did I remember? That whole process that the parent is going through of we've got to get it, we've gotta get it, will we get it, will we get it, when are we going to hear? Then does have that impact on the child because the emotions that the parents going through. I think there's a better way of doing that"

Angela, SENCO: "it's probably keeping the parent afloat more than the child. For the child, I see it a bit more like I don't know if we're gonna go with water. I see for a child it's more like I don't know the arm bands. So, for the parent is actually the life ring, it's the thing that's gonna keep my head above water. Yeah, for the child it's a bit more like Oh yeah, these my arm bands are just helping me out a bit now and again. So, I guess that's the way I look at it. For us, it's sometimes it's more trouble than it's worth, basically because we were already doing all of that. So, I think for us it's, it's a bit like a stone dragging us down sometimes".

Angela, SENCO; "so sometimes it's a bit of a stone hanging us down and then occasionally for the little girl that we were talking about, it is actually the, you know, the balloon that will lift you out".

## Appendix K Symbolism of EHCPs - Legal Document

- Lots of complaints and appeals regarding EHCPs
- A legal battle
- Gives parents the view that they're going to have to constantly fight
- Lack of understanding that an EHCP is a legal document
- Health and care muddies it
- Centralisation of funding and impact on accountability
- Without a statutory plan, school don't have to put things in place

Independent Supporters Group, Participant 6; "it's our Job to be challenging local procedures because our Job is for the law".

Independent Supports Group, Participant 2: "I know it's a capacity issue and I know that we're all really struggling, every team is really, really struggling, but I feel that, that in a way, we're just having to give parents the options to say, "Ok, this is what's happened, these are your options", and I feel like, a majority of our work now, seems to be complaints and appeals regarding....EHCPs or statutory assessments, or failure to conduct an annual review, contents appeals, and it, you know it's almost taken something really positive like, OK we recognise the need of your child, and we're going to look at putting support in place and it's, it's starting off with a battle, and I feel that it gives parents the view that they're gonna have to constantly fight and I think as, as a parent, I didn't have that experience and you know it, it, if you do, if you do start off with a fight and then you feel like you're fighting all the way along and that must be draining for, for most parents".

SEND Health Professionals, Group, Participant 1: "I do think as well there's maybe um not a lack of understanding, but a lack of acknowledgement that actually the EHCP is a statutory requirement, as well as a child protection plan ... or a going to court, or a ... actually, that is a, it's not just a bit of fluff, it's a requirement, and it is a document that would be withheld and stand up in a court of law".

Educational Psychologist Group, Participant 2: "yeah it's legally binding and we all have to be prepared to stand up and defend it, if it ever goes to tribunal".

Lorraine, Social Worker; "Yes, and I wonder if the health and care bit muddies it a bit, doesn't it? Because within that I mean when I go to reviews it will have a social care bit and we, we are

asked what we're providing. Well then it's not, it's in a legally binding document now. Well, ours is always subject to review. That doesn't mean, that because we're providing something that that is always going to be, and the danger of having things written in is, isn't it, is then you, it's there. And people and people are sort of, well, it's in the EHC plan, so you have to do it".

Independent Supporters Group, Participant 4: "But it's not just for parents to hold the schools to account though, for me I think the big change that's happened has been the centralisation of funding for schools and local authorities are having a more difficult job to hold schools to account because they don't have that level. They do have, schools have a legal duty to meet what the EHC says, and that gives the local authority some power to actually kinda enforce that, but in the past they also had control over the schools budgets, funding, they don't have that so there's a bit shift politically and funding that has impacted both on parents kind of and local authorities and actually schools as well because schools under the academisation have become more like little business, big businesses actually and they've got more autonomy to step back and actually not necessarily do what they should do, even though it's in, in legislation it's, it's two or three times removed isn't it".

Independent Supporters Group, Participant 2: "if you look at the law, the law says, that if that, if that non-statutory plan identifies, that without the, this plan being statutory, and there's case law to back this up if that, without that non-statutory plan becoming a statutory plan, school are, are unwilling or unable to put this in place, then that plan should be made statutory, and, and there's case law for that".

Donna, SENCO; "when I speak to parents about an EHCP, it's a way of, we talk about it being a, a legal document that represents strengths and needs".

Angela, SENCO; "it's just setting out in the legal framework, isn't it the, what that child needs and making that very clear, making that very clear to any professional who comes into contact with the child, making it very clear to the parents what they can expect for their child.....Yeah, so they're to make sure that the child gets the resources that they need, uhm, in their education. They're a legal framework for the parents and parents legally feel that they have a leg to stand on".

Lily, parent; "legally support that, that child's needs, every child is different.....it's a legal document, that supports the child's needs above what a school can offer".





## Appendix L Symbolism of EHCPs - Difference EHCPs – can/cannot make - Positives of having an EHCP

- Empowering
- Enables settings to 'think outside the box'
- Support
- Effective
- Access to different kind of resources
- Can make a massive difference
- Improvements for the child in school
- Recognises strengths
- Focus on CYP as individuals
- Helping with educating CYP eg. differentiation
- Promotes autonomy and independence
- CYP feel accepted and a sense of belonging
- Some people like labels
- Resources for individual CYP
- Access to funding
- Personal budgets and control for YP
- Passport out
- Reviewed regularly
- Show progress
- Parents reassured
- Parent friendly
- A good working tool
- Keeps us on our toes
- Gets health involved
- Gets social care involved
- Helps identify CYP with medical and health conditions
- Safeguards
- Communication between services making a difference for CYP

- Supports transition
- Supports post 16 education
- Recognition of needs that become accentuated in Post 16 education system set up differently
- What is on paper – to be provided
- Binding everyone on the same page
- Make sure CYP get what they need

Angela, SENCO; “I think sometimes for a child they can be empowering”.

Rachel, Inclusion Professional; “Some children value the opportunity to come in and say you know what Mr so and so did this and Mrs did that, and actually you promised me I could go to football and that hasn’t happened and they get their voice heard, they get it recorded and we try really hard to action those things”.

SEND Health Professionals, Participant 1; “it enables them to think outside of the box a bit more doesn’t it”.

SEND Health Professionals, Participant 2; “it’s a vehicle for them to, you know, as you said, you know and they will empower them to be able to do those things, you know whatever it is that they want to do, to to enable them to then, you know learn and develop those skills sets that they’re gonna need, with the right support in place for them”.

Angela, SENCO; “for the parent their expectation is it's gonna be wonderful it’s going to be marvellous, they’re gonna get support they need. They’re gonna get a lot of support”.

Donna, SENCO; “It identifies really clearly what the, child or young person does really, really well. Umm, because as I said before, that hasn’t, that wasn’t previously celebrated I didn’t feel”.

Sandra, Health Professional; “It also draws a focus for settings to see children as individuals and that they’re not as a group... as an offer and stretching their resources to that group whereas if you have an education, health care plan, the resources for that child are specific.”

SEND Health Professionals, Participant 2; “so that things are you know differentiated, so that they, they can, so if they require, you know support in a different kind of way, then they’re getting um the right people, the right person that’s gonna have the skills to help them to get there. And to learn, then to learn those skills so that they can do it themselves. And so, that’s what it provides, but you know, without having that assessment and looking at what their skills

are and what their needs, then how are you going to put things in place for them so they can access them”.

SEND Health Professionals, Participant 2; “promoting autonomy and independence, um so you know, even though they need a hoist or something, that they know how to use the hoist that the carers know how to use the hoist, so that they can be getting up out of bed and then being able to go and, and you know sit up and have something to eat, or being able to sit in a chair properly so that they can be up and you know having that level, eye, eye level to be able to engage rather than lying down all the time”.

SEND Health Professionals, Participant 2; “they feel accepted, a sense of belonging, and that you know all those individual successes and achievements that um you know, that, with that EHCP, that’s’ that’s kind of you know helped them to get that”.

SEND Health Professionals, Participant 2; “Um, there’s so many things ..... and an EHCP will help, you know a young person, you know, possibly have access to that”.

Lorraine, Social Worker; “It opens up avenues, doesn't it? For perhaps funding, or for perhaps services that are not on tap available, and that you have to be referred for, you have to buy in, and that EHC probably is an avenue for accessing those sorts of things”.

Emma, Careers Advisor; “I think it's also helped to identify a lot more of the young people like chronic fatigue and, and 'cause we have got a lot of young people with very, you know lots of medical and health conditions, where they've missed out and now they're picking it up again.....You know, so I do think it does help them to access. I mean like the personal budget, you know that feeling that actually they've got a bit more control they can say, actually, I don't quite fit. I don't fit these school, college, you know the college environments I want to do this”.

Angela, SENCO; “we've done virtually everything we can think of. We’ve then done the things that we haven't thought of before, and now we've really thought out of the box, and even those aren't working. So, I think that they’re the times when for us it is actually it's her passport out”.

Donna, SENCO; “So actually it’s, it’s a document that isn’t kinda fixed, it’s a picture of the need, level of need now, and if it’s, if it’s reviewed properly and accurately then it’s a really good working tool. That actually not just, I don’t just have it, it’s not just a piece of paper that’s stuck in my filing cabinet, it’s actually a document that we review regularly with staff and with parents and professionals. So, it keeps us on our toes, to make sure we are meeting the child, child’s, all their needs, not just the education needs”.

Christine, Parent; "They show progress".

SEND Health Professionals, Participant 1; "from a parental perspective, you can see as well, why that document is so important I suppose. Um, in terms of what is on paper, should then be provided".

Independent Supporters; "parents they would feel reassured in the fact then that they will get the help they need, I might be going off the point but I think some parents probably do welcome that sometimes, that there is a label because then I feel like they are then taken seriously".

Donna, SENCO; "I just feel that an EHCP is far more parent friendly. I know that there's is still, you know I was working with XX and XX (LA colleagues) about how we can tweak the annual reviews and things, um but actually the EHCP itself, I just think the process for parents is, is far more effective and that has an impact on, on how we can work to make improvements for the child in school".

Emma, Careers Advisor; "I think when you sort of, that young person goes into a new environment, you're trying to give a real good picture of how, how they are and what they need and things like that and I see the EHC plan as, as that's an important document, you know, it's a similar sort of thing, on a par to the old the needs disability assessment".

Sandra, Health Professional; "a combined effort that all three are working together, equally, that that actually, you will come up with a child that is well rounded, and being, and well, and their social environment is, um, reviewed, assessed and understood because actually if in education, I just thinking in a practical sense, if I was a teacher and I had a sense of the social environment um, and have great insight to that, then I might be able to modify how I'm teaching that child, or their behaviours, umm, it's all a great insight isn't it, and if they're not well that day having an understanding why they're not well, because you've got that within the plan".

Donna, SENCO; "it's also flagged children up and being able to access different kind of resources for me, um in terms of donkey sanctuary in terms of um, I can get children into to have XX (special school), have hydrotherapy I can have, for me, oh I don't even know if I should say it really, but for me it's a really good tool to get health involved because it's really difficult for, for me to engage".

Donna, SENCO; "you know we've quite a few coming in again in foundation in September, um and actually there is a whole, you know some have social work package around them as well

which is absolutely brilliant and it's, for me it's a really joined up way of working and it isn't just home and school, everybody can work collectively together".

Emma, Careers Advisor; "because they've got a plan and they think actually that can help and obviously, they may be able to access additional funding because they need to be creative about that young person and they need to say, you know well actually we need to something more and because they've, there is statutory education up to year 11. We know like the school need to do, to be doing something, they need to putting something in place and doing what they can to help that young person achieve and it being a with learning and you've got you know a mixture haven't you, you've got you know all other agencies like an EWO sort at looking at attendance and looking at other things you know, so though, so I think from that point of view an EHC plan for, say year 9, 10 and 11 can really identify those additional needs that that young person has you obviously start to be involved and we get an idea ourselves, and it's harder to identify some of the others that don't have it, because obviously we're prioritising these young people".

SEND Health Professionals, Participant 1; "it safeguards certain things, and it ensures that certain standards are met to make sure that those child's care needs are managed, and managed well."

Sandra, Health Professional; "in terms of health and my small part of health, cause we are only a number of services within a health community, um I definitely feel like, we are definitely on that right trajectory, and we've built those relationships and I know that you can do anything if you've got the foundation of a relationship. So, actually the fact that we're communicating, we've got relationships, we can have difficult conversations without issue, we're really gonna make that course strive and make a difference for those children".

Inclusion Professionals, Participant 2; "what a really important process of the EHCP and why, why I do think that I'm keen often for kids to get one, is because of the review process 'cause I just feel like it gives the local authority more of an inroad, to kind of making sure that the EHCP and that plan for the child is being delivered,

Lorraine, Social Worker; "All of these things are incredibly difficult to have. A lot of the services are time limited. There's long referral processes, but having something written down for a mainstream child where they could access it in their part of their school day, I think would

probably make a massive difference, 'cause it's something additional to what they'd be getting anyway in the school."

Emma, Careers Advisor; "they know what they're doing, in a school environment, where they feel safe, they know where to go, and often they do. You know, young people who look out for like they'll go to the SEN base and they'll talk to a TA, or they'll have a bit of time out if they're feeling stressed or whatever, and the school feel that's really well managed, and that's fine. But I said, you know, that's not going to be the case in a college environment, you know you may not be just able to come away from something, it, I would be reluctant to let it go at that point".  
Inclusion Professionals, Participant 1; "I think it can make a massive difference, so long as it's applied in the way that it's intended"

Rachel, Inclusion Professional; "having an EHC plan sometimes, is that binding thing, that makes sure that everybody is still on the same page, and still making sure that that young person's getting exactly what they need".

Lily, Parent; "it just covers everything, it covers, then the way they learn, how to help them learn".

## Appendix M Symbolism of EHCPs – Difference EHCP can/cannot make - Negatives of having an EHCP

- Don't want diagnosis
- Want to be like everybody else
- System damaging for CYP
- Deficit model
- Stigma
- Difficult for YP
- Parental expectations of EHCPs
- Attachment to bits of paper and labels
- Paper document – needs to be put into practice
- Only as good as how it's translated in setting
- More work for schools
- Not all schools the same leading to limitations of EHCP
- CYP with EHCPs seen as hard work
- Post 16 settings not so responsive to EHCPs
- Post 16 settings can say no to placement
- Has to be organisations out there to provide what is on the plan
- Lack of resources to meet need
- Gaps in EHCP eg. health and social care
- Aspirations for CYP can be very low, or unrealistic
- Lower expectations
- Doesn't make any difference
- How to measure progress – what does it look like?
- Difficult to cease
- Can hamper ambitions
- Labels reducing life opportunities
- Need to be updated regularly

SEND Health Professionals;

Participant 2; “I work with lots of you know kids, you know young people where they don’t want to have you know the diagnosis, and so I you know come at it from a different way, of not using words, it’s matter of syntax, you know, not using that word, that label, and just you know from, even when you say about you know about everybody being different, you know, these, some of these children they don’t want to be different, you know that’s the

Participant 1: they want to be like everybody else

Participant 2: yeah, yeah. And, um, you know and, and it’s kinda those fundamental things, that not everyone is the same, you know not even in disability, it’s just you know we’re not”.

Angela, SENCO; “I think again for an older child it's it is stigmatising”.

SEND Professionals, Group 1, Participant 1; “It’s almost as if we’re making the children fit into a system and when it’s not child led”.

Rachel, Inclusion Professional; “I think we often start everything with a deficit model, you know? What can’t they do, what’s missing, what’s lacking, what can’t a school provide. I know there’s a strength section for each section and it’s really lovely and I think EPs are really good at focussing on the child’s strengths, often to the detriment of a plan sometimes because you know, there are so many strengths that we can’t identify where those areas of need are. But it still is essentially a deficit model, so you’re, these are all the things you can’t do, in a plan”.

Educational Psychologists, Participant 2; “we also need to be, like you said, to be a bit more systemic in our thinking, this is not just about a child who finds it difficult. This is about a system that is currently set up in a very damaging way to those children who need the help.

Emma, Careers Advisor; “I think sometimes it’s quite hard for young people to see it, or understand it as, or see themselves as having SEN, SEND. The disability side of things, I think that, that side of it can be a little bit difficult for young people ... sometimes I think I wonder if it should have something slightly different, um to explain that for them. Especially as they get older, because obviously I work with more sort of 16 – 19 year olds, umm, and that side of it, the disability side I think sometimes they don’t necessarily like to have that term”.

Educational Psychologist, Participant 1; “the real concern about that, is sometimes, you talk about some of the children we work with at that first percentile, and some of them may not have an awareness that they’re, that that’s, that’s how they’ve scored, but often that’s not the



case and, and ethically there is a real struggle umm, and in terms of their self-esteem and the anxiety that that provokes, they come out of working with you, however much you do your best, and they come away, you've got your numbers, but actually it's been a little bit damaging for that child to come away, going 'Well I know, I know I can't read then' 'I know I can't do maths,' you know, particularly on the discontinues".

Health Professionals Group,

Participant 1; "I do think that there, that there are certain attachments to certain pieces of paper and certain labels.

Participant 2: Yes, and so when you have those changes, and they still have an EHCP, but then one school implement it to, you know, above and beyond and another school, implement it, just bits of it. So, that's the limitations of the EHCP, that yes, but it is something that is written on paper and it's, it's really down to the human, you know, um element, of the professionals that are going to actually put what's on paper into practice.

Participant 1: yeah, you can see why par, from a, you know from a parental perspective, you can see as well, why that document is so important I suppose. Um, in terms of what is on paper, should then be provided, but again it is only as, as you've said Participant 2, it is only as good as how it's translated and then how it's put into practice within each setting. Which will differ massively, sorry, but it will".

Educational Psychologist, Participant 2; "my main concern is that the whole process is meant to be highly individualised and it's not, everyone trots out the same document to deliver the person-centred planning in the same way".

Rachel, Inclusion Professional; "it doesn't matter what it says on the plan, if there's no one out there to provide it".

Angela, SENCO; "For us, it's sometimes it's more trouble than it's worth, basically because we were already doing all of that".

Inclusion Professionals, Participant 2; "I guess, probably just the stigma, sometimes for schools who just really don't want to take any children that are going to be hard work".

Health Professionals, Participant 2; "I have unfortunately, have seen some of the young people that have gone on to post 16 and um you know, the transitioning setting, haven't been so responsive to the EHCP, and that's really disheartening, cause they've gone from one setting where they've tried and you know, to the best of their abilities, and resources."

Rachel, Inclusion Professional; “don’t we can’t get started on Post 16, because where we currently live, there are a lack of available resources that meet children with additional needs”.

Rachel, Inclusion Professional; “That’s the frustration often, is that you can see clearly what they need, there just isn’t anybody that’s out there that thinks they can meet that need, and as Post 16 providers, they can say yes or no, there’s no ‘you will’. We can’t direct anybody and even with the plan, you know, quite often the plans the bit that makes them say no”.

Emma, Careers Advisor; “I’m obviously link, linked to a school with like um social and emotional difficulties and behaviour problems whereby, you know the, the EHC plan can actually hold them back ... because you know if it, if it tell, you know if it’s telling that training provider or college all the very negative stuff, then it isn’t, it isn’t building the picture of what that young person could do, or can do, um and some of the other bits, then they’re actually not able to make that next step into you know, sometimes they’re being turned down just because that’s, you know the paperwork is all they see, and they haven’t met the young person and that, that’s the bit I think you know I think it’s, it’s time to bring it up”.

Emma, Careers Advisor: “they looked at the plan and said we can’t meet your needs in the college environment, umm and sent a letter to say we can’t meet their need, you know so suddenly she didn’t have the place. So, so the mum had actually spoken to the local authority and said I do not want this plan anymore, I want it ceased, because I’ve had it for her to get the support in school, I don’t want it to stop her going to college. Which is what it has done up to now, because it had stopped it from the, the college having her and she said I want it ceased... it was, the, you know a shame because the mum had fought really hard for the plan, put a lot of effort into getting the plan and everything and then suddenly it was like aw, you know this is going against you know”.

SEND Professionals, Group 1, Participant 4; “So there are a core bunch of schools that do it really well, do the processes really well and those documents are active documents that are um used regularly, that are in, that are being broken down and informing short term targets and IEP targets and they’re doing really well with that and it is about that protection at moving on transitions that’s, that’s in my view is how they should work, but too many times it is about the money that it brings and the gateway to other options, ah and that might be special schools”.

SEND Health Professionals, Participant 1; “I still think that there’s um a massive gap though, I saw, no, I still think there’s a massive emphasis on the education and social care side of it, rather

than the health side of it in terms of inputting and what we're trying to get out and from sitting on pa, various panels where we discuss requests for assessments, completions, all the bits and bobs, requests for additional funding, those types of things,...I still don't think it's as joined up a process as it could be, um it's much, much more fluid, fluent than the previous process but I still think, feel, I shouldn't say think, well I still feel until all the parties around the table agree, that one massively effects the other and they each have an impact upon that, and central to that is that young person".

Rachel, Inclusion Professional; "sometimes we'll set our aspirations a little bit low, sometimes we'll be incredibly challenging and be unrealistic about what a child can achieve".

Angela, SENCO; "there have been a couple of teachers in the past who don't expect much of a child with an EHC, we got rid of them, they're not here anymore. But I think you know there can be it can lower expectations. You know it can be 'oh they've got any EHC, they don't need to make so much progress' 'they've got any EHC, they don't need to do this bit, you know they can just write 2 sentences and be done with it'. I think people maybe there may be some lowered expectations. I think it can disenable if it's not worked with properly....I think you know, that's the way you know that's the way it, it sometimes can be looked at, and those children sometimes aren't stretched, and sometimes things aren't expected of them, and sometimes they're not given the opportunities to be group leaders, and all those kinds of things because they're the child with the EHC".

Angela, SENCO; "I think you know there are, you know there are some things where we could well be hamstringing some children by this perceived, oh what's the word I'm after, this perceived inability to do things when I think, you know, children can do a lot more and well, you know that they can do a lot more than parents often believe they can....But I think, yeah, I think for some children that actual you know EHC, is going to hamper you know their, their ambitions in some cases".

Rachel, Inclusion Professional; "we see it mostly at early years, where we have to go back and say yes there's progress happening, but is it in line with their peers and is it as fast as we hope it should be, you know, are they narrowing the gap? Or is it just that you're happy because they are wearing clean clothes and they're smiling and they're sitting on their chair now? You know what is it? What does progress look like and what progress should we be expecting?"

Angela, SENCO; "very hard to stop one".

Donna, SENCO; “there was a, a young boy in one of our primary schools, who had an education, health and care plan, but had made significant amount of progress, so much so that every single target on the EHCP on IEPs had been met and was actually managing within mainstream was at age related expectations, with no medical needs around that, and that EHCP for me, I didn’t feel it, that it warranted being in place any further.... that child’s needs could be met through an IEP, or an EHAT or a TAM, but I think there was a reluctance for their, the school to actually turn around and say, um it’s not needed anymore. .. I wonder if there is there that reluctance actually because of the funding that can be attached to children and that is a very mercenary thing to say, but I think in reality, schools will think, you know does this school actually need an EHCP, yes, because I’m going to get a top up funding”.

SEND Professionals, Group 1, Participant 1; “Post 16, Post 18 as well that can become very challenging for them, as the they want to become more independent and yet at times that can hold them back, even having a plan it sometimes can hold them back as well”.

Donna SENCO; “a parental request has been put in for a proposal, and I absolutely disagree with the proposal that has gone in, because her needs are, she is at age related expectations for reading and writing and just bel, er she’s 2 years behind for maths, but she’s got a targeted intervention. She has no specialist work, she has some Thrive work... I feel that if an EHCP proposal was agreed for this young person, it would be very unhelpful, because mum, despite my support and work with her, is adamant that this young lady needs to go to XXX (special school). I think that if an EHCP was given to mum that that would give her, despite all the lovely meetings that we have and the copious amounts of tea that we drink. I still think that that would be giving her the wrong message”.

Rachel, Inclusion Professional; “I often think when we give, when we try to give children certain labels, if they want to join the armed forces for example, they want to go into a particular profession, we’re reducing their opportunities”.

Inclusion Professionals, Participant 1; “‘cause there was some disadvantages with some diagnosis aren’t there, so you can't get into the army or the forces, for example, if you have a certain diagnosis and, and that might be linked to an EHCP. So, you can imagine a young person who wants desperately to get into, into the Navy, can't, so there will be very keen to get rid of that diagnosis and that and that plan”.

Angela, SENCO: "I think possibly there would be in that the fact that you know for, for a child who you know might be cognitively very high performing, but has got particular, maybe specific learning difficulties, spelling that kind of thing? I think it could be a hindrance in that you know they might not be expected to achieve ... and the conversation I have had with some parents who have come in and gone, 'I think they're high performing, Asperger's, great, 'Do you know what they want to do?' 'Yeah, they want to be in the Police' 'Go away and think about that'".

Emma, Careers Advisor; "Sometimes I've worked with young people who've got behavioural issues that go way back, so the behaviour and things that they were doing, screaming, shouting, or whatever they did. They might have been doing that in year seven and eight. But by the time they've got to year 11, they are quite a different young person, so if it's if the plan isn't updated well, by the environment they're already in and then, and they also need to think about it, as well, the next environment needs to look after, you know needs to support that young person".

Emma, Careers Advisor; "So, we need to, you know, ensure that we've explained it properly, what they need, um, you know it can actually sort of go against them, which, which was hard, but you know, and um, and if they've been NEET for a couple of years, there's no reason at all, like a NEET young person can apply to a training provider, and go on a study programme, ...they do a level one pre apprenticeship, wait six months or something like that. They would then be ready for an apprenticeship. That's fine. But if you've got an EHC plan and all the paperwork goes forward and, and they say, and they say no we can't meet their need, then that young person can't do it, you know that, that's the difficulty I've found".

Angela, SENCO; "So, I think it's you know that thing of expectation. I think that could be a, that's could be a real downside. So then for the parent their expectation is it's gonna be wonderful it's going to be marvellous, they're gonna get support they need. They're gonna get a lot of support, but then that you know might not necessarily be a marvellous thing, it could be negative as well, over supported".

Educational Psychologists, Participant 2; "the system is broken".

## Appendix N Symbolism of EHCPs – Difference EHCP can/cannot make – Not sure

- What difference is it going to make?
- Have the graduated response and assess, plan, do review cycle
- What's going to be different with an EHCP?
- What do people get out of it?
- Would still put in support even without EHCP
- School already doing everything the CYP needs
- Already doing everything that will be written in the plan anyway
- Not generally about what more school could do to support CYP
- If there was enough funding going into schools, would they be needed?
- Lots of CYP with EHCPs – making them meaningless?
- When have a lot of them annual review becomes another document that filled out routinely
- Unremarkable targets/outcomes
- Outcomes difficult to measure
- Generic
- Annual reviews/meetings re EHCPs often cover same issues year after year
- Doesn't make any difference
- Lack of accountability
- Lack of Health and Social Care input
- People don't read it or act upon it
- EHCP paper document
- EHCPs not user friendly
- It's a sorting mechanism
- System is broken
- EHCP for 25 hours in school
- Just education plans
- Not joined up with Health and Social Care
- Wasted opportunity

Angela, SENCO; "Well, I sometimes think it's because, exactly, and I often say that, I mean that's the question I will often ask professionals, 'and what difference is that gonna make?' you know? Are you gonna do, you gonna do anymore medical stuff because I've written an EHC? You know are you gonna do more 'doctoring'? You know, what do you think, what do you think we're gonna get out of this?"

Educational Psychologists,

Participant 2; "well it comes back to that notion that the plan is somehow the panacea, when it like, the question at the start, why do we need an EHC? None of us have actually answered it, because we can't come up with a decent reason, why anybody needs an EHC, because we would all be..

Participant 3: except as a gateway

Participant 2: if that's what you need, it should be provided

Participant 1: Yeah

Participant 2: so why does it have to be that document that unlocks that thing? It's a sorting mechanism".

SEND Professionals, Group 1, Participant 4; "I think from a schools perspective there are, there's always that spectrum of schools that do things really well and those not so well and then there's this core in the middle that um, in my view need more support on doing the whole plan, do, review cycle. Rather than going from argh we can't manage, we need an EHCP for this child. So, there is lots of support and discussion around, hang on a minute, we need to slow things down, let's look at what is in place, lets, we do need to reflect on that, this is going to take time, we need to revisit through those cycles. And we've always had a graduated response, it's nothing new, we might of called it different things over the years, but it is nothing new. But there is this sense for lots of my schools, too many of my schools I feel, that we go from 0-60 very, very quickly. Um so my role is in helping them understand that, the perception is that I think the EHCP is going to bring something wonderful and different".

SEND Professionals, Group 1, Participant 5; "when the educational, health and care plan is raised as an option, or a consideration or a want from parents and from schools, it's you know why really? What do you think it's going to bring? What's going to be different in your setting that's not currently there now?"

Educational Psychologists, Participant 1; "I am concerned, picking up on what Participant 3 was saying there, about other people's understanding of an EHCP what it is and how it is you know. And if you see a child with a certain amount of need in a certain area, there is a, 'he must, he or she must have an EHCP' and not really knowing necessarily what it is, or parents coming in and saying 'I want my child to have an EHCP' and not knowing why they want an EHCP or what it is, or what, what it will give them and it's a massive battle throughout and when I put it back and say, so if you're saying that you want some kind of specialist provision beyond universal or targeted, or should I say, beyond what the school can currently provide, or are providing, what would that be? Um, rarely come up with an answer, that heard people come up with an answer, that would answer, that give that question, because that's, that's the answer, to that you know if you want an EHCP, that's what you are saying then what you want, can you articulate what that is, then what you want?"

Rachel, Inclusion Professional; "that bit I mentioned about social workers, or maybe foster carers saying they need an EHC Plan, thinking it's going to bring something, actually it's just identifying needs and then outlining how we are going to meet those needs and sometimes that doesn't need to be written down on a piece paper in an EHC plan, that could be done through just general school methods and you know if we are going to go back to quality first teaching every teacher is a teacher of children with SEN then there are some elements of 'slopy shoulderness' here thinking let's just get it written down on a plan because that is going to be to the benefit of the child. Well is it? Who are we benefitting by that process?"

Angela, SENCO; "To be honest, it wouldn't really worry me if we never you know all of a sudden they were abolished, because we are not going to stop, you know as education is not gonna stop providing for children".

Inclusion Professionals, Participant 2; "I think that very often for most children with an EHCP, that plan is almost irrelevant for children in most primary schools because they get that level of support anyway".

Donna, SENCO; "when schools are in a position that actually they're not actually having any additional provision around, they are not reliant on, on key adults or support, there aren't any additional professionals in place, I think there is space for us as profess, as, as SENCOs and leaders in school to actually be honest, um and say actually I don't need, we don't need an EHCP, what additionality is that going to bring?"



Educational Psychologists, Participant 2; “My sense these days are that schools for the most part are doing virtually everything that’s gonna be written into a plan anyway, so in that respect the plan does nothing really for the whole school, but provide a bit of extra money, or open the door to an alternative provision if required”.

Educational Psychologists, Participant 4; “you alluded to it earlier, if a child has been in a school for two, three, four years and they’re going through the EHC process, they should be everything, school should be doing, I don’t think that anything changes, for that child, the day after they’ve got, OK they’ve got their EHC, I don’t think”.

Educational Psychologists,

Participant 4; “can you think of a child in school that the EHC comes into force and suddenly they get to access lots of new things?

Participant 1, Participant 2 and Participant 3 – No, No, No

Participant 4: I genuinely can’t think of any...”

Educational Psychologists,

Participant 4; “Why do schools, to me, what are the two main reasons that schools would put in for an EHC for a child?

Participant 2: Additional funding. They want to move them on

Participant 3: change of provision

Participant 4: that is the only two reasons. Never, never cause there, want to..

Participant 2: stuck for what to do

Participant 4: Never because they, yeah never because they want to support that child a bit better

Participant 1: No, Yeah, and I think back

Participant 4: it’s because they want the money or to move them on”.

Inclusion Professionals, Participant 1; “Wouldn't it be great though if you know, if in a perfect world, schools would be able to have all of the money that they need. You know instead of us holding onto it all, and to be trusted to use the money to make sure that all of their children get all the support that they need. And that, ‘cause we could develop a plan, like an EHCP kind of plan fairly quickly, couldn’t you?”

Educational Psychologist, Participant 2 “the system is broken”.

Lorraine, Social Worker; "in the special schools, everything is quite therapeutic based anyway and most of the stuff is incorporated in as part of your school day, like hydrotherapy or a physio, they have one on site sometimes".

Lorraine, Social Worker; "I think sometimes the, the difficulty with sort of an EHC, it sometimes or particularly, I suppose, in, in the special schools is it becomes another document that's filled in routinely, and I wonder if it loses its value a little bit. Um, if I think about my own son, if he was to have one, for me that would be massive. It would be such, you know, he's in a mainstream school. It would be a big that meeting that whole thing would be such an important event. Um, and in our special schools they're sort of churned out, aren't they like annual reviews oh, we just meet again, oh?"

Lorraine, Social Worker; "So, one of the EHCs I was reading it had its bits and pieces on its targets, but I was a bit like, that's probably what you do anyway, so one of it around communication or something, and it was, you know such and such will have support to access PECs, well you're a special school, so that's sort of what, what you would be doing".

Independent Supporters, Participant 2; "Even when you go to annual review and you say, 'this hasn't happened' so you know I'm gonna call an early annual review, I wanna to talk about this. It's, it's, you have the annual review and you talk about it, and you put things in place and then it doesn't happen again, and, it, it's, it's feeling like you're constantly stuck in a cycle even with a plan, you think that plan is gonna to solve all of your problems, and that, that school are gonna follow it and everything's going to be fine. And you know what to if it goes wrong, but then you hit that wall that nothing changes and you th, you know, you almost feel, in a way, what's the point?"

Lorraine, Social Worker; "some that I've, you know, have seen are not hugely specific on you know, such and such should have this twice a week or, such and such will have a session with Mrs Jones once a week in order to do this, and my understanding when I first heard about them was it was meant to be quite a specific document. Detailing exactly what needed to happen. Um, and some of them that I see, uh, probably a bit more generic around, oh, he'll have access to PECS, or access to this, or will give, he'll have support. Well, that's not, that's quite difficult to measure, isn't it?"

Educational Psychologists; "you could make EHCs more targeted and they came with a pot of money, or you could have a bigger pot of money to start with, there's just you've a small pot of

money and lots of EHCs. So, that is so diluted, it doesn't do anything and if you can't increase the size of the pot, you could reduce the amount of EHCs so that actually when you got an EHC it did make a difference".

Lorraine, Social Worker; "I sometimes look at some of the targets and things and think, well they've sort of blah, there's nothing sort of remarkable about them. Um, so I wonder, I don't know, I wonder, I sometimes think is, are they a bit of a wasted opportunity sometimes, because it is meant to be about social care and health, and I wonder how many times social care and health are involved in them for all children. And is there a better, an opportunity that you could really have an incredible plan for a child?"

Educational Psychologists; "I really struggle, I get quite frustrated sometimes you know it's lauded isn't, 'Oh we're getting an EHC', the parents get really excited and you get it through, and they get to the drafting meeting and parents go 'Oh that's taken me years' and I know, if I know the school and I know it will not make a scrap of difference for that child, nothing at all is going to change and, because it is not resourced is it? It's not funded, so you could either have a system where lots of children have EHCs but they are all fairly meaningless, cause nothing comes from them in terms of resource".

Educational Psychologists,

Participant 4: "well then, yeah but that's saying they're a pointless thing anyway innit. That's admitting they're pointless, so why waste too much time writing them.

Participant 3: it's not effecting any change

Participant 2: it's not going to make a jot of difference".

Independent Supporters, Participant 2; "Sometimes, I wonder if it brings anything to my child, a lot of the teachers and teaching assistants are unaware that he even has a plan...very few of them follow it. And I, I know, from my professional, that this isn't a unique situation, nobody really seems to communicate with the Local Authority other than to either cease and maintain".

Educational Psychologists,

Participant 2; "you say they are good? the alternative way of looking at it (Participant 4: yeah) is they're shit. Because it's taken us a whole load of time, where other people aren't bothering, because they actually know the final

Participant 1: it's too much

Participant 2: product

Participant 3: isn't going to make a difference

Participant 2: isn't going to make a difference.

Independent Supporters, Participant 2; "you go into school, you have an annual review, but it's in his plan, you know, you need to be doing this, school say yeah that's fine, we'll go away and we'll do this and then it just doesn't happen and you, you're constantly saying, but it's in the plan, it's in the plan".

Independent Supporters, Participant 2; "holding that accountability or, I know it's a resourcing issue and the Local Authority don't have enough staff to go into every annual review. Um, you know, we don't have enough staff to, to be constantly contacting every, every child with an education and health care plan's school, but almost as if, there was some, some kind of accountability in the plan, whereas something didn't happen, there was an easy way of identifying it and rectifying it".

Rachel, Inclusion Professional; "I think some of that is lack of understanding of what we expect a school to do when the child's got an EHC plan, so I think we don't often hold mainstream schools to account enough around what it says in the plan...That becomes difficult and I think that's where often maybe carers and social workers are like, 'right the school's not delivering on this and the bleurgh, bleurgh, bleurgh, they need a special school because we know that's what they do' and I think that is probably a lack of understanding around what provision can be. And that our mainstream schools do offer special provision it's just making sure that the children that we want to access it, are able to, and that those plans are followed".

Educational Psychologists; Participant 3: I have a slightly different concern around the whole EHC process than we've talked about, which is regarding the input of both health and social care to it. And the fact that there's no sort of statutory bases or funding that comes from them to do it. So, some of our most complex young people who we potentially could affect some sort of change for through the EHC process, we can't because the other agencies aren't combined and involved properly. Um, so, that's my bigger concern, although actually, I agree with the other points, but I do feel that lack of, you know I kinda joke about it being an education health care plan, with a capital H, capital E, small h and c, you know, it just doesn't, it doesn't feel like it's joined up, it doesn't feel like any, it's any different to the previous system, other than the fact we call it something different. And all that does is set parents up with an expectation which then gets them really frustrated when they're like, and I sat in the drafting meeting, where the dad

was there going 'why is there no representative from health here, her *main* issue is around her health, why is there nobody from health here?'

Educational Psychologists, Participant 4: "how often does a drafting meeting have anyone from health or social care? Once in a blue moon, if you're lucky".

Lily, Parent; "I don't think they can make a difference with everything, that relies on professionals, like paediatricians and speech and language etc., but in terms of the four areas of needs, um at school, they can definitely help. I wouldn't say cure every problem.

Inclusion Professionals, Participant 2; "I'm not convinced that all subject teachers in secondaries know what an EHCP is, I'm not convinced that they've actually seen their students EHCP's. Um, and I'm absolutely definitely certain that they don't differentiate their lessons, um according to the needs of what's written down in those EHCP's".

Inclusion Professionals, Participant 1: "I think that's it really, it's like it's, it's like a it can either become, it can be either just like a piece of paper that only the SENCO looks at, or it can, can inform the way that the school plans and educates, and cares for the child. Um, but I don't, yeah, I don't know that that is".

Independent Supporters, Participant 6; "I remember one, I remember being in a meeting in a mainstream secondary school years ago, and the SENCO said, "Yes your child has a plan, it's on the system" you know, every bit about every child's needs is on there and it gets sent to every teacher. She said, "I cannot make them read it"".

Educational Psychologist, Participant 1; "people aren't reading it all are they? It's too much".

Independent Supporters, Participant 3; "it makes you think, what, what are the reasons behind it not happening? There's something that's going wrong there, in terms of are, are schools purposely ignoring it? it's unlikely you know".

Independent Supporters; "I think the frustrating thing about this was that when they brought this out, they didn't put any additional funding in and processes are not followed and they haven't put training in to allow this to happen and a lot of the problem is as we've said before, education, health and care plans are not followed. Schools don't know what's in them, er, it is sometimes quite an interesting shock to them when they have an annual review a teacher, "Oh I didn't realise this, I didn't realise this" and unfortunately it happens an awful lot, which is a shame".

SEND Health Professionals, Participant 2: “the one limitation is that an EHCP is on paper and it’s only as good as what the people will implement that’s on the paper there”.

Rachel, Inclusion Professional; “in ownership I don’t they’ve ever seen the paper document; I don’t think they keep them in a file in a folder anywhere, I don’t think they mean very much”.

SEND Health Professionals, Participant 2; “it is something that is written on paper and it’s, it’s really down to the human, you know, um element, of the professionals that are going to actually put what’s on paper into practice”.

Participant 1: “it is only as good as how it’s translated and then how it’s put into practice within each setting. Which will differ massively, sorry, but it will”.

Independent Supports, Participant 3; “it’s about how, how user friendly are EHCPs?”

SEND Professionals, Group 1, Participant 6; “I think a lot of the time in schools SENCOs potentially are/is the lonely voice, saying this needs to happen”.

Lorraine, Social Worker; “I think for parents whose children are significantly disabled, there is that sort of perhaps not an acknowledgement that other people can have an EHC plan who are far more able than their child and might go to University and the purpose for their education, health and care plan is completely different”.

Rachel, Inclusion Professional; “I feel really comfortable with the E being the main, you know the E is the big letter if you like and the H and the C are slightly littler letters, and I completely get that cause we’re talking about a special educational need, but absolutely you can’t fix that in the 25 hours that they’re in school”.

Inclusion Professionals, Participant 1: “I also think, although they are called education, health and care plans. They are really just um an education plan... the plan itself at the end of it is not a plan for health, or anyone else other than education. So, I think it's a myth, I think it hasn't achieved what it set out to achieve”.

Independent Supporters; “there is no, I think, I think we’ve lot for a long time now, any Job satisfaction. I certainly don’t feel it, because it just, nothing ever seems to improve”.

## Appendix O Questions - Young Person Group Session

Do you know the acronym SEND? What does it mean to you?

Do you have any experiences of SEND?

What do you know about EHCPs?

What experience do you have of EHCPs?

Are they important to you?

Do you think they help? What do you think EHCPs help with?

Do you think they don't help? What do you think they do not help with?

Why do you think EHCPs exist?

If I were to ask you what you would like to know about/research about EHCPs, what do you think it would be?