**Who Takes Accountability?**

**‘WE HAVE ALWAYS DONE IT THIS WAY’**

**The Lack of Behavioural Change within Education, Health and Social Care Departments or Institutions directly correlates to**

**The Exponential Rise in Continued Lack of Accountability**

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# “Our Government is here to protect us, it shouldn’t be about SEND Families and their Children having to protect themselves from our Government’s SEND failures.”

# ~JH Willicott (2019)

"An ounce of prevention is worth a pound of cure.

It's more prudent to head off a disaster beforehand than

to deal with it after it occurs.”

~ 'De Legibus' (c. 1240)

"Meet the malady on its way." ~ Persius (A.D.c 58)



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[The Rule of Law is just that, the law applies equally to all. Lack of the rule of law can be found in both democracies and monarchies, by simple virtue of neglect or ignorance of the law. The rule of law is more apt to decay, if a government has insufficient corrective mechanisms for restoring it. The rule of law is the condition in which all members of society, including its Government, accept the authority of the law.] – Oxford Dictionary

# Despite having sound solid legislation namely, The Education Act 1996, Education Act 2011, Children and Families Act 2014, Children Act 1989, Mental Health Act 1989 [2007], Equality Act 2010, SEND Code of Practice 2014 [2015], Education and Inspections Act 2006, The Care Act 2014, Health Principles 1946, including holding various Select Committee Reviews for the purposes of legislative amendments; the Department for Education, Ofsted, Local Authorities, Social Services, Academies, Schools and Professionals, still act negligent or fail to follow legislation and their Duty of Care. Why? Who then takes accountability when the above-named, continue to act with ‘Malfeasance, Misfeasance and Nonfeasance’?

# There is a National SEND Crisis; the elephant is still standing in the room, even though the ‘’A’ word has left the building’, we therefore need to flip the narrative, of, ‘We have always done it this way’ to using a more suitable language structure of ‘We lead with an inclusive holistic collaborative, joint up interdepartmental, organizational and institutional approach’, which will then insure a change in cultural behavior by using positive affirmative accountability language rather than adopting negative blaming language.

# It is seen as commendable to want to find alternative strategies to bring an end to this SEND crisis, however, simply highlighting the scrapping of the much fought for and needed EHC Plan, by an unaccountable collective body of trusts, under the Academies Act 2010, means that this alternative remedy or strategy, is merely fiscally driven and most certainly not in the best interests of the Child or Young Person, as laid out in the Children and Families Act 2014. Simply shifting the cultural narrative from, ‘it is not working’, to ‘let’s make it work, through whole cost accounting and accountability reform, will ensure that this SEND crisis is brought under control. There is not even an EHCP template in situ, no wonder it is NOT working. Scrapping an entire ‘system’ designed to support the SEND Community, only shows deliberate ignorance of the law.

# Moreover, had the Education Select Committee included a thorough and rigorous Cost Benefit and Cost-Effective Analysis Model into their research for the Special Educational Needs and Disabilities Inquiry, it would have clearly highlighted the underlying impact of financial/funding discrepancies. Funding bands, whether ring fenced or not, are based on political frameworks and or time frames by the political party who has the parliamentary majority at the time.

# Education and health care should not be subjected to the same political time frames, but rather be implemented using a generational budget [0-25] forecast analysis, with early intervention policies as the driver; yet it takes a single public health researcher to ask the Select Committee: “Did you use a Cost Benefit / Cost Effective Analysis Model to determine your findings?” to which came the rather red faced reply, “Ummm, well, no, no one asked for it …”! (SEND Groups, Organisations, Charities, Think Tanks, Lobby Groups, Academics, Professionals, Parents and Individuals, have been asking for accountability and cost analysis for years.)

How then, can the latest SEND Review Report be that accurate, if it didn’t even consider the whole impacting long-term cost? We only need to reflect upon the independent report to the government by Graham Allen MP, who considered, how costly and damaging social problems for individuals can be eliminated or reduced, by using early intervention. The report examined how it could be done by giving children and parents the right type of evidence-based programmes, especially in the children’s earliest years. A second report by Graham Allen MP, set out how ‘we’ can pay for those programmes within existing resources and by attracting new funding outside government – ‘Early intervention, equals smart investment, massive savings.’ Has the Government not learnt from this very report?

We only need to be reminded that the Government’s first duty is to ensure all of its citizens are safe from harm, *Primum non nocere*, and if the Government is causing undue / avoidable harm, by virtue of not implementing the Health Principles ]1946], then why is [it] not held to account, especially when [it] continuously allows its citizens, in this case, SEND children and Young People to suffer routinely at the hands of those in senior decision making positions?

The departments, organisations, professionals, stakeholders and individuals mentioned herein, would not only have to apply Cost Benefit and Cost Effective Analysis Models to safeguard human lives, but they would also need to take on board a new continual professional development pathway in behavioural science, with the aim to help policy makers develop strategies to improve the overall health and educational wellbeing of ALL SEND individuals throughout the UK, so as to mange the public purse with appropriation.

The LSE states: “Behavioural Science, is a comprehensive toolset to analyse human irrationality, a comprehensive, if not complete, toolset allowing scientists to understand why humans behave the way they behave and make decisions they make. It is also a facilitator for making better decisions which is equally valuable.” For the purposes of this article, the author refers to those humans, that are the decisions makers within The Department for Education, Ofsted, Local Authorities, Academies, Schools and CCG/NHS Professionals, who continually block provision and support, falsify, reports, act without regard to legislative due process and or who simply push beyond their professional remit.

*Ignorantia juris non excusat / Ignorantia legis neminem excusat* ["ignorance of law excuses no one"] These legal principles detail, that simply being ‘unaware’ of the legislation, is not a means to be set free of [liability](https://en.wikipedia.org/wiki/Legal_liability), for not enacting the law. Therefore, the author calls for a SEND / Educational Accountability Act.