

<b>Local Members Interest</b>
N/A

## **Prosperous Overview and Scrutiny Committee - Wednesday 15 June 2022**

### **SEND Review: right support, right place, right time Government consultation on the SEND and alternative provision system in England**

#### **Recommendation(s)**

I recommend that the Committee:

- a. note the contents of the SEND Review: Right support, right place, right time Government consultation on the SEND and alternative provision system in England.
- b. provide comments to support the County Council's response to the consultation

#### **Report of Cabinet Member for Education (and SEND)**

#### **Summary**

##### **What is the Overview and Scrutiny Committee being asked to do and why?**

- a. Provide the Overview and Select Committee with an opportunity to consider and comment upon the contents of the Governments SEND and alternative provision consultation which closes on 22 July 2022.
- b. Provide an opportunity for the Committee to help formulate a response to the proposals within the consultation document as part of the overall County Council's response.

#### **Report**

##### **Background**

1. On 29 March 2022, the Government published the [SEND Review: Right support, right place, right time](#), which is a consultation on the special educational needs and disabilities (SEND) and alternative provision system in England.

2. The consultation sets out proposed reforms to the SEND and alternative provision (AP) system that seek to address three key challenges:
  - poor outcomes for children and young people with SEN or in alternative provision;
  - navigating the SEND system and alternative provision is not a positive experience for children, young people, and their families;
  - despite unprecedented investment, the system is not delivering value for money for children, young people and families.
3. The Green Paper sets out the findings of the SEND review, which are summarised as:
  - Children and young people with SEND and those in alternative provision have experience consistently poorer outcomes in comparison to their peers;
  - The experiences of children, young people, and their families of SEND and Alternative Provision (AP) system are generally negative;
  - The SEND and AP systems are financially unsustainable;
  - There is national inconsistency across the SEND system in terms of assessment and provision to meet needs.

### **Green Paper Consultation Proposals**

4. The Green Paper is consulting on proposals to deliver greater national consistency in the support that should be made available for children and young people with SEND, how it should be accessed and how it should be funded.
5. The SEND review concluded that there is a need for much greater national consistency in terms of how needs are identified and supported so decisions to meet needs are coproduced with child, young person and their families.
6. In response to the SEND review the Department for Education are proposing the following:
  - 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 social care.
  - Create new local SEND partnerships bringing together education, health, and care partners with local government to produce a

local inclusion plan setting out how each area will meet the national standards.

- 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.
- Support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings, including mainstream, specialist and independent.
- Introduce a standardised and digitised EHCP process and template to minimise bureaucracy and deliver consistency
- Streamline the redress process to make it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases.

### **Staffordshire response**

7. In response to the consultation the local authority welcomes the aspirations set out in the 6 chapters of the paper. However, it is noted that, whilst the focus of the aspirations reflects the work that needs to be done, there is very little in the way of detail to articulate how these aspirations are to be realised.

#### National Consistency

8. The LA supports an approach which delivers greater consistency across the SEND system, including through a digitised Education, Health, and Care Plan (EHCP). Staffordshire has already implemented an approach to this through the EHC portal and will continue to work with partners to further develop this approach.
9. In Staffordshire we are currently implementing an Education Banding Tool (EBT) which allocates funding, matched to levels of need and types of education provision.
10. A national framework for banded funding is welcomed. Care needs to be taken not to place too great a focus on the 'national' part of the system as this could raise expectations amongst parents and carers that the same support will be available in every area and delivered in the same way.
11. A particular challenge that needs to be addressed within the proposals relates to the issue of consistency of assessment and provision for those children living in one area and are educated in another. Staffordshire has received confirmation from the minister that challenges that currently exist will be responded to within the SEND review.

12. The LA welcomes the proposed introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos and the plan to increase the number of staff with an accredited Level 3 SENCo qualification in early years settings and SEND-specific CPD with a focus on child development. There needs to be more detail regarding how this will be delivered and how the funding implications of this training will be met.

#### Partnership Working

13. The establishment of local SEND partnerships, convened by the LA is welcomed. The SEND and Inclusion partnership in Staffordshire continues to mature. However, for the partnership to work effectively, there must be clear mechanisms to hold partners to account if they fail to make appropriate contributions to meet the needs of children and young people with SEND.

#### Increased Demand and Funding

14. The indication of increased funding for SEND is necessary. Historically, there have been significant increases in demand on LA SEND teams without the necessary increases in resources and staffing. There has been a dramatic increase in requests for EHC Needs Assessments under the Children and Families Act (2014).
15. The Department for Education suggest a national increase of 10% since January 2021. EHCP numbers are nearly double what they were in January 2015 at the start of the SEND reforms. Notwithstanding increasing need, the Children and Families Act (2014) also increased statutory duties for LAs to 0-25.
16. We have seen a national increase of 13% in requests in 2021 and this trend is continuing. In the last 12 months, there were 1488 requests for EHCNA with 1169 being agreed. This is an unprecedented rate of requests and coincided with the transformation of services.
17. This has driven demand on high needs funding which has resulted in deficits in the DSG and there is insufficient detail in the paper regarding how this deficit is to be eliminated.

#### Urgency to Address Dedicated Schools Grant deficit

18. Implementing the proposals set out in the Green Paper will take several years and, in the meantime, demand for SEND support in Staffordshire continues to rise. The DfE must therefore bring forward

a comprehensive plan that manages down and eliminates our Dedicated Schools Grant deficit.

#### Alternative Provision (AP)

19. We continue to develop our locality SEND and Inclusion model which is focused on early help. Providing training and support to staff is essential. We agree that making alternative provision an integral part of the SEND system and that their focus should be on ensuring that as many children as possible stay in or return to mainstream education as soon as possible.
20. The focus on families of schools developing alternative provision is supported in Staffordshire. Educational pathways should be more diverse and purposeful if they are to meet the needs of all children and young people whilst ensuring that young adults develop work and life skills that enable them to be independent, responsible, and productive members of society.

#### Inclusion: White Paper and Green Paper tension

21. The LA welcomes the focus on improving levels of mainstream inclusion. As referenced in our local area SEND strategy, we want more children and young people with SEND attending their local mainstream wherever possible and it is crucial that parents have confidence in the quality of local provision. However, there is a potential tension between the aspirations set out within the green paper and those detailed within the Education white paper which focuses very much on academic progress and outcomes. If inclusion is to be incentivised, this issue will need to be addressed.
22. More detail is required on how incentives for mainstream schools to become more inclusive will be aligned with higher expectations on all schools to increase levels of achievement in numeracy and literacy for all children, as set out in the Education white paper.
23. There needs to be more detail about how local partnerships will hold to account schools and academy trusts in their duty to meet the needs of children and young people with SEND.

#### **Next Steps**

24. The LA is using the above paper to formulate a response to the proposals within the consultation document and welcomes the opportunity to gather the views of Prosperous Staffordshire overview

and scrutiny committee. Comments and feedback will be formulated into the response.

25. The response to the consultation will be submitted to the DfE by 22 July 2022.

### **List of Background Documents/Appendices:**

Appendix 1: [SEND review: right support, right place, right time - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time)

Appendix 2: [Opportunity for all: strong schools with great teachers for your child - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/opportunity-for-all-strong-schools-with-great-teachers-for-your-child)

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