

TO: SCHOOLS FORUM
DATE: 23 JUNE 2022

SEND UPDATE
Executive Director of People

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide an update on SEND developments and consideration of the implications of the SEND Green Paper proposals for the High Needs Block and to identify where it aligns with the long-term proposals of the Capital Place Planning and SEND Strategy.
- 1.2 Comments are being sought to provide input to the consultation document and therefore ensure that Schools Forum views are captured.

2 RECOMMENDATIONS

2.1 That the Forum notes:

- 1. The capital build and provision of places**
- 2. The focus on early intervention and inclusive practice in mainstream settings**
- 3. The improved systems**
- 4. The development of Alternative Provision plans and a refocus on reintegrating children and young people back into mainstream provision**

- 2.2 **That the FORUM considers the consultation document and either submit a Schools Forum collective response to the DfE questions or respond individually to the local authority collective response which will be organised centrally and a collaborative response from all stakeholders drafted and submitted to the DfE for the closing date 22 July 2022.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 That the Schools Forum are fully briefed on national agenda that will inform the High Needs Block funding in the future.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. This is a government consultation seeking comments.

5 SUPPORTING INFORMATION

- 5.1 The SEND green paper is the result of the SEND Review, commissioned to improve an inconsistent, process-heavy and increasingly adversarial system that too often leaves parents facing difficulties and delays accessing the right support for their child.

- 5.2 The plans to reform the system will be open for a 13-week public consultation, giving families frustrated by the existing, complicated and bureaucratic system of support the opportunity to shape how a new system will work in the future - and give them confidence that their local school will meet their children's needs so they can achieve their full potential.
- 5.3 The Government will also look to approve up to 40 new special and AP free schools in regions where they are most needed. This is in addition to over 60 special and AP free schools already in the pipeline.
- 5.4 Low-income families with seriously ill or disabled children will be further supported through investment of £27.3 million next year. This funding will help pay for equipment, goods or services - from washing machines and fridges to sensory and educational equipment that they might not otherwise be able to afford.
- 5.5 Over £10 million will also be invested to train over 200 more educational psychologists from September 2023, to give advice and input into EHCP assessments, advise schools on how to support pupils with SEND and offer wider wellbeing support to them, their families and teachers
- 5.6 Executive Summary 1 acknowledges that the reforms to the SEND system introduced in 2014 had the right aspirations: an integrated 0-25 system spanning education, health and care, driven by high ambition and preparation for adulthood. However, despite examples of good practice in implementing the 2014 reforms, this is not the norm and too often the experiences and outcomes of children and young people are poor. There are growing pressures across the system that is increasingly characterised by delays in accessing support for children and young people, frustration for parents, carers, and providers alike, and increasing financial pressure for local government.
- 5.7 Therefore, the government commissioned the SEND Review in September 2019 as a response to the widespread recognition that the system was failing to deliver improved outcomes for children and young people, that parental and provider confidence was in decline, and that despite substantial additional investment, the system had become financially unsustainable.
- 5.8 As the Review progressed it became clear that alternative provision is increasingly being used to supplement the SEND system; to provide SEN Support; as a temporary placement while children and young people wait for their Education, Health and Care Plan (EHCP) assessment; or because there is insufficient capacity in special schools. We have therefore looked at the specific challenges facing the alternative provision sector as part of this Review.
- 5.9 Consideration has been given as to how this Review can be best implemented alongside reforms to health and social care –overlap between the cohort with SEND and those who interact with the care system.

Key Facts regarding SEND and Alternative Provision numbers

15.8% of all school pupils i.e.1.4 million, were identified with Special Educational Needs (SEN)

12.2% of pupils were identified as requiring SEN Support

3.7% of all pupils had an Education, Health and Care Plan (EHCP), receiving more support than available through SEN Support

82.7% of children and young people in alternative provision were identified with SEN

The high needs budget has risen by more than 40% over three years

Of the 141 local area inspections published by 21 March 2022, 76 resulted in a written statement of action, which indicates significant weaknesses in SEND arrangements

Challenges were identified in the paper:

Challenge 1: outcomes for children and young people with SEN or in alternative provision are poor

Challenge 2: navigating the SEND system and alternative provision is not a positive experience for children, young people and their families

Challenge 3: despite unprecedented investment, the system is not delivering value for money for children, young people and families

Need to turn vicious cycle into a virtuous one:

- It is clear that in an effective and sustainable SEND system that delivers great outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive without the need for an EHCP or a specialist or alternative provision place.
- The paper is setting out proposals for an inclusive system, starting with improved mainstream provision that is built on early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum, and prompt access to targeted support where it is needed. Alongside that, the paper identifies the need for a strong specialist sector that has a clear purpose to support those children and young people with more complex needs who require specialist or alternative provision.
- Greater national consistency in the support that should be made available, how it should be accessed and how it should be funded. There is a need for a system where decision-making is based on the needs of children and young people, not on location. This must be underpinned by strong co-production and accountability at every level, and improved data collection to give a timely picture of how the system is performing so that issues can be addressed promptly.

Delivering Change for children and families through:

- a single national SEND and alternative provision system
- excellent provision from early years to adulthood
- a reformed and integrated role for alternative provision
- system roles, accountabilities and funding reform

A single national SEND and alternative provision system

- establish a new national SEND and alternative provision system setting nationally consistent standards for how needs are identified and met at every stage of a child's journey across education, health and care.
- review and update the SEND Code of Practice to ensure it reflects the new national standards to promote nationally consistent systems, processes and provision
- establish new local SEND partnerships, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a local inclusion plan setting out how each local area will meet the national standards
- introduce a standardised and digitised EHCP process and template to minimise bureaucracy and deliver consistency
- support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings, drawn from the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs
- streamline the redress process, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

Excellent provision from early years to adulthood

- increase our total investment in schools' budgets by £7 billion by 2024-25, compared to 2021-22, including an additional £1 billion in 2022-23 alone for children and young people with complex needs
- consult on the introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos, and increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise
- commission analysis to better understand the support that children and young people with SEND need from the health workforce so that there is a clear focus on SEND in health workforce planning
- improve mainstream provision, building on the ambitious Schools White Paper, through excellent teacher training and development and a 'what works' evidence programme to identify and share best practice, including in early intervention
- fund more than 10,000 additional respite placements through an investment of £30 million, alongside £82 million to create a network of family hubs, so more children, young people and their families can access wraparound support
- invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. We will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline
- set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one, sharing expertise and resources to improve outcomes
- invest £18 million over the next three years to build capacity in the Supported Internships Programme, and improve transitions at further education by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for employment and higher education

A reformed and integrated role for alternative provision

- make alternative provision an integral part of local SEND systems by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention
- give alternative provision schools the funding stability to deliver a service focused on early intervention by requiring local authorities to create and distribute an alternative provision-specific budget
- build system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed
- develop a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations
- deliver greater oversight and transparency of pupil movements including placements into and out of alternative provision 16
- launch a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice

System roles, accountabilities and funding reform

- deliver clarity in roles and responsibilities with every partner across education, health, care and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities
- equip the Department for Education's (DfE) new Regions Group to take responsibility for holding local authorities and MATs to account for delivering for children and young people with SEND locally through new funding agreements between local government and DfE
- provide statutory guidance to Integrated Care Boards (ICBs) to set out clearly how statutory responsibilities for SEND should be discharged - introduce new inclusion dashboards for 0-25 provision, offering a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- introduce a new national framework of banding and price tariffs for funding, matched to levels of need and types of education provision set out in the national standards
- work with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework with a focus on arrangements and experience for children and young people with SEND and in alternative provision.

Delivering change for children and families

- take immediate steps to stabilise local SEND systems by investing an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme, over the next three years, to support those local authorities with the biggest deficits
- task the SEND and Alternative Provision Directorate within DfE to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards

- support delivery through a £70 million SEND and Alternative Provision change programme to both test and refine key proposals and support local SEND systems across the country to manage local improvement
- publish a national SEND and alternative provision delivery plan setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people
- establish, for implementation of the national delivery plan, a new National SEND Delivery Board to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals

A verbal update on current developments will be presented at the forum meeting.

6 CONSULTATION AND OTHER CONSIDERATIONS

Legal Advice

6.1 Not sought. This is a government consultation seeking comments.

Financial Advice

6.2 Not sought. This is a government consultation seeking comments.

Background Papers

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063620/SEND_review_right_support_right_place_right_time_accessible.pdf

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