



Notes of meeting with DfE SEND team held on Tuesday, September 12, 2023

Meeting between DfE and f40

Tuesday, September 12, 2023, at 10am

Attending from the DfE:

- Tom Goldman, Deputy Director, Funding Policy Unit
- Charles Lang, Deputy Director, SEND Review Division
- Liz Sleeman, Head of Early Years Safeguarding, Wellbeing and SEND Unit
- Lisa Thom, EY SEND Team Leader, Early Years Safeguarding, Wellbeing and SEND Unit

Attending from f40:

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

1. Introductions

AD thanked the DfE team for the opportunity to meet and said f40 continued to value the relationship with the Department.

2. Update from f40 on latest concerns and priorities and update from DfE on progress/challenges

a) SEND

- Demand and expectation V capacity, funding, and resources

AD informed the DfE team that f40 was holding a briefing in Westminster later in the day focusing on the crisis in SEND, along with the unfairness of funding.

He said demand and expectation continued to outweigh available capacity and funding, which was demonstrated in the growing deficits that local authorities had in High Needs budgets.

AD said it was a systematic and widespread problem. He said f40 had calculated that £4.6bn additional baseline funding was required to meet current need.

AM said the £4.6bn figure had been calculated by looking at the rise in demand through EHCP numbers and inflation since 2015 and did not take into account any further increases going forward: it was purely to meet the need now.

AM said f40 had calculated the shortfall in two different ways and had come out with the same figure. He said partner organisations in education, which are working in collaboration with f40, had also calculated the shortfall at around £4.6bn. He said they agreed that this was the figure required to pay for the current SEND need.

TG said, to clarify, if SEND currently had a budget of £10bn plus a year, did that mean f40 was estimating that it needed £15bn?

AM confirmed that was the case.

TG asked how that figure had been reached, and whether it took into consideration inflation specific to SEND?

AM said it had been calculated a couple of different ways and each time the figure reached had been the same. He said it was not SEND specific inflation, but through the Bank of England inflation rate.

TG agreed there had been a significantly large increase in EHCP numbers, but said the increase was not only associated with those children with very complex needs.

He asked if f40 had any figures around the growth in EHCPs and what percentage of that growth was linked to children with profound or complex needs.

AM said it was difficult to quantify the complexity of need and to break down the increase in EHCPs.

EP said it was much more difficult now to obtain an EHCP for children, compared to ten years ago. However, she said some children who did not qualify for an EHCP still required 1:1 support in class. She said schools were having to provide that support without any additional funding.

JF said in her SEND trust she was seeing a lot of high-functioning children, who had autism but who were able to achieve academically. She said they often had complex needs, including mental health challenges, and social, behavioural, and environmental anxieties, which meant mainstream school was not an option. She said those children needed lots of support, but it was difficult to provide it without sufficient funding. She said this cohort of high-functioning young people could be helped enormously, but without more resources they would not be supported to reach their potential.

AD said there was a huge lack of confidence from parents in locally-provided SEND provision, which meant that a number of children were being sent to expensive independent schools – often outside of their local authority area. He said this meant local authorities were having to pay twice as much for some provision, which contributed to the rising deficit budgets.

CL said the Department had identified in the SEND Review a vicious cycle with regards to parents losing confidence in locally-provided SEND support.

CL said the cohort with profound complex needs had grown, but he said there was also a rise in the number of children with autism and speech and language problems.

CL said they did not all have profound complex needs, however, he said the Department was aware that the complexity of need was changing.

EH said, as a headteacher, she could see that social, mental, and emotional health challenges were major issues for schools now. She said it was predominantly where schools did not have the right provision to meet their needs.

She said, on occasion, children were excluded because they were not in the right setting.

AM said increasing SEND provision to people up to age 25 in the Code of Practice in 2014 was now also being felt in the system.

LS asked f40 members what the challenges in Early Years were?

EP said last year in her school, which has an 18-place nursery, a third of Early Years children had speech and language needs, and three children had suspected autism. She said for one of those children, the school had to battle for specialist provision – they had no additional funding to support the child for a year.

EP said managing parent's expectations was a challenge for schools. She also said the biggest issue was a lack of external professionals to assess children in a timely fashion, particularly in speech and language.

EP said she had certainly seen a growth in special needs in Early Years. She said schools needed the funding at the earliest possible stage to allow them to provide early intervention and support, which would help children catch up and would hopefully result in them needing less support higher up the school.

EP said last year she had a child in Reception in need of support and the school struggled to get a paediatrician involved in their support. She said once the child got to Year 1, he had to be excluded due to his behaviour, purely because he did not have 1:1 support and an EHCP was still not in place.

She said more urgency and funding was needed at an early stage to help schools provide the right level of support.

JF said within her SEND trust they were in the process of restructuring their provision for children with severe learning difficulties and complex needs from their current primary and secondary model. Instead, she said, they were being placed in a Key Stage 1/Early Years specialist provision and then Key Stage 2 to Key Stage 5 provision, which was allowing them to provide better targeted early intervention and inclusive practice when children were young. She said this would reduce transitions from Key Stage 2 onwards.

JF said there was insufficient funding for early intervention. She said many children with special needs were well supported in mainstream primary schools, but their needs were not always met at secondary school.

She said there needed to be an increase in baseline funding for High Needs, and capital funding needed to be more responsive to enable extra specialist provision to be provided. She said with more specialist places, the high-functioning cohort who struggled in mainstream schools could be helped to reach their potential.

MJ said the guidance allowed for funding for Early Years SEND to come from either the High Needs Block or Early Years Block, and she believed it should come from the High Needs Block in order to be consistent, and also not to reduce funding for general Early Years providers.

MJ said early intervention was key. She made the point that additional funding for Early Years SEND had not been included in f40's £4.6bn estimate.

CL said when the Department had carried out the SEND & AP Green Paper consultation it had found that in areas where partnerships with local government, health, social care and schools was stronger, to create a stronger ordinarily available offer in mainstream settings, there were fewer EHCPs, as needs were being met effectively at an early stage. He also said the Review

had shown how the biggest driver of SEND identification was the school a child attended, and that there was also a significant overlap with deprivation.

He asked if the £4.6bn took into account the inconsistency in practice across the country identified in the SEND Review? AM said the £4.6bn was a national figure. AM said there were things that all local authorities could do to improve provision and reduce deficits, but those efforts would probably be negated with inflation and increased demand going forward, so the gains would be minimal.

MJ said it was important to stress that when a child who needed extra support did not have an EHCP, they still required additional funding.

EP said when children that required additional support did not have an EHCP, schools had to pull provision from other children in order to meet need. She said all children with additional needs required funding, whether they had an EHCP or not. She said there were extra staffing costs for schools to ensure additional support was provided.

AM said schools were just managing at the moment. He said in Hampshire they were seeing a lot of pressure coming in the infant phase because children required additional support but were not being assessed for some time. He said schools were having to fund that extra support themselves and children were often not assessed and provided with funding until they were almost through the infant stage.

EP said a lack of early intervention had a knock-on impact on children throughout their schooling and had a knock-on impact on funding for the school.

PH said there had been a huge growth in the lower level of need, including speech and language, and social, mental, and emotional health. He said the increase at Key Stage 1 was really driving the growth.

PH said they were seeing a continual rise in EHCPs because neither parents nor schools wanted to lose the support of EHCPs. He said there was real nervousness about whether a child would be funded and supported without an EHCP. He said EHCPs had become a statutory function that people valued.

He said in Gloucestershire they were not trying to reduce the number of EHCPs – they were trying to reduce the need for children to require an EHCP, and that was through early intervention.

PH said it was important that the language used to convey this message was chosen carefully and right. He said it was also about changing the culture and policy. He said the national policy needed to change, and the language around it also needed to change.

PH said it should not be about taking something from people. He said it should be about providing the right kind of support at the right time.

EP said some parents felt their children should have an EHCP, even if their child with autism was performing well in mainstream school and was achieving.

AM said thought needed to be given to defining what the public education offer should be. He said if the health sector can apply that offer and kick back, education should be the same.

CL said the Department was looking at what the National Standards should look like, and that was part of what they wanted to test in the Change Programme.

AD asked what the timeframe of the Change Programme was? He said f40 was supportive of the improvement programme and some of the suggestions. However, he said a key element was how quickly the changes could be delivered so the vicious cycle could be broken.

CL explained the timeframe for the wider rollout of reforms would be based on the findings of the Change Programme, announced over the summer, as the Department did not want to repeat the unintended consequences of the 2014 reforms. He said the Department was hoping it could affect change as quickly as possible, but it wanted to be careful that it did not make the same mistakes as last time by failing to see the unintentional consequences of any changes.

JF said the current system was broken and there was simply not enough funding to pay for the number of children in the SEND system. She also said a lack of funding meant special schools could not keep good people in post because they could not compete with other employers.

CL said the Department was hearing the concerns around demand and funding but also pointed to High Needs funding having increased by 50% since 2020. CL said there were very few areas of Government that had seen that level of increase in recent years.

AD said f40 believed that Government needed to invest in SEND and early intervention now in order to save later on. He said it was a false economy not to provide the right level of support to those children who needed it.

AD said if Government invested more in capital funding for SEND provision, it would also save local authorities from spending so much on independent special provision. A lack of locally-provided special places and specialist provision in mainstream schools often meant that councils had no choice but to place children in private settings or out of the county.

PH said Gloucestershire was trying to implement aspects of the SEND and AP Improvement Plan and had, as suggested, digitalised its EHCP process. While the system was much quicker, he said it made the process of applying much quicker, so that was something for the Department to be aware of.

He said he believed the National Standards would have a huge impact and would be the centrepiece of any improvements. However, he said he wasn't sure how they would be implemented without changes to legislation to change the culture.

CL said the Department had not ruled out legislation changes, but if that route was taken it had committed in the SEND and AP Improvement Plan that there would be consultation first. Such changes, though, would be informed by the Change Programme, which would include capturing the views of parents.

EP said legislation change was required because the current system was creating a divide between schools and parents and pushing headteachers to breaking point.

PH said the current pressure on mainstream budgets was also having an impact on High Needs and leading to a lack of pastoral support.

He said if there was more capital funding for SEND, providing more places, that would lead to more available revenue funding for SEND.

PH said the Free school programme did not work. He said authorities that were making huge efforts to provide more specialist places themselves were not successful in bidding for capital in the latest round of funding bids because they were not deemed to be the most in need. He said it was an unfair system.

PH said it would be much better to give all local authorities equal capital funding that they could spend on providing extra places how and where they see fit. He said there was not a local authority in the country that did not need to provide more specialist provision.

JF said more places were urgently required. She said every one of her academy trust special schools was over-subscribed. She said each school had expanded over two sites, but the second sites were industrial units. She said they were not schools and had not been built as schools, but they had been created because the places were needed.

She said the current system created ill feeling between local authorities and parents, as well as local authorities and providers.

AM also said the 80% cut to devolved capital ten years ago meant schools had less ability now to fund small capital projects themselves. He said if they had more capital funding to play with, they could use it to provide some SEND provision in their schools.

Conclusion

AD thanked the DfE team for their time and said f40 appreciated having the opportunity to meet with them and share some of their thoughts and concerns. He said f40 was very happy to be a sounding board for the Department when required.

TG thanked f40 members for their input and asked for more information on the £4.6bn calculation.

TG also asked JF to provide more details on her trust's new approach to Early Years and early intervention.

Ends