

SEND REVIEW

Right support

Right place

Right time

SEND and alternative provision system in England

The SEND Green Paper assumes people fully understand how the current system operates

Acronyms I might use...

SEND	Special Educational Needs and Disability
Alt Ed	Alternative Education / Provision
EHCP	Education, Health and Care Plan
MAT	Multi-academy trust
ICS	Integrate Care System
LA	Local Authority
FE	Further Education
HE	Higher Education
SENDIASS	SEND independent advice and support service
YP	Young Person

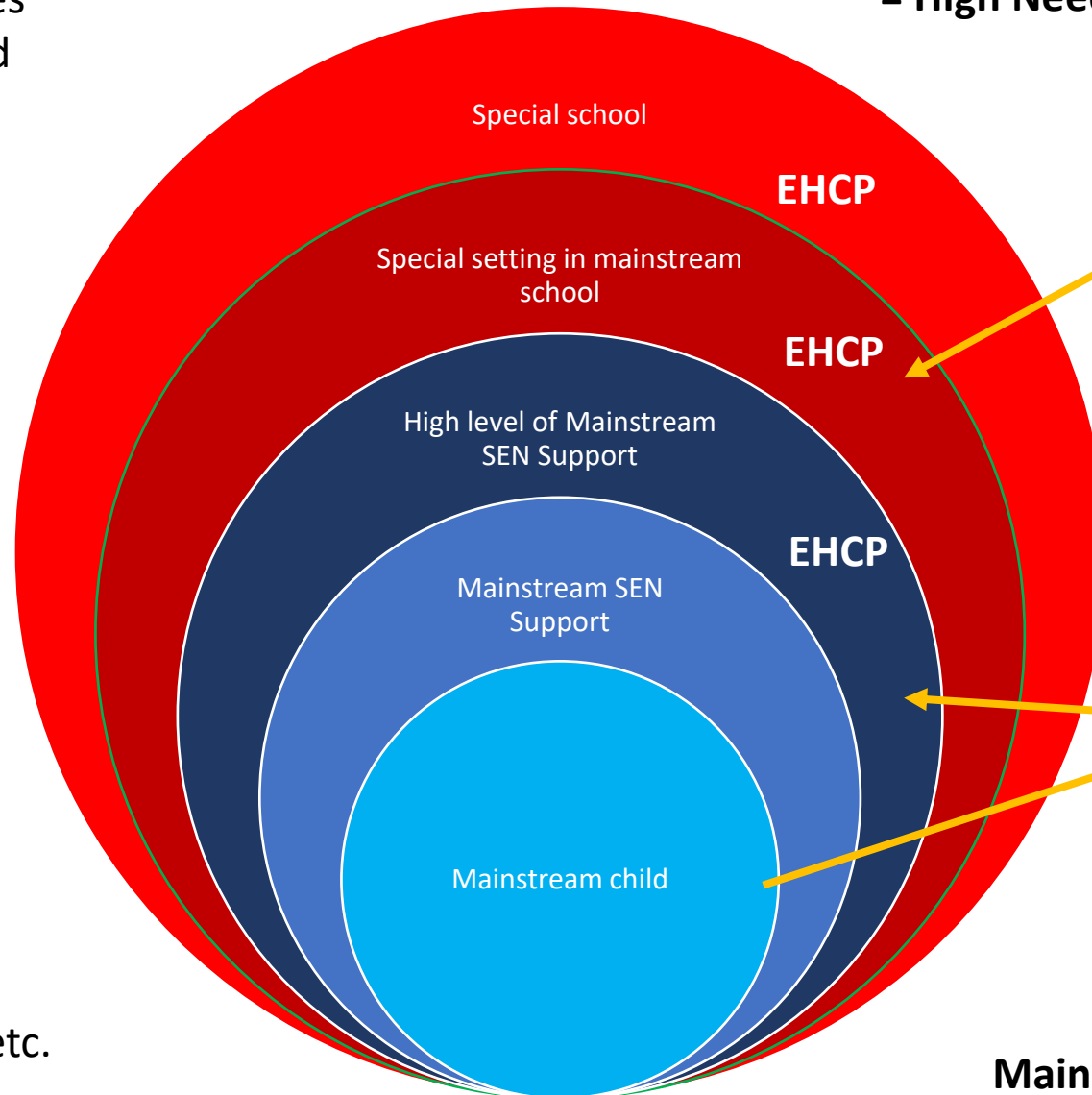
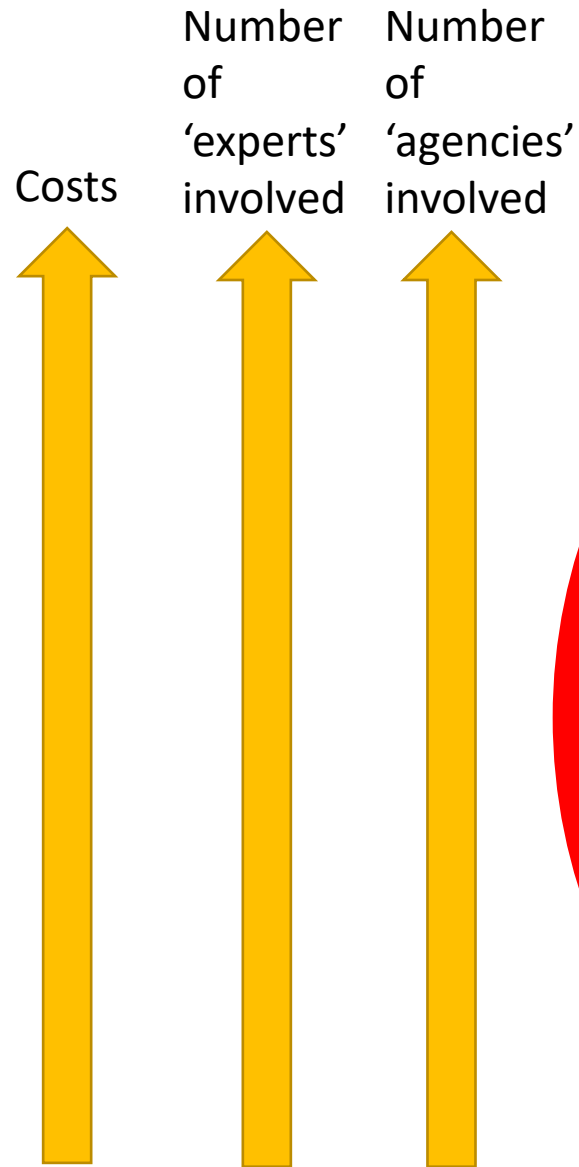
Please ask if you don't understand anything.

Special educational needs and disability

Do you think the system needs changing?

The current system

**Education Health and Care Plans
= High Needs Funding by Local Authority**



Experts = therapists, psychologists etc.
Agencies = social care, health etc.

**Mainstream budget
= Schools delegated budget**

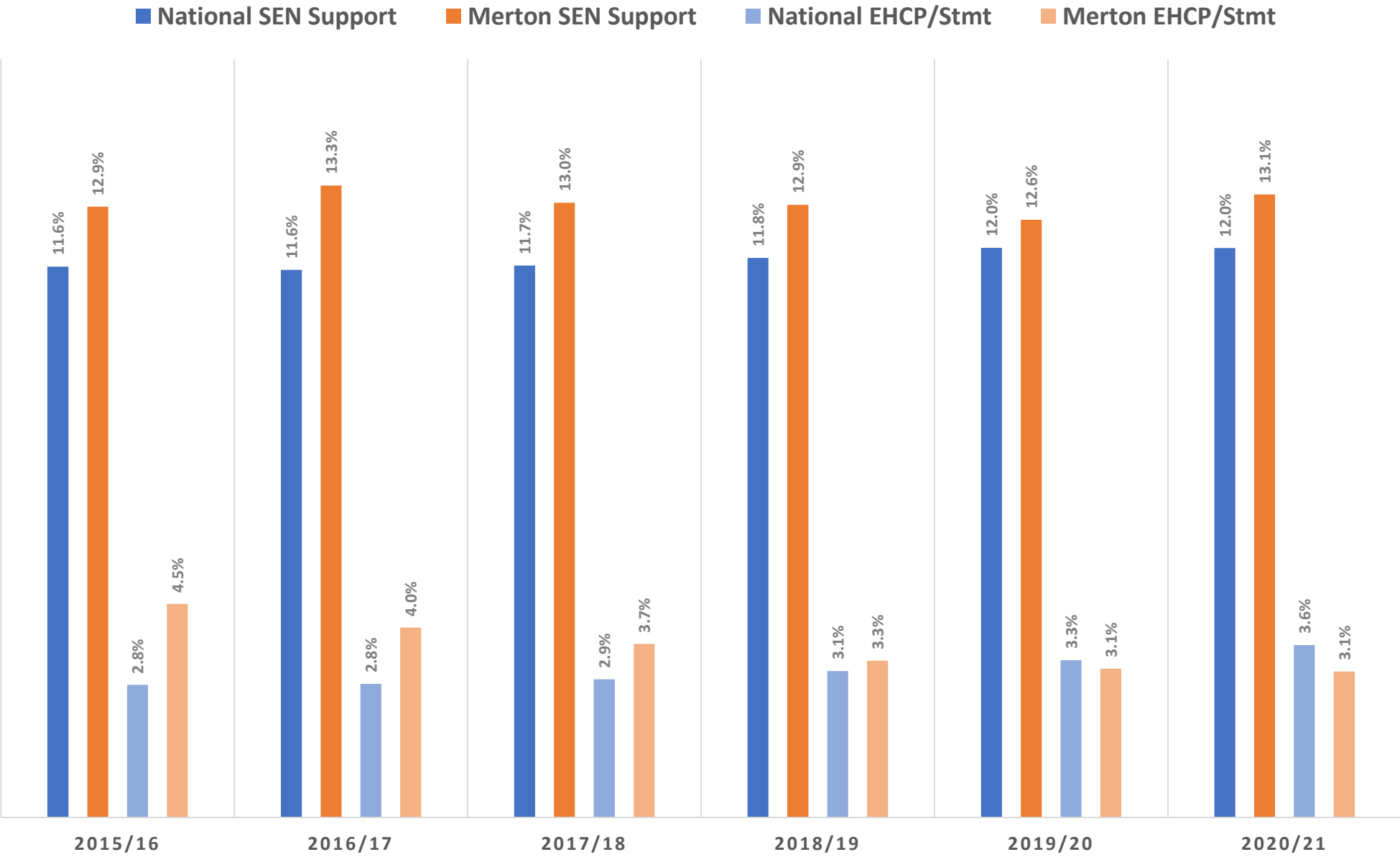
Why?

- Numbers in the whole SEND system increasing
- Numbers with EHCPs increasing – delays / difficulties in process, provision not delivered/needs not met
- Squeeze on capacity ➡ alt ed & high cost placements
- 40% increase in high needs funding last 3 years – SEND System financially unstable
- Regional variations in quality of EHCPs and level and types of provision for similar needs
- SEND tribunal system (96% at least partly won by parents), number of appeals increasing
- Failure of LAs in SEND area reviews
- Lower educational achievement (poor attendance, more exclusions, fewer remaining in post 16 education)
- No evidence of better preparation for adulthood
- Independent review of children's social care (significant overlaps)
- ICS implementation (SW London Health & Care Partnership = Croydon, Merton, Sutton, Wandsworth, Kingston, and Richmond)

Is the SEND system good value for money?

A few numbers

SEND PICTURE SINCE 2015/16



Vicious cycle driving the challenges

SEND decision-making is poor

Cost-savings sought from mainstream budget to fund overspends
= **tailored provision costs cause lower mainstream funding**

Decisions to expand capacity in independent and Alt Ed sectors
= **high needs budget overstretched**



Lack of mainstream funding, expertise, and early intervention
= **poor provision**

Unmet needs causes escalation
EHCPs requested
= **escalating costs**

Low confidence means higher demand for specialist provision
= **capacity squeeze**

Poor outcomes for children with SEND

- Drop out of education
- Low attendance
- Exclusion
- More likely to experience bullying
- 4.5% achieve 5 GCSEs in Maths and English
- 55% sustain post-16 education
- Many are in alternative education at years 9 – 11
- More likely to have been cautioned or sentenced for an offence
- 25% of all young offenders have SEND
- 25% less likely to be in employment

Not an exhaustive list.

Evidence also of lack of progress in independent living skills, social skills, work skills, and unequal access to healthcare.

Special educational needs and disability

Do you think the system needs changing?

What is it?

Wide range of providers for pupils **‘not able to access mainstream schools, special schools or colleges’**

Mental or physical health needs (requires part-time or gentle education due to illness)

Social emotional needs

Maybe off-site provision due to behaviour / exclusion

Low attendance at school due to family circumstances, illness, crime, anxiety, or disaffection (lack of engagement)

- Pupil Referral Unit (PRU) or Medical Unit
- Alternative Provision Academy or Free School
- Independent school with small numbers of pupils
(must have at least 5 or 1 with an EHCP / looked after in order to register as a school)
- Alternative Provision Unit - attached to a school
- Home education (elective or named in part F of an EHCP)
- Online learning

- Vocational or practical curriculum
- Only core subjects (part-time learning)
- Small group or 1:1 learning
- Non-traditional environment (library, shop, farm, work-based)
- Can have a religious, spiritual or financial agenda

Proposal

1. Focus alternative education on early intervention
2. Ask Local Authorities to distribute an alt ed specific budget
3. Alt ed to be part of Multi-academy Trusts (MATs) or free schools
4. Alt ed to use evidence-based techniques
5. Alt Ed to have national standards set including progress and reintegration targets
6. Greater oversight and transparency of pupil movements in and out of Alt Ed
7. Investigate use of unregistered providers

Ambitions

	Wish	Why
1	Schools need to be better at supporting pupils	Fewer requests for an EHCP
2	Mainstream schools more flexible	Support SEN pupils to cope in mainstream schools
3	Mainstream schools given more funding	To put support in place earlier, prevent 'crisis' placements
4	EHCP process easier (if one is needed)	Reduce tribunals, delays & bureaucracy – more equal access
5	Special schools meet most complex needs	High cost should align with 'specialist' and 'high need'
6	Remove regional variation (postcode lottery)	Standardise so there is consistency across areas
7	Measure so we know what works	Improve data collection – hold people to account
8	Embed system in a local 'Inclusion Plan'	Health, social care & education overlap: sit together at the table
9	Make sure all EHCPs are of the same quality	Digitise EHCPs using a national standard template
10	Offer a short list of placements to parents*	Parental choice / preference can cause inconsistencies / high cost
11	Use mediation for local disputes	Tribunals focus on more complex legal issues
12	Improve mainstream skills and training	New SENCO professional qualification, available to more people

**retaining current law regarding the right to a mainstream place*

Funding and Changes

What		Details
1	New alternative provision system	Nationally consistent standards
2	New Code of Practice	Promote new consistent approaches
3	SEND partnerships produce inclusion plans	Education, Alt Ed, Health, Care jointly responsible
4	Standardised digitised EHCPs	Reduce bureaucracy and improve speed and decision-making
5	‘Tailored’ short-list of settings (placements)	Improve local and regional consistency
6	Change redress system	Compulsory mediation
7	Some funding ring-fenced for complex needs	Funding focussed on highest levels of need
8	SENCo NPQ and Level 3 for Early Years	To improve SEND expertise
9	Analyse what support is needed from health	Focus on SEND in health workforce planning, where is it needed
10	Improve mainstream provision	Build on Schools White Paper
11	10,000 extra respite placements and family hubs	Wrap-around support and help for families in need
12	Extra spaces in special / alternative education	£2.6 billion for extra capacity in special free schools
13	Documents to support post 16/18 transition	Common Transfer Files for FE and Adjustment Passports for HE
14	More supported internships	To prepare people with SEND for employment

Special educational needs and disability

Do you think the system could benefit from some of these changes?

Schools White Paper

- More teacher training (early years, literacy, numeracy & behaviour professional qualifications)
- 30k starting salary for teachers
- New curriculum body including a digital curriculum
- Longer school week (guaranteed 32.5 hours)
- Annual behaviour survey – attendance and behaviour policies
- Education research to provide a real evidence-base for teaching approaches (EEF)
- Cement 1:1 & group tuition as a standard part of the education package
- Phonics and times tables screening in primary schools
- All schools to be inspected by Ofsted
- All schools to belong to a 'Trust' such as a multi-academy trust (MAT) or 'Local Authority trust'
- Mental health support for teens
- School holiday clubs which include a healthy meal

How will these help children with SEND?

Other legislation

- Children's social care review
- Shaping future support: The Health and Disability Green Paper – about employment
- Behaviour in Schools guidance – consultation stage closed
- Statutory Suspension and Permanent Exclusion guidance
- Care Act 2014 (no change)

How will these help children with SEND?

Other changes

- 0 – 25 performance dashboards showing performance in education, health and care
- National bandings and price tariffs for SEN funding
- Consider whether Ofsted needs to change to look more at SEND and alternative provision
- National SEND Delivery Board to ensure new system is implemented – including Government, parents, and key service partners

Questions in Green Paper

National Standards

National standards for

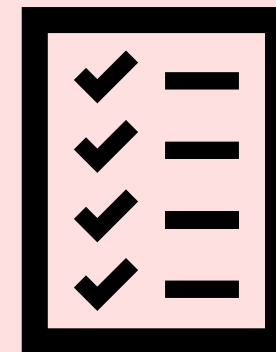
- SEN Support in mainstream schools and settings up (3 – 18) to cover education, health and care
- 18 – 25 standards to include adult health and care
- How SEN needs are identified, documented and reviewed
- When an EHCP is required
- When specialist provision is appropriate
- What reasonable adjustments should be in place
- Communication with parents and children / young people

To make it clearer who should fund what

To make it clearer when an EHCP should be reviewed

Q1

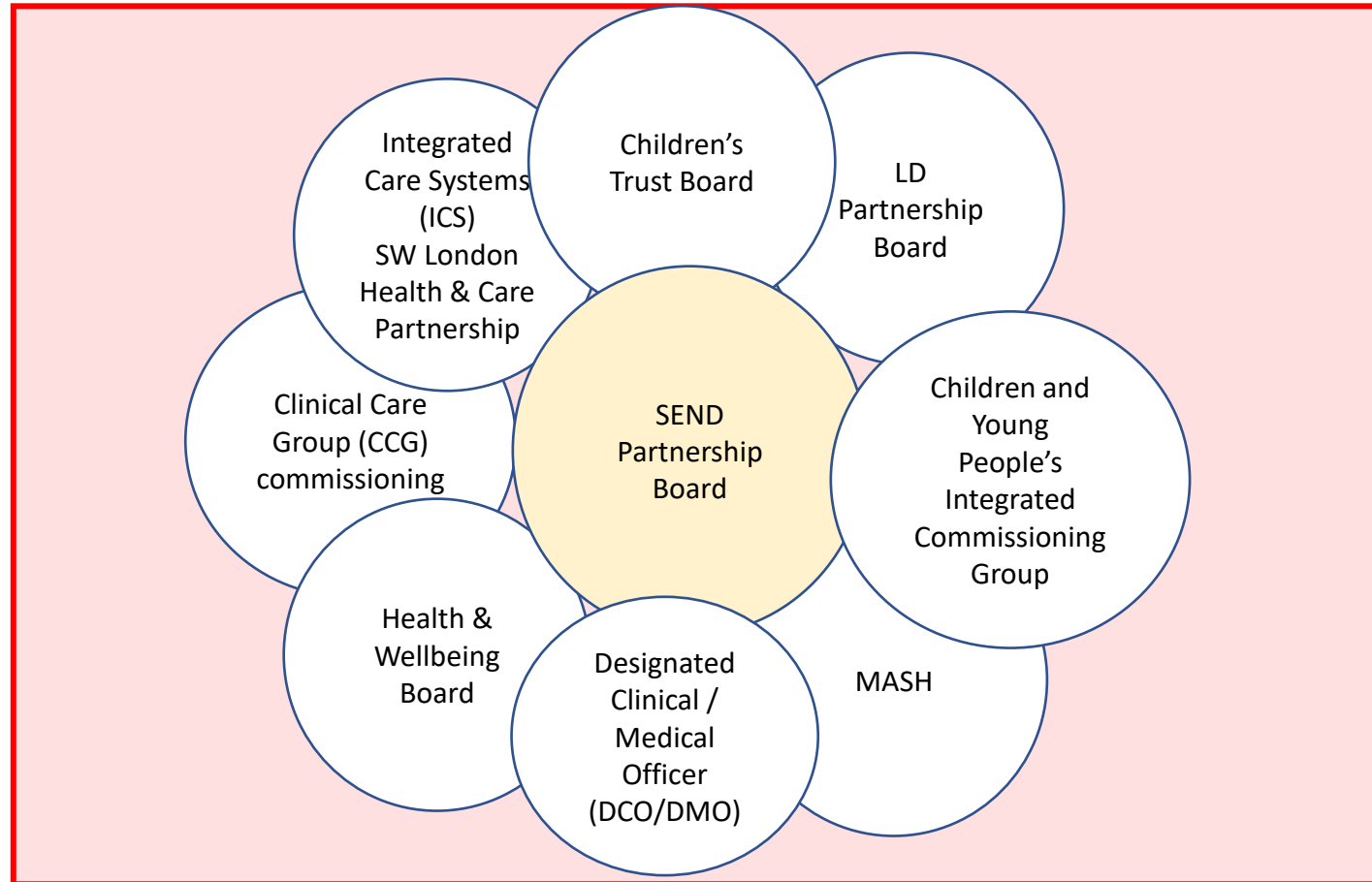
What **key factors** should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how the standards apply across education, health, and care in a 0-25 system.



SEN Support in mainstream settings

SEND Partnerships and Local Inclusion Plans

SEND Partnership Board to discuss how to locally deliver the national standards = Local Inclusion Plan
Includes place planning and capacity planning in each type of setting

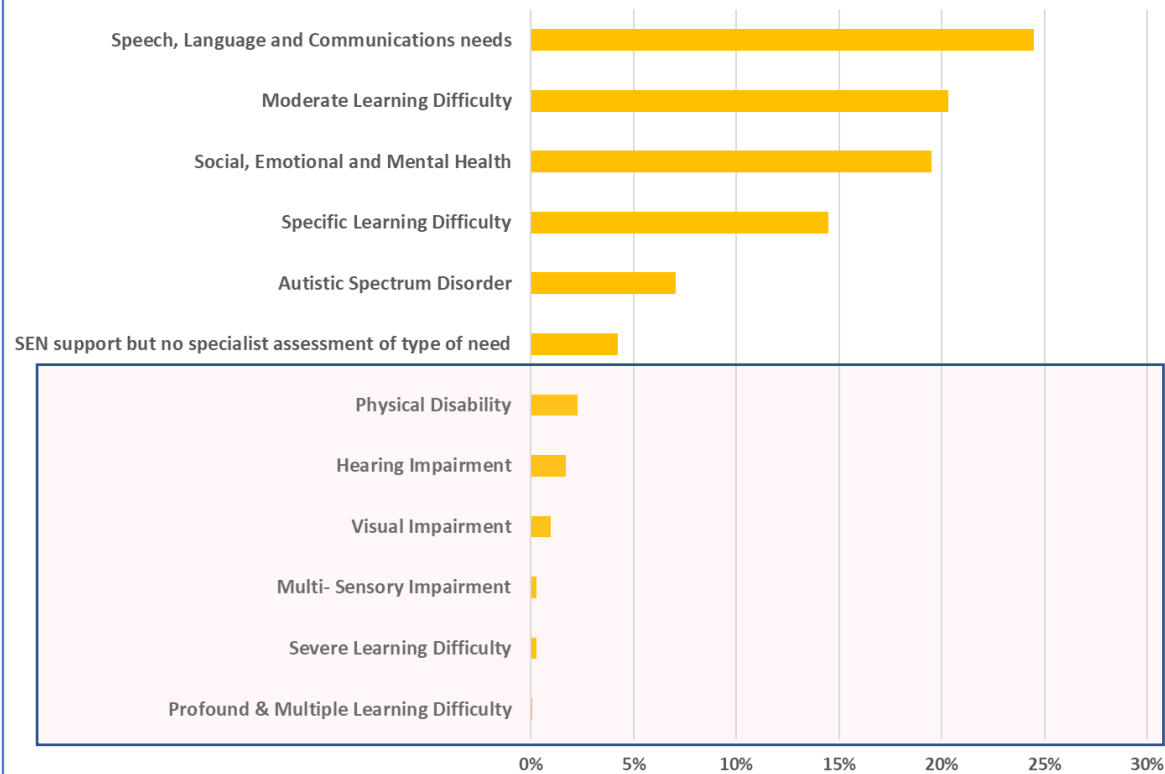


Q2

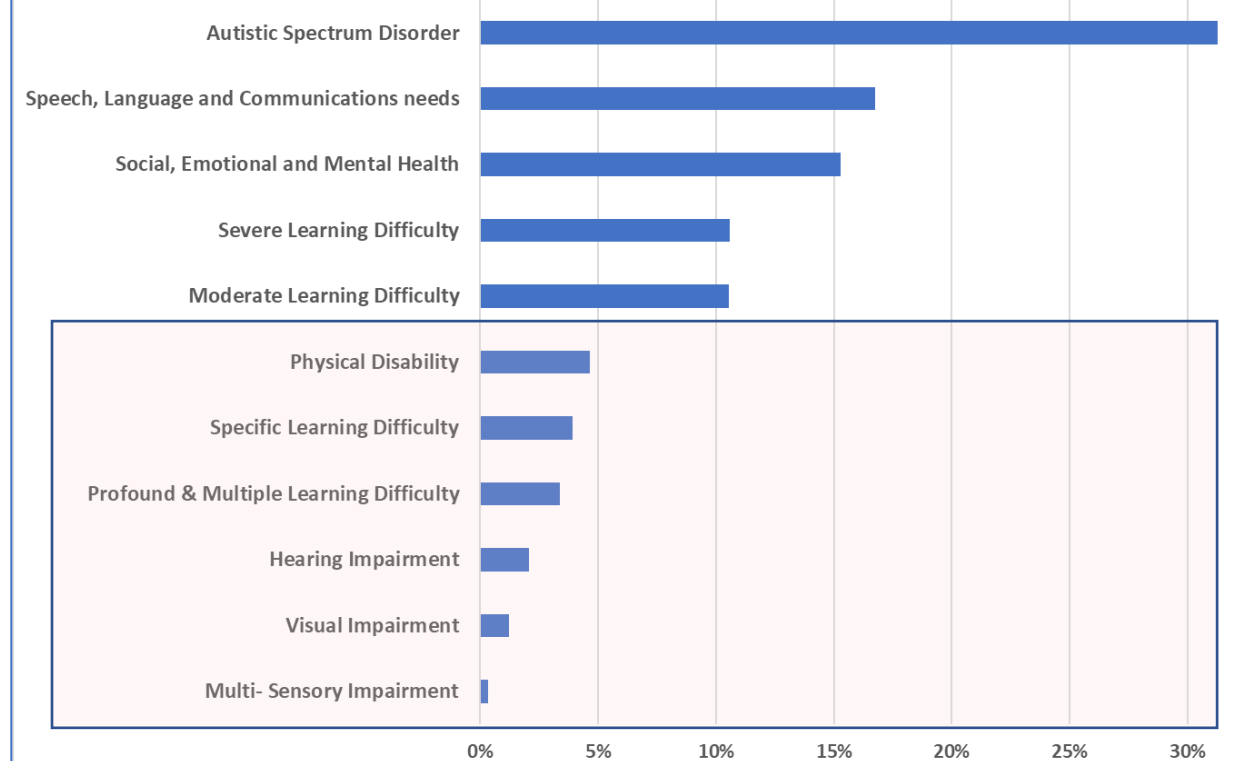
How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

Commissioning

SEN Support by primary need children 0 - 16



EHCPs in order of primary need - children 0 - 16



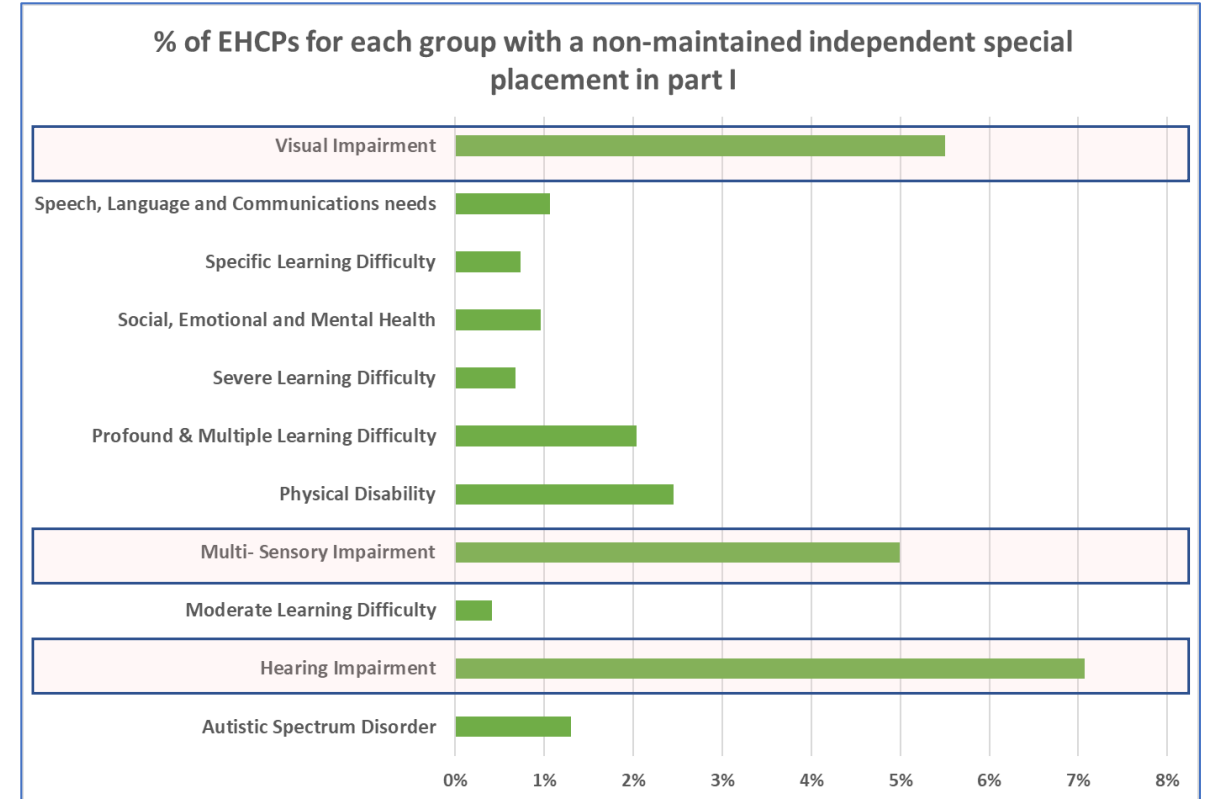
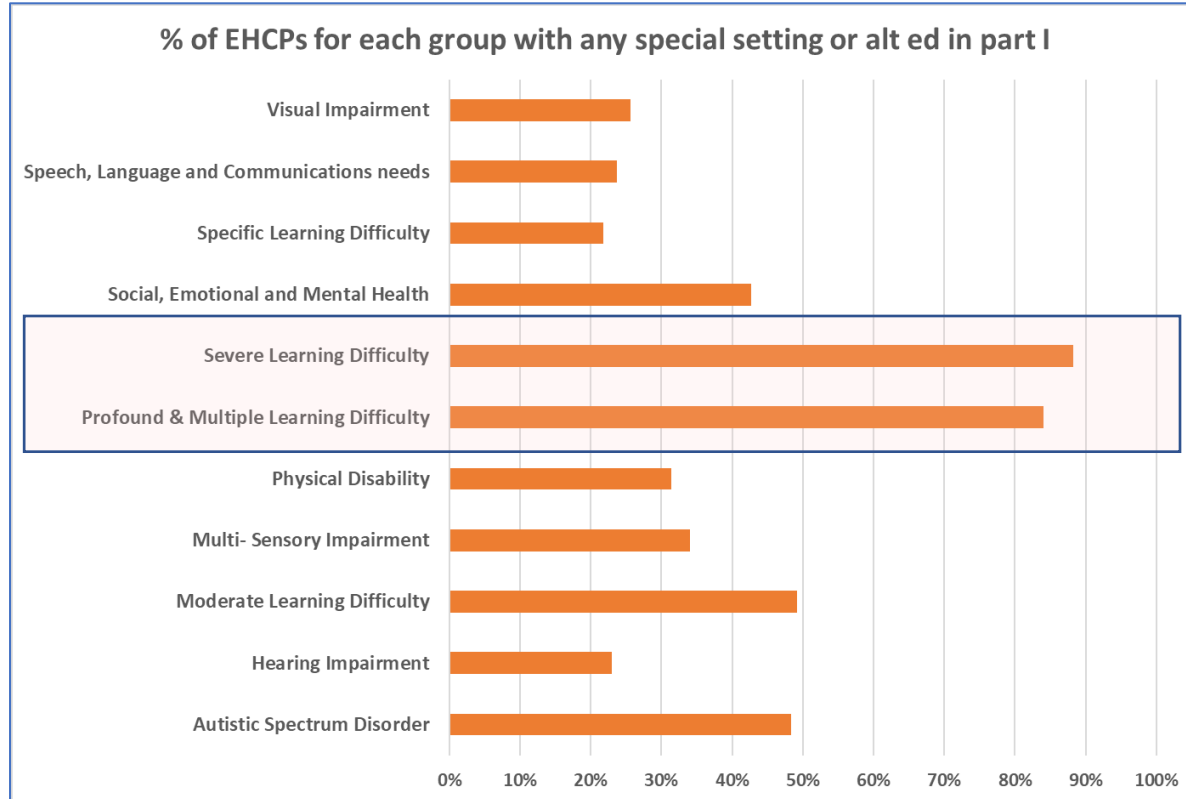
Statistics 1

Speech language is the main need at SEN Support followed by MLD and SEMH, Autism is 5th at 7%

Autism is by far the most common need on an EHCP

PMLD, HI, VI, PD and SLD and multi-sensory are **low incidence (less than 5% of EHCPs)** so not many cases in each area

Commissioning



Statistics 2 – these charts are in the same order as the EHCP % chart just seen

What do these statistics tell us?

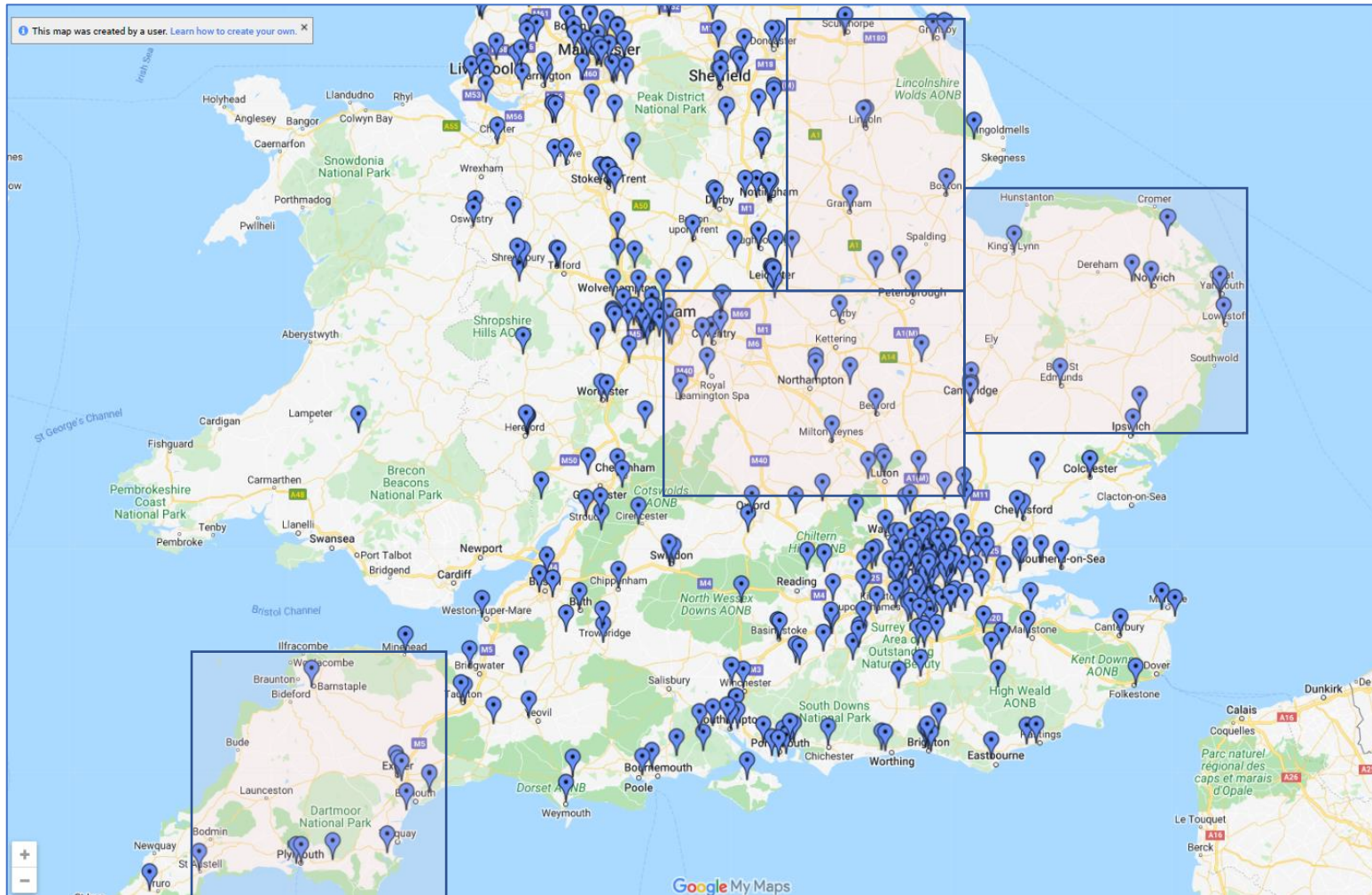
The most complex needs require the most specialist settings (eg PMLD, SLD)

Some **low incidence** needs require **high cost independent placements, often outside area**

Q3

What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?

Commissioning



- There are about the same number of Further Education Colleges as Local Authority areas (150 – 160)

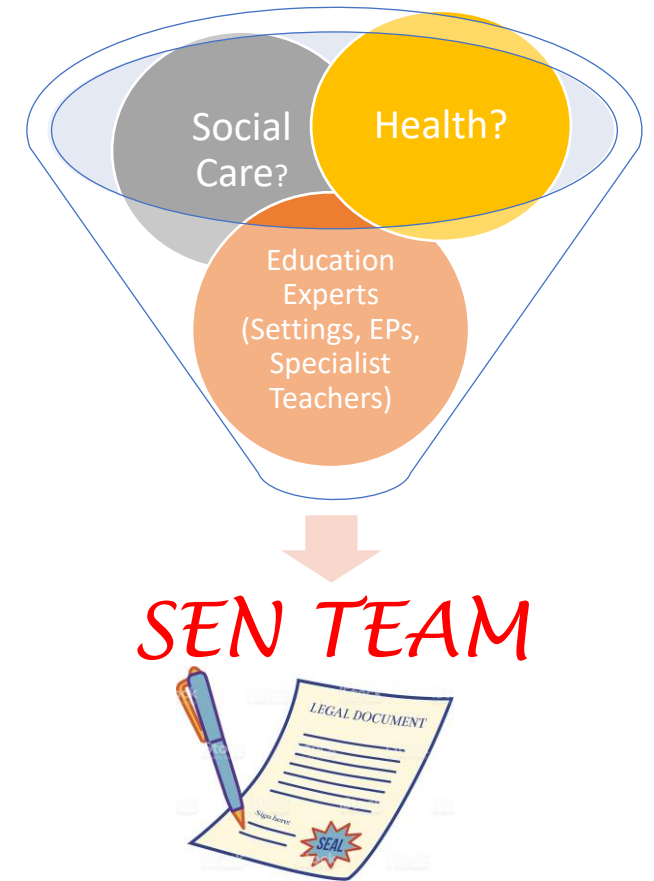
BUT not every LA has one

- Some provide more specialist provision than others
- FE colleges sometimes have students from 15+ LAs each with a different EHCP layout, referral process, and cost allocation system
- Young people often attend an FE college a long distance from their home

Either one LA is the dominant commissioner and determines the process for the others or the FE College sets the process that works best for them

EHCP Changes

- **Too much variation in application of legal tests to assess and issue EHCPs:** enforce panel decision-making, mandate panel composition to include those outside SEN, including health and social care, schools and allow representation of / from parents
- **EHCPs inconsistent across areas, too long and not practical:** standardise, more focus on support, make funding obligations clearer, coproduced by parents, easier to read and friendly
- **Parents signposted to support if not eligible for social care**
- **Simplify social care section H1 and H1**
- **Stronger step down process to SEN Support following an annual review**
- **Timescale to amend an EHCP post annual review much clearer**
- **Digitise EHCPs:** everyone uploads their bit and it is transparent to parents – better DfE oversight and data collection



Q4

What components of an EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

Tailored placements – less parental choice

One of the most publicised changes is **removing the strength of parental choice of school/college for those with an EHCP**

1. Right to request a particular education institution for Part I including independent schools and colleges on approved section 41 list

LA must agree to the request unless it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

2. Right to request an independent school or college NOT the Section 41 list of schools

LA must consider it, establish if there are places available that would be offered, and agree to it unless it is not compatible with the provision of efficient instruction and training and does not mean unreasonable public expenditure

Things not changing are:

- Once named in part I, institutions **must accept the child or young person** (except for independent schools not on section 41 list)
- If no institution is requested by a parent/young person, **a mainstream institution must be named** unless certain conditions apply
- **Mainstream education cannot be refused by a local authority** on the grounds that it is not suitable. Only if not compatible with the efficient education of others and no reasonable steps it could take to prevent that incompatibility

Q5

How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents confidence in the EHCP process?

Compulsory mediation

SEND First Tier Tribunal

Many tribunal appeals are about the same issues including those which could / should be resolved locally

There will be:

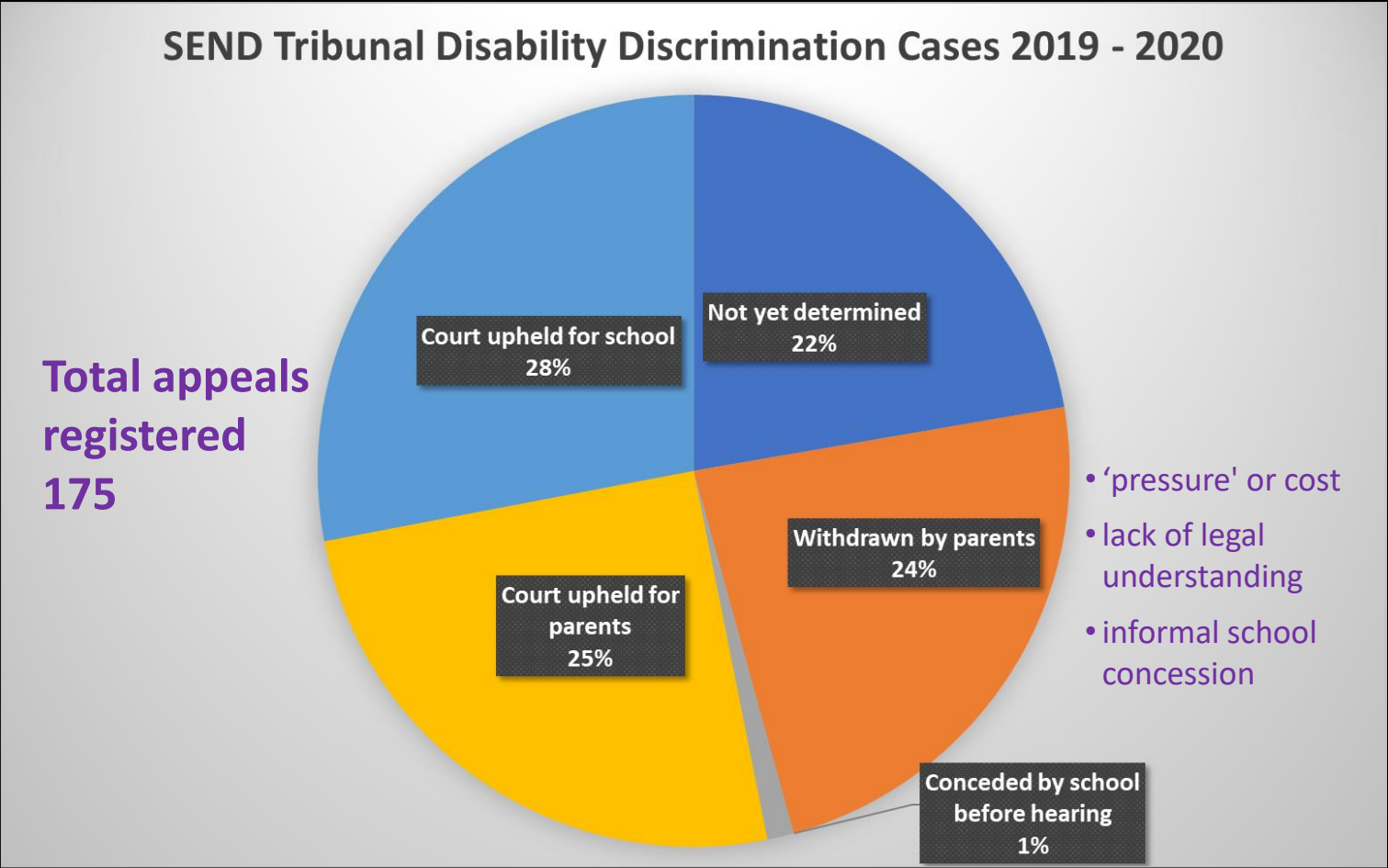
- Greater clarity on role of SENDIASS services
- Support for parents to attend compulsory mediation
- A requirement for LA decision-makers attend mediation
- Follow up with an independent multi-agency local panel which has legal powers to overturn LA decisions

1. When will SEND Tribunal be allowed?
2. What if the tailored list as per the Local Inclusion Plan does not meet assessed needs?
3. What if the tailored list does not include a school the child or young person is willing or able to attend?
4. Is the pressure to do move dispute resolution more to local control downgrading the rights of parents, children and young people?
5. Will the standardisation and digitisation process and change to placement reduce the number of disputes?

Q6

To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?

Disability discrimination & reasonable adjustments





**COUNCIL
FOR DISABLED
CHILDREN**

Funded by

Department
for Education

Disabled Children and the Equality Act 2010: What teachers need to know and what schools need to do

Philippa Stobbs
Council for Disabled Children

March 2022



Total appeals registered about EHCPs in the same period – 7,917

Redress includes ordering a change to school policies and requiring staff training

Q7

Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people’s education back on track? Please give a reason for your answer with examples, if possible.

Early Years

- Hard for early years staff to identify children with SEN
- More SEN Level 3 qualified staff
- Early years hubs for children with SEN

Q8

What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?

Training

- More mandatory SEND in teacher training
- 2 years of extra development for teachers in SEND
- Reformed NPQs
- Institute of Teaching providing cutting edge training based on evidence
- Use of assistive technology
- Guidance on use of teaching assistance
- New 'Leadership' SENCO qualification
- Dedicated administrative support for SENCOs
- SENCOs must be in the process of qualifying before taking on the role

Q9

To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?

Q10

To what extent do you agree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the role?

DHOs, MATs or Trusts

- Combine DMO and DCO into a DHO role and explain what they should do in the new Code of Practice
- Improve transition to adult social care
- More specialists embedded in alternative provision (mental health, SALT, family support – probably YOT/YPS)
- New DSCO role (designated social care officer)
- Money to invest in new specialist places for children with SEND (ARPs or special schools or alt ed)

Q11

To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.

FE and post 16

- Common transfer files to go with a YP to FE so support can begin on day 1 (tackling the issue of FE colleges assessing and deciding after 6 – 8 weeks, often after the YP has already dropped out)
- Careers advice and job coaching not always good in FE (!)
- Offering money for FE teachers to do a SEND qualification
- Mirror SENCO and SEND Governor role in FE
- Improve SEND employment through statutory guidance
- More traineeships (support into apprenticeship or work)
- Reviewing post 16 qualifications structure at level 2 and below (SEND qualifications) e.g. Level 1, Entry Levels, Asdans
- Adjustments passport being piloted (support YP to work or HE)

Q12

What more can be done by employers, providers, and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like traineeships?

Alt Ed

- Bring Alt Ed into SEND System
- Give Alt Ed providers money to do early intervention and allow them to join a MAT
- Have an alt ed performance framework including reintegration into mainstream as a target
- More transparent pupil movements
- Review unregistered provision
- Alt Ed can be used to address behavioural needs by using time-limited placements (25% of people in Alt Ed have been excluded – PRUs)
- Clear national standards (?)
- 3 tiers (support in mainstream, short term placements, transitional placements) – links to revision of Behaviour in Schools guidance and statutory Suspension and Permanent Exclusion guidance (focus on giving schools a strong behaviour culture and good attendance records)
- **Alt Ed may be used as an alternative to fixed term or permanent exclusion?**

Q13

To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?

Alt Ed

- SEND Board develops inclusion plan which distributes 3 year controls to Alt Ed to provide stable funding – allowing early intervention and better use made of their expertise
- Build better relationships between Alt Ed, MATs, mainstream schools and YOTs
- Outcomes for Alt Ed: outreach support, attendance, reintegration, academic success, post 16 transition
- Ofsted will include it in inspections

Recognition that the majority of YP in Alt Ed have SEND

Q14

What needs to be in place to distribute existing funding more effectively to alternative provision schools, to ensure they have the financial stability required to deliver our vision for more early intervention and re-integration?

Q15

To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes, will improve the quality of alternative provision?

Alt Ed

- Increase LA power to instruct an Academy to accept a SEND pupil (in and out of Alt Ed)
- Review the invisible placements (tutors, mechanics etc) – every placement safe and with oversight
- Review unregistered provision which sometimes is not full time
- Some kind of statutory oversight of placements to allow LAs to know which children are out of education or not in full time education

Q16

To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?

Metrics

- Clearer roles including for ICS, ICB, SEND Board, Regional SEND Delivery Partnerships etc.
- DfE regions group to look at funding agreements
- Guidance for ICBs on SEND (Integrated Care Boards)
- Dashboards for 0-25
- National banding and funding
- Ofsted and CQC update inspection framework
 - EY = identification
 - MATs = teaching
 - FE = transition to employment
- Health and Care duty to cooperate
- Changes to ESFA (?)
- Use Safety Value programme Delivering Better Value interventions by DfE

Metrics

- Better use of data to hold everyone to account more quickly and accurately
- Outcomes and experiences including attainment, absences, tribunal appeal rates, proportion excluded, % in employment, apprenticeship or HE
- Identification of need – proportion with diff type of need, % with EHCPs, timeliness of assessments, waiting times for diagnosis
- Value for money – high needs spending, surplus and deficits, in and out of area spend
- FE dashboard similar
- Better data sharing across education, care and health
- NHS family-held digital record

Q17

What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these.

SEND Funding – National Banding

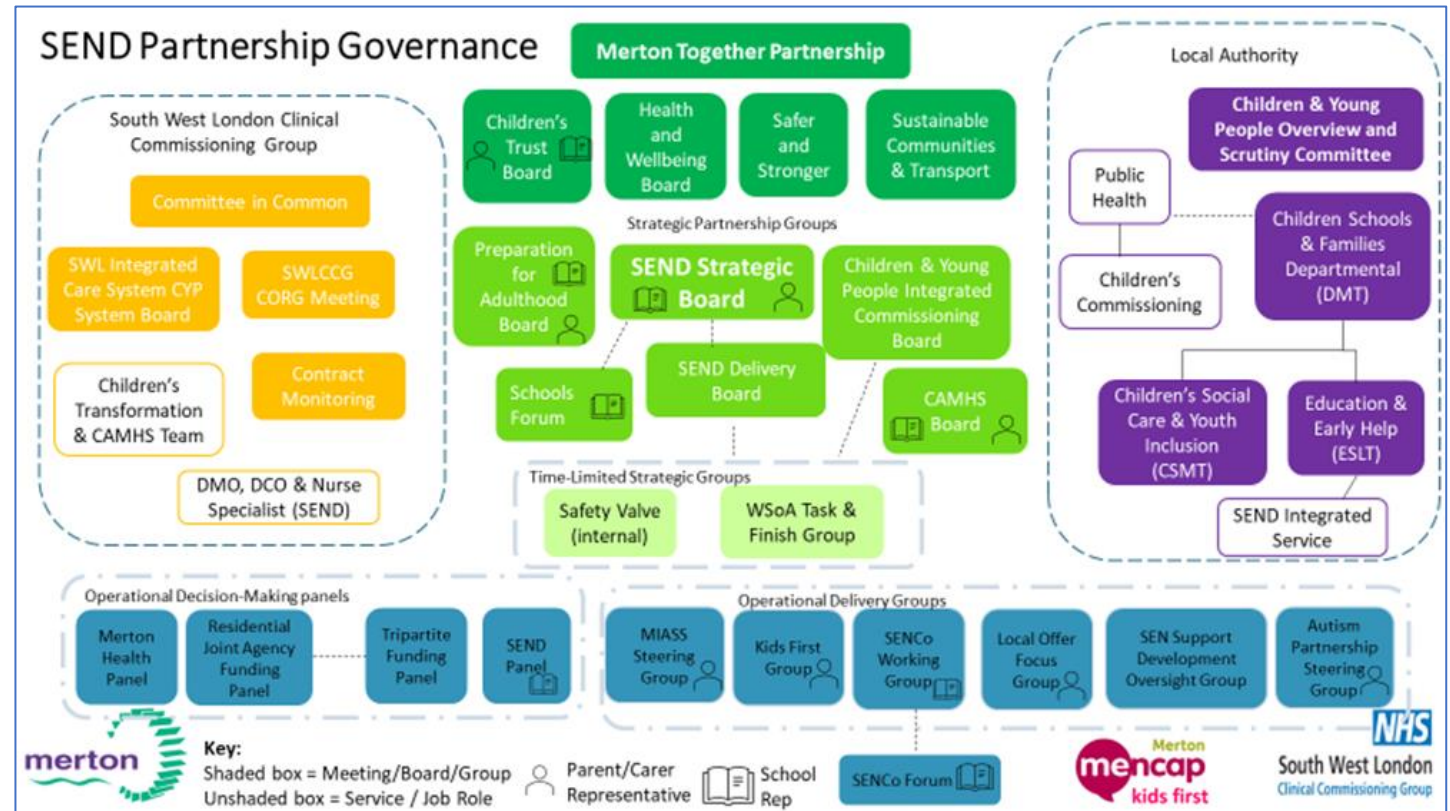
- Change national schools performance data to make it clearer how they are doing with SEND pupils
- An outstanding school must support SEND Pupils outstandingly well too
- Alt Ed inspection framework – new
- Tariffs which splits cost out for different types of placement similar to NHS costings will be nationally introduced
- Consistent banding across LAs will help providers such as FE and independent schools who will know what funding to expect for each type of pupil
- No more notional allocation of SEN Support funding by LAs. There will be a NFF (National Funding Formula)
- Consult on whether £6,000 per pupil is the right level and what this buys

Q18

How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

Barriers

- How should we implement it?



Q19

How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

Q20

What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

Q21

What support do local systems and delivery partners need to successfully transition and deliver the new national system?