



Note of meeting with Tony McArdle on Monday, 27 January 2020

Present:

Tony McArdle, Chairman of the SEND Leadership Board and an independent adviser to the Government's SEND Review.

f40:

- Cllr James McInnes, f40 chair and Cabinet Member for Children and Schools, Devon CC
- Margaret Judd, Sufficiency & Funding Team Manager, Dorset Council
- Andrew Minall, Head of Education Financial Services, Hampshire CC
- Phil Haslett, Head of Education Strategy and Development, Gloucestershire CC
- Ivan Ould, Designated Lead Member for Children and Young People's Services, Leicestershire CC
- Emily Proffitt, headteacher and NAHT executive member for Staffs and Stoke-on-Trent
- Carole Thomson, Oxfordshire Governors' Association
- Jackie Smith, CEO of The Brunel SEN Multi-Academy Trust
- Karen Westcott, Secretary of f40
- Rebecca Dew, Public Relations Specialist at DTW

Introductions

JMcI thanked TMcA for the opportunity to meet to discuss the Government review into SEND.

He said the review was very welcome and he hoped it focused on the structural changes that were required in the system, as well as the need for additional funding and a plan to deal with the current budget deficits that local authorities were facing.

JMcI said Devon County Council currently had a £21m deficit for SEND and a number were in similar positions. He said it was important that a plan was put in place to deal with the deficits nationally, rather than just leaving it for the local authorities to deal with.

TMcA said that while he was unable to predict what changes and improvements would be made to the system, he believed it would be taken very seriously.

He said he felt there was an appreciation that there needed to be more than just tweaking the current structure.

He acknowledged there were major problems with the current system, not least with EHCPs, but said not all Local Authorities and schools were spending their budgets wisely and some were managing better than others.

He said the perception was that the quality of leadership in SEND could be better.

TMcA said there were a number of pieces of work in train, alongside the review: These would

- 1 REview funding requirements before the next spending review, but this would be unlikely to deliver new funds, at least in advance of the outcomes of the review
- 2 Look at the quality of leadership in SEND
- 3 Focus on The Children and Families Act (2014) and where it could be amended and improved

TMcA said he sincerely hoped the review would make a difference and he urged as many organisations as possible to make submissions on where they believed the issues were and how the system could be improved.

The review intends to broadly meet the originally expected timetable.

EHCPs

JS/IO said parents were desperate to get EHCPs as they believed this was the only way to get extra funding. As a result, the demand for EHCPs was outstripping expectation and there wasn't sufficient funding to cater for the provision needed.

JS also said it was difficult for educators to deliver on EHCPs properly when it was often only the schools and teachers that were involved in the discussion and delivery. She said it was very difficult to get health and social care professionals to sit around the table.

She said it was right and proper to have SEND children in mainstream schools, but they simply didn't have the tools to enable them to deal with it. She said SEND needed to be dealt with differently, and quickly.

She said there needed to be support to mainstream schools, training for teachers and a more effective outreach programme.

TMcA said he believed EHCPs were a fundamental point of failure within the system and didn't work for a variety of reasons.

He also believed the system should focus on enabling children with SEND to be more independent. This may involve serious dialogue with parents, who have a wide range of approaches to the care of their youngsters. While every parent had the right to express a view as to the type of support they wanted for their child, this did not always correlate with what the Act sought to provide.

He said in some cases, parents and schools were applying for EHCPs when they were not justified by the need presented, meaning money was being wasted.

JMcl said better guidance was needed for schools about when applications for EHCPs were required and what the minimum requirement was. Equally, he said schools and local authorities should be given guidance on when EHCPs should cease and how extra SEND funding should be spent.

JMcl said a greater focus on early intervention would reduce the need for EHCPs.

IO said Government needed to look at why the number of EHCPs had jumped so drastically since 2016. He said parents were losing confidence in mainstream schools' ability to educate children with SEND, so more and more were opting for specialist schools or home education.

IO said it was unclear at Leicestershire County Council how they were going to fund the current deficit and if it was allowed to continue it could put the council in a bankruptcy situation. He said the DfE had shown complete inaction during the past four years.

He also said the 2014 Act was causing confusion and difficulty in tribunals, with tribunals often finding in favour of parents because of the way they interpreted the Act and a parent's right to choice.

TMcA said some local authorities managed SEND well, while others didn't. He believed there was a lot of money wasted in SEND, particularly because of the structure, but also because of the way it was operated.

EP said her concern was for the children who needed an EHCP and couldn't get one. She said support staff were not always available to help them. As a headteacher, she said she had given much of her time recently to support a pupil with additional needs because he didn't have an EHCP and there was no one else available.

EP said there had been a decline in the progress of SEND children without EHCPs.

JS said a right to an EHCP should not be a right for life and more guidance was needed on ceasing plans.

IO said the annual EHCP review was critical but often health and social care officials were not present.

TMcA said some EHCP applications were poor because those completing them were not experienced or equipped as much as necessary.

AM said in Hampshire they were dealing with a backlog of 900 EHCPs, which was impacting on the quality of applications.

CT said in Oxfordshire applications went up 30% last year.

TMcA said EHCPs were a problem. He said accountability fell to local authorities, but they were challenged in meeting this responsibility for a variety of reasons, one of which was that they were no longer directly involved in education provision and needed to rely on others for accurate data. He said everyone needed to be on board, such as CCGs.

JMcl said the local authority had the responsibility, but not the levers to make decisions or changes.

Provision and inclusion

JMcl said regulation and guidelines needed to change as under the current system local authorities couldn't build new SEND schools without going through the academisation or free school status, which was protracted.

IO said as a result of a lack of LA provision, children were being sent to Independent and Non-Maintained Schools (INMS), sometimes out of the county. These were often expensive and frequently required transport, and sometimes specialist medical staff to accompany children, leading to spiralling costs for SEND and local authorities. Too often, he said, medical costs were met by education, not health.

JMcl said there needed to be a focus on improving SEND provision in mainstream schools, starting with greater guidance on the minimum standard support they should be providing to SEND pupils. Those who did not meet those standards should be held to account, he said.

JS said the rules needed to be relaxed to enable SEND children to stay in mainstream schools. For example, she said some children with special needs would only stay in school if they could wear their bobble hat in lessons, but some schools would not allow it, so they had to leave. Members said there should be a ban on zero tolerance schools that exclude pupils for small misdemeanors.

JS said the specialist SEND schools in her academy trust had a zero-exclusion rate, but they needed the support from mainstream schools.

She suggested a way forward would be to link ten mainstream schools to a special school. It would encourage information sharing around best practice, would facilitate training and would provide vital links to enable children at specialist schools to access a mainstream environment, and vice versa.

AM said there needed to be more joined up thinking.

SEND outcomes

JS said for SEND children it should be about the outcome, rather than the journey and more emphasis should be placed on preparing children for independence and employment. At her schools, 1 in 4 pupils went into employment. She had concerns that SEND students would not get the same support in mainstream schools.

EP said exam results and meeting OFSTED requirements should not be the priority for SEND pupils. However, she said this was currently how the system structured.

JS said many parents wanted children with high needs to be provided with 1:1 support, which was not always possible and not always warranted.

EP said there were cases, however, when additional support was required but mainstream schools didn't have the support staff available due to budget restraints. She said a lack of support staff meant teachers were having to spend more and more time dealing with other issues, rather than just teaching the class. Meanwhile, SEND children were not getting the right level of support.

Costs

PH said that as many children were attending INMS, sometimes out of the county, transporting children with SEND could be extremely expensive. This also needed to be considered as the transport costs for some LAs were astronomical.

MJ said ring fencing the Schools Block was not allowing for innovation in funding, either.

CT said in Oxfordshire they were substantially underfunded in the High Needs Block. She believed the key was to get the National Funding Formula for High Needs right. Without that, nothing would be right, she said.

AM said when money was moved from Schools Block to High Needs Block it was still being kept within schools. He said it was like 'playing shop' in just moving money around to cover the necessary costs.

Teacher training

JMcI said teacher training now only included half a day of child psychology training, which was not enough. He said all teachers should receive significant training in SEND.

PH said that teachers were only taught how to manage behaviour, but not to understand it. He said that child behaviour and psychology needed to become a focus for teacher training as it would benefit all areas of education; i.e. both for mainstream and SEND.

TMcA asked if assistive technology could be better utilised to support distance teaching or class-based learning.