



Notes of meeting with DfE SEND team held on Tuesday, March 14, 2023

Attending from the DfE:

- André Imich, SEN and Disability Professional Advisor
- Tom Richardson, Policy Advisor
- Simon Hampson, Policy Advisor

Attending from f40:

- Cllr Alex Dale, f40 Chair, Cabinet Member for Education at Derbyshire CC
- Phil Haslett, Dep f40 Chair, Head of Education Strategy and Development Glos CC
- Andrew Minall, Finance Business Partner at Hampshire Council
- Margaret Judd, Finance Manager at Dorset Council
- Jackie Smith, CEO of Brunel Academies SEN Trust, and Uplands Enterprise Trust
- Karen Westcott, f40 Secretary

AD thanked the team from the Department for Education for the opportunity to meet. He said f40 was keen to have an overview of the SEND and AP Improvement Plan, particularly around the consultation feedback that the Department had received, and how it had been considered in the final published improvement plan.

f40 indicated it was interested in speaking about national standards, inclusion, EHCPs, parental confidence, and Health and Social Care involvement.

AM said it would be helpful to have clarity around the respective accountabilities and funding requirements, and it would also provide clarity regarding what did not fall within the remit of any of the partners and was, therefore, not a cost to be met from public funds. He also flagged that the involvement of Health and Social Care in the offer to CYP would be key.

AI said he would deliver a short presentation to the team, which would cover a lot of the areas mentioned. However, he invited members of the f40 team to ask questions and interject when they had relevant issues to raise.

A copy of the presentation is attached here.

AI said the SEND and AP Green Paper had sought to solve the following problems:

- Outcomes for children with SEND were consistently worse than their peers – across almost every area.
- Experiences of navigating the SEND system to access support were poor.
- Decisions were often based on where a child lived, rather than their needs, and support was inconsistent across the country.
- The SEND system was not delivering value for money.

He said the vision was to create a more inclusive society that celebrated and enabled success in all forms.

PH said he believed one of the issues was that 'inclusive' meant different things to different people and getting consistency could prove difficult. He said one headteacher may consider themselves as leading an inclusive school, but it may be far less inclusive than other, more inclusive schools.

AI said he agreed, and the Green Paper had highlighted the inconsistency across the country.

AI said during the 16-week consultation, they had heard from more than 4,500 people, attended 175 events, and received around 6,000 responses to the consultation questions.

He said most people agreed with their analysis of the problem and the proposal to introduce a new, single, national SEND system, and that the Department should get on with some proposals now, and test others to gauge their success.

AI said the consultation showed that some people were concerned the proposals would make it difficult for families to access support, and he said some people wanted to hear more about how the proposals would work in practice.

AI said the new national SEND and AP system had a mission to:

- Fulfil children's potential - so they enjoyed childhood, achieved good outcomes, and were prepared for adulthood and employment.
- Build parents' trust – by providing a fairer, easier system to navigate in order to restore confidence that children would get the right support, in the right place, at the right time.
- Provide financial sustainability – LAs making the best use of High Needs budgets to meet need and improve outcomes.

AI said currently there was too much inconsistency across the SEND system in how and where needs were assessed and met.

He said every local authority was very different. He said there was a national system, and the Code of Practice 2014 and legislation were also national, however, at an operational, local level, it translated very differently.

He said the new system would be underpinned by national standards. It would:

- Build on what good local areas were doing with their local offer and ordinarily available provision.
- Have standards set in legislation via a framework to clarify who was responsible for securing what provision, emphasising what should be universally available across Early Years, schools, and colleges.
- Apply standards across education, social and healthcare.
- Provide practice guides to people working on the frontline, offering a single source of evidence on what works to support CYP and SEND.

AI said Local SEND and AP Partnerships and local inclusion plans would be a vital aspect of the new improvement plan. He said the Partnerships would be responsible for undertaking a joint needs assessment and strategic local inclusion plan for local delivery. He said the partnership would hold local providers to account.

The Partnership would include representatives from across education, health, mental health, care, parents, and young people.

He said testing and learning about the Partnerships was a key aspect of the Change Programme.

AI said the Department for Education was also putting other things in place to improve the system, such as

- £2.6b capital investment over the next three years to improve existing provision and deliver new places.
- Develop a national EHCP template, with supported guidance.
- Encourage all SEND services to move to EHCP digital systems.
- Asking the Law Commission to review existing social care legislation relating to disabled children.

JS said sufficiency was a real issue in SEND provision. She said at her SEND multi academy trust they would be unable to offer places to a number of children with EHCPs in September because there were insufficient places. She said she worked closely with the local authority in Swindon to ensure the needs of children were met, but sometimes there was simply not enough places to cater to every child who needed one.

She said despite Swindon being one of the fastest growing towns in the country, it had not been successful in securing capital funding through the latest round of Special Free School bids to enable it to provide additional SEND places.

She said they needed more SEND provision, but she was at a loss as to how it could be provided, unless she considered independent funding. JS said she was in support of academies, but felt she had no choice but to look to independent provision/school funding if she wanted to create additional places.

JS said the current system was very piecemeal and fragmented, where local authorities and MATs were only able to secure funding for ten places here and there. She said while the £2.6b was welcome, greater investment was needed to meet the current need.

AI said there would be another round of free school capital funding in due course. He said local authorities were very keen to develop mainstream SEND units within schools, so it was another opportunity for MATs to expand their provision.

JS said she believed inclusion worked really well at primary level as they were often well equipped to support children with SEND.

However, she said it didn't always work at secondary schools.

She agreed there was more money in the SEND system but said it had not kept pace with the rising number of children with SEND and their increasing complexity of need.

JS said Place funding had not increased from £10,000 since 2014. She said it should now be around £15,000 per child or young person. She said the changes across the SEND sector had been enormous, and the level of funding had not kept up.

JS said taking the decision-making away from local authorities and providers had hampered the sector. She said they already knew the local landscape so were best placed to make the right decisions.

And she said while inclusion could work for some, it would not work for all. She said it would not be appropriate for some young people in her MAT to attend a mainstream secondary school and they would not achieve the desired outcomes.

She said additional specialist SEND places would still be required.

PH said Gloucestershire County Council had a rising SEND deficit, which was largely down to the need for them to use costly independent provision. He said the council had bid for funding to build two new special schools but had not been successful in either. He said it would be impossible for them to deal with the deficit budget while they were still having to rely heavily on expensive independent places.

PH said Gloucestershire County Council was exploring other alternatives to fund the additional schools.

He said the principle around improving inclusion at mainstream schools by adding SEND units was good in theory, but it could also be challenging. Ensuring they operate as mainstream units rather than special units on the school site could be operationally challenging, and some mainstream schools simply did not want them due to the impact having a unit could have on increasing the wider mainstream SEND cohort.

MJ said to her mind there was two types of inclusive schools: she said there were those mainstream schools with SEND Bases who wanted to be as inclusive as possible and were very successful in meeting the needs of children with SEND. The result, however, was that they attracted large numbers of children with SEND.

MJ said then there were those schools who were inclusive but did not want to have a Base because it would have a honey pot effect – encouraging large numbers of children with SEND – and it brought additional costs.

She said any improvements to the SEND system from the new plan would not likely be felt for three or four years and the SEND system needed reform quickly.

PH said, at present, effective inclusion required an ethical and moral leadership that could ignore or manage the many perverse incentives in place. PH said a cultural and societal change was required to make all schools more inclusive.

AI said he welcomed the feedback and understood what f40 members were saying.

He said the Department for Education wanted to make local provision more attractive to parents, so there was less demand for independent places, reducing costs to local authorities.

He said they were also looking at the cost of independent special schools and the proposed national standards would be helpful in clarifying the level of provision that should be ordinarily provided, and which provider could deliver it. He said he hoped it would level the playing field on how inclusive mainstream schools were and would give parents more confidence that their children's needs could be met locally.

AD said there was often a gulf between parental confidence in local SEND provision and what level of support they believed their child should receive, and the efficient use of local authority resources. He said this often led to disagreements and costly tribunals, where parents were invariably successful and local authorities were left picking up an expensive legal bill, as well as having to pay for the independent school place.

AI said the Department for Education did sometimes see cases where the local authority had not produced evidence at tribunal to back up their case, and where headteachers had supported what the parents were saying.

And he said parents also wrote to the Department to say they had not been successful at tribunal, or that the tribunal had only supported them in one small area. He said tribunals were not always in favour of parents.

AD said there would always be parents who wanted expensive independent provision, regardless of what the local authority and local schools offered them.

AI said the Green Paper improvement plan also aimed to improve mainstream provision through high-quality teaching and additional SEND training.

He said the Department aimed to ensure specialist support was provided at the point of need by:

- Expanding mental health support teams in schools.
- Providing grants to enable all state schools and colleges to train a senior mental health lead.
- Investing £21m to train two more cohorts of education psychologists.
- Providing a three-tier model of Alternative Provision.
- Ensuring a secure supply of teachers for CYP with visual, hearing, and multi-sensory impairments.

MJ said everyone had different ideas about what Alternative Provision was. She said there needed to be better understanding of what was meant by Alternative Provision.

AI said clearly identifying what Alternative Provision was and how it could provide early outreach support to mainstream schools would fall under the responsibility of the Partnership in the Change Programme.

AI said the improvement plan aimed to strengthen accountabilities to enforce statutory responsibilities and drive better outcomes and experiences.

He said in order for schools to be judged good or outstanding on inspection, they do need to show they are inclusive and delivering results on SEND. And he said Academies Regulation and Commissioning would set out detailed descriptors for academy trusts, including measures for a high-quality, inclusive education.

AI said on Bands and Tariffs, most local authorities already made use of banded funding arrangements, based on local levels of available provision and costs. He said a new national framework of banding and pricing tariffs would be introduced.

AI said the National Funding Formula (NFF) consultation during 2022 indicated there was support for the direct NFF to include an indicative SEND budget. He said the Government response to the consultation would be published in the spring.

JS said she had been working in Swindon for a number of years and had worked across the country with a number of local authorities before that. She said she began her career as a maths teacher and has always prided herself on getting the maximum out of her budgets once she took up leadership roles. However, she said the challenges were now greater than ever.

However, she said one of the biggest difficulties for schools and local authorities was the staffing crisis, and the additional cost of staff.

JS said in 2014 a highly qualified teaching assistant in a special school would cost a school £13,000, but now a less qualified teaching assistant cost a school £25,000 (including on costs). She said schools were not being given the additional funding to meet the rise in wages and it was one of the biggest challenges.

JS said she welcomed the decision to introduce Bands and Tariffs but felt the variants were so wide across the country, it would be difficult to achieve.

AM said he agreed with standards around ordinary available provision, however, the use of an indicative SEND budget created considerable confusion in schools. The Schools budget was required to meet a wide range of priorities and the NFF removed the majority of the links between funding and spend on specific activities, with the notional SEND budget a legacy of this past funding system. A clear threshold on what schools should meet from ordinary available provision should be sufficient.

PH also agreed that indicative SEND budgets could cause confusion. He said having national standards and a national banding system was a very good idea, but he felt the Tariffs would have to have flexibility to allow for different costs in different parts of the country.

PH said he also believed there should be a High Needs funding consultation, which had been mentioned by the Department for Education in the past. He said currently High Needs funding was not fair across the country.

PH said the current system did not support schools with a high level of SEND need. He said inclusive schools did not receive the extra funding they required to meet needs. PH said there were perverse incentives, which meant there were schools with fewer SEND pupils and needs that received the same or more funding through the Minimum Per Pupil Funding Level (MPPFL) than those with higher levels of SEND.

PH said if the funding system was right there should be no need for the MPPFL at all. AM agreed and said the basic entitlement should be sufficient to meet the basic educational needs of all children, without the need of MPPFL.

PH said across education, resources to support inclusion and SEND had become tighter, whilst parental expectation had risen enormously. PH said he would like to see the new national standards redress the balance.

PH said in his view, provision and expectation needed to reflect reality, and what was required to meet the needs of the child or young person, and was achievable within available budgets. He accepted that local authorities could use their budgets more effectively but said expectation did not meet the reality of funding, resources, or provision.

He said while local authorities had to ensure their budgets were spent wisely, equally, expectation had to mirror need and available funding, and local authority provision also had to be readily available. Currently, he said, there were insufficient places.

SH said a consultation on High Needs funding was still planned. He said the funding followed the system, so the Department for Education believed that the SEND system should be reformed first, and then it would look at how best the funding system could be reformed to meet it.

SH said the Department was aware of the issues around the NFF and the balance between the funding that went through core funding and the funding that went through the MPPL. He said the balance between core funding and MPPLs is reviewed each year by the Department. He said it was being taken seriously by the Department.

JS said the meeting had been really helpful and it was interesting to hear the thinking behind the improvement plan.

However, she said one of her biggest concerns was retention and recruitment. She said even if she was given an enormous budget, she would struggle to hire the 20 well trained teachers she needed.

She said often teachers did not have the skills or qualifications to meet the needs of children and young people in her special schools, which had increasingly complex needs.

JS said qualified, experienced teachers were leaving to take up less skilled, less demanding jobs for higher wages. She said she was not complaining for the sake of it, but schools were trying to meet need, adapt to change, and do things differently against challenging circumstances.

JS also said the health sector needed to be much more involved in SEND education and said SEND should be built in to mainstream schools, and not bolted on.

AD said he felt the Green Paper had been excellent in identifying the problems with the SEND system, but he feared the Government would be slow to implement any changes and would merely say during the next two or three years that the consultation had been completed and they were dealing with it.

AD said he feared the plan was not radical enough to deal with the scale of the crisis. He said the SEND system was broken and the changes needed to be bold and significant, from the bottom up.

AD said the crisis could not just be down to local authorities failing to use their budgets or resources well enough. He said he believed the Code of Practice 2014 led to enormous change in expectation, a steep increase in the number of EHCPs, and the inclusion of people aged 19-25, while the funding and resources did not match. He said he believed that had led to the crisis we see today.

He said the Code of Practice had made it so much harder for local authorities to meet the expectation of parents.

AM said the additional funding provided for High Needs had been very welcome, but it needed to be considered in the context of the new burden of the 19-25 provision.

And AM said many of the proposals made in the improvement plan were positive. However, he said the recruitment crisis across the sector would present a real challenge to implementing the recommendations, with issues ranging from school workforce to local authority staff, including SEN practitioners and educational psychologists.

AI said the Green Paper had been received well by many people involved in SEND, which was a testament to the effort that had been made to bring everyone together.

He said there was a very wide range of views, and the Department did not want to introduce something that could lead to further divergence.

AI said the country now had an opportunity to bring people in the SEND sector together. He said the Change Programme would begin in the next few months and the intention and hope was to take everyone along with it.

AI thanked members of f40 for their input and said it had been very helpful. He said their feedback was valuable and it would be taken on board by the Department as the Change Programme was rolled out.

Ends