

Education, Children and Families Urgency Sub-Committee

Thursday 21st July 2022 at 3.30 pm

Town Hall, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillor Dawn Dale
Councillor Brian Holmshaw
Councillor Anne Murphy
Councillor Mick Rooney
Councillor Colin Ross
Councillor Ann Whitaker

PUBLIC ACCESS TO THE MEETING

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda. Members of the public have the right to make a recording under the direction of the Chair. Please see the [webpage](#) or contact Democratic Services for further information regarding the Council's protocol on audio/visual recording and photography at council meetings.

Urgency Sub-Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Urgency Sub-Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk, as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email committee@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

EDUCATION, CHILDREN AND FAMILIES URGENCY SUB-COMMITTEE AGENDA
21 JULY 2022

Order of Business

1. Welcome and Housekeeping

The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.

2. Apologies for Absence

3. Exclusion of Press and Public

To identify items where resolutions may be moved to exclude the press and public

4. Declarations of Interest

Members to declare any interests they have in the business to be considered at the meeting

(Pages 5 - 8)

Formal Decisions

5. Renewal of Contract with Nexus Multi-Academy Trust to Deliver the Medical Needs Education Service

(Pages 9 - 16)

6. Green Paper Consultation 'SEND review; right support, right place, right time'

(Pages 17 - 32)

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Report to Policy Committee

Joe Horobin/Emma Bryant

Director Integrated Commissioning/Commissioning Officer

Tel: 07875 692402

Report of: John Macilwraith

Report to: Education, Children and Families Policy Committee meeting

Date of Decision: 21st July 2022

Subject: Renewal of contract with Nexus multi-academy trust to deliver the Medical Needs Education Service

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? People/EB/BK 040722				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i></p>				

Purpose of Report:

This report sets out the proposal to commission the Medical Needs Education Service by way of a service contract with a 2-year term and a value of £2,608,860, as set out in this report.

This report also sets out the Council's intention as part of the commissioning strategy in this report, to direct award a service contract to Nexus Multi-academy Trust in order to deliver the Medical Needs Education Service. The decision to direct award a service contract to Nexus will be taken by the Director of Integrated Commissioning and, for the purposes of this report, such proposals merely form part of the commissioning strategy and shall be subject to separate Officer approval.

Recommendations:

It is recommended that the Education, Children and Families Policy Committee:

- 1) approves the commissioning of a service contract with a term of 2 years and a value of £2,608,860, for the provision of the Medical Needs Education Service.
- 2) Notes the intention of the Council to issue a direct award of a service contract to Nexus Multi-academy Trust subject to Officer approval by way of a separate decision report.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Finance: Anna Beeby and Gerard Higgins
		Legal: Richard Marik
		Equalities & Consultation: Bashir Khan
		Climate: Jessica Rick
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	John Macilwraith
3	Committee Chair consulted:	Dawn Dale
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Emma Bryant	Job Title: Commissioning Officer, Inclusion & Learning
	Date: 12 July 2022	

1. PROPOSAL

- 1.1 It is proposed that the Council commissions a service contract for the delivery of the Medical Needs Education Service. It is proposed that this contract will have a term of 2 years and a value of £2,608,860. The proposed contract will be funded from the Dedicated Schools Grant and is budgeted for within the current resources.
- 1.2 The Medical Needs Education Service achieves positive outcomes for pupils, who meet targets set for their learning in the majority of cases. Attendance improves for most pupils, despite their health needs. Of those who complete Y11, the majority gain qualifications and many progress to further education. Alongside learning, there is a strong focus on personal development, resilience and well-being, and pupil and family feedback show that this is highly valued. In partnership with Commissioning and Attendance & Inclusion, work is ongoing to increase the proportion of pupils who return to school.
- 1.3 The Council are currently party to a contract for the delivery of the Medical Needs Education Service with Nexus Multi-academy Trust and this is due to expire on 31 August 2022. The Council therefore proposes to commission a provider to deliver the Medical Needs Education Service and the proposed contract will enable the Council to meet its statutory duty under s19 Education Act 1996 to make provision for the education of pupils who are unable to access school due to illness or medical needs.
- 1.4 This is a well-established commission with proven outcomes that has grown in size in line with the increasing incidence and complexity of mental health issues in children and young people (evidenced recently in the Health and Social Care Committee report to the House of Commons, 'Children and young people's mental health', December 2021).
- 1.5 It is the intention of the Council, following approval of the commissioning proposals in this report, to seek separate approval to direct award a service contract to Nexus Multi-Academy Trust from the Director of Integrated Commissioning
- 1.6 Becton School have been delivering this service since 2015, and joined Nexus multi-academy trust in 2020. Both Becton school and Nexus multi-academy trust specialise in delivering education for pupils with mental health or medical health needs, or a high level of special educational needs.
- 1.7 The Medical Needs Education Service delivers education for up to 100 primary and secondary pupils who access learning in their centre located in Hillsborough or at home. Most pupils remain on their school roll and Nexus maintains contact with the pupil's school, with a view to reintegration once the pupils is well enough.

- 1.8 This element of the provision is currently funded at £1,226,610 per annum within the existing contract.
- 1.9 Since April 2022, Nexus multi-academy trust have also provided therapeutic outreach into schools under this contract, in order to support pupils with mental health needs whose attendance has dropped to re-engage with education. The outreach has capacity of around 200 pupils supported per year. The therapeutic outreach offer has only been running for a few weeks, however early feedback from schools is overwhelmingly positive.
- 1.10 This element of the provision is currently funded at £77,810 per annum within the existing contract.
- 1.11 Nexus offer guidance and some training for schools to help them support mental health needs prior to this provision being needed.
- 1.12 Becton School (Nexus) have a specialist function and are the sole source of SEND education services it provides. It would not be possible to provide this service in-house at the Council.
- 1.13 Becton School is based in the city of Sheffield and, barring an invest-to-save approach, where the Council jointly set up a facility with another provider to deliver the service, it is unlikely that the same or similar services could be provided at the same level of quality and at the same price by any other provider in the city.
- 1.14 In the short-term, any decision other than a direct award to Nexus would prove disruptive to existing patterns of referral and to vulnerable young people in the city.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 This provision reflects the ambitions in the One Year Plan by contributing to the reduction of exclusion in all its forms and by employing a trauma informed approach to support pupils with Social Emotional and Mental Health needs who may have been affected by the pandemic (Covid Recovery).
- 2.2 It is in line with commitments in the Inclusion Strategy to identify needs and put the right support in place
- 2.3 It is also in line with the vision for high quality alternative provision described in the recently published SEND Review Green Paper.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Consultation is not required as we are requesting to continue the service.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 Equality of Opportunity Implications

4.1.2 Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

4.1.3 The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

4.1.4 An Equality Impact Assessment has been carried out and highlights the provision under this contract enables children and young people experiencing ill health, mental health issues or pregnancy to continue to access education where they otherwise would not be able to do so. Poor outcomes in education carry with them the risk of future poverty and social exclusion, so this provision may have a positive long term mitigating impact on cohesion and financial inclusion for pupils accessing.

4.2 Financial and Commercial Implications

4.2.1 The estimated cost is £1,305,000 per annum. The contract is funded from the Dedicated Schools Grant and is budgeted for within the current resources, within the Home and Hospital Service budget and the outreach element from the Inclusion Gateway Fund.

4.3 Legal Implications

4.3.1 The Council has duty under s19 Education Act 1996 to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

4.3.2 This provision is aimed at those pupils who otherwise would not receive

suitable education due to mental health or medical health needs, or a high level of special educational needs.

- 4.3.3 These arrangements are permitted by the Local Government (Contracts) Act 1997 and should ensure the Council can meet its statutory duty. The proposed service contract is not advised to be subject to the competition requirements under the Public Contracts Regulations 2015.
- 4.3.4 The Council has a statutory duty to provide alternative provision under s19 Education Act 1996 and the funding for the service will derive from the High Needs element of the Dedicated Schools Grant. As such, the proposed contract is in accordance with DfE guidance on contracts which are not “public contracts” for the purposes of the PCR 2015.
- 4.3.5 That being said, the direct award of the contract to Nexus does not completely eliminate the risk of challenge from providers who may argue such a contract is a public contract.
- 4.3.6 The Council must comply with the Contract Standing Orders and is subject to the Best Value Duty.

4.4 Climate Implications

- 4.4.1 Nexus multi-academy trust are at the early stages of planning for sustainability across their provisions. Their plans address transport, energy use and offsetting, and engaging pupils in sustainability. The trust plans to understand its climate impact better, but this is still in progress.
- 4.4.2 The Medical Needs Education provision in this contract is based at Hillsborough barracks, which is a relatively central position within the city and well-placed for transport links. The location was a consideration in the move to this site in 2021. Not all pupils are well enough to use public transport, however this is encouraged where possible and active travel is encouraged within the pastoral and well-being curriculum. Pupils are also given opportunities to engage with environmental issues.
- 4.4.3 Targets for understanding and improving the climate impact of this provision will be included in the new contract.

4.4 Other Implications

- 4.4.1 None

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Not to renew this contract. This option was rejected because it would leave the LA unable to meet statutory duties relating to pupils with medical needs that make them unable to attend school.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Renewal of this contract is the preferred option as it will allow the Council to meet statutory duties in regard to providing education for children and young people with medical needs.

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Report to Policy Committee

Author/Lead Officer of Report: Tim Armstrong,
Head of Access & Inclusion

Tel: 0114 2053100

Report of: *John Macilwraith, Executive Director, People Services*

Report to: *Education, Children & Families*

Date of Decision: *21st July 2022*

Subject: *Green paper consultation 'SEND review; right support, right place, right time'*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Has appropriate consultation taken place?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				

Purpose of Report:

To provide the committee details of Sheffield City Council's response to the Department for Education green paper 'SEND review; right support, right place, right time'.

Recommendations:

That the committee approve the response to the Department for Education green paper 'SEND review; right support, right place, right time'

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Draft response to SEND/AP green paper

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Kayleigh Inman</i>
		Legal: <i>Nadine Wynter</i>
		Equalities & Consultation: <i>Bashir Khan</i>
		Climate: <i>Jessica Rick</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	<i>John Macilwraith</i>
3	Committee Chair consulted:	<i>Dawn Dale Mick Rooney</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Tim Armstrong</i>	Job Title: <i>Head of Access & Inclusion</i>
	Date: <i>12th July 2022</i>	

1. PROPOSAL

- 1.1 Central government through the Department for Education have completed a national review of support and provision for children with special educational needs and disabilities (SEND) and issued a consultation. This has been done through a green paper titled 'SEND review; right support, right place, right time'
- 1.2 The paper covers a wide range of questions which interested parties are asked to answer. The purpose of a green paper is for national consultation on proposed government strategy. A draft response has been compiled for the committee to approve as the Sheffield City Council response.
- 1.3 The review has identified three key challenges facing the SEND and Alternative Provision (AP) system:
- Navigating the SEND system and alternative provision is not a positive experience for too many children, young people and their families
 - Outcomes for children and young people with SEND or in alternative provision are consistently worse than their peers across every measure
 - Despite the continuing and unprecedented investment, the system is not financially sustainable
- 1.4 The review contains proposals across the following chapters:
- 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
- 1.5 The consultation papers can be found at:
[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)
- 1.6 The deadline for consultation responses is 22nd July 2022.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The consultation will provide Sheffield City Council's feedback to a national consultation on provision for children with SEND and how it should be managed in the future.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The consultation is the council response. It draws on knowledge and prior work within the city. There has not been public consultation on the response as the consultation is a national consultation that any interested party can respond to.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

4.1.1 The Department for Education conducted a national review of support and provision for SEND children and issued a consultation with proposals covering:

- 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

The is feeding back into a national consultation on the national management provision for children with SEND and how it should be managed in the future. This consultation did not require any public consultation before submitting a response and no EIA was required for this response

4.2 Financial and Commercial Implications

4.2.1 There are no financial implications arising from responding to the Government SEND Green Paper.

4.3 Legal Implications

4.3.1 There are no immediate legal implications arising from the Council's response to the national consultation.

4.4 Climate Implications

4.4.1 There are no specific climate impacts attributable to the consultation response and a full climate impact assessment is not necessary. Climate impact assessment may be required for commissioning of specific services related to SEND provision in future, but no impact assessment is needed at this stage.

4.4 Other Implications

4.4.1 There are no other specific implications arising from the Council's response to the national consultation.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 All local authorities have been asked to provide a response to the consultation by the Department for Education

6. REASONS FOR RECOMMENDATIONS

6.1 The committee are asked to agree the response to the consultation.

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SEND/AP Green Paper – Sheffield City Council draft response to consultation questions for Education, Children & Families committee

1. What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how the standards apply across education, health and care in a 0-25 system.

Any national standards should clearly define what should be 'ordinarily available' in any school or education placement, most likely broken down by age/stage. There should be clarity as to how these should be evidenced, quality assured and consistently put in place across all schools. 'Ordinarily available' descriptions should include any expected level of therapeutic input such as Speech and language, and appropriate evidence-based assessments which make sure that all partners can clearly see what should be in place and why. Any identified provision should clearly define who is responsible for commissioning provision that is ordinarily available, including requirements on health as well as expected use of funding devolved to schools through SEN Support funding.

National standards should define what should be delivered by the education provider across all 4 areas of need as defined in the code of practice.

The standards need to be part of the Ofsted schools' framework and be considered when looking at schools' and educational setting individual inspections. The standards need to consider whole provider environment as well as how individual needs should be met.

Any tool that is created, such as guidance on how specific needs should be supported, should identify how presenting needs are expected to be met in any educational environment. This should include how those needs would be met within a mainstream school context. It would be important for a standardised assessment toolkit to be developed as part of this.

Areas that would be important to consider are how adaptations should be made to the curriculum and learning environment as well as considering how the right skill set should be in place to support children across all levels of need.

National standards must place the best interests of the child at the centre with a clear focus on how provision is supporting them to be as independent an adult as they can be. There must be a balance between the voices of the family, school/education provider and external services from local authorities and health all addressing the needs of the individual child.

2. How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

Many local areas already have SEND and inclusion partnerships in place to ensure that the system is working, challenging it where it is not. It is important that any expectation does not duplicate what is already in place but builds on current good practice and relationships.

It is important that local SEND partnerships are LA led and promote and expect accountability from providers, enabling effective challenge against any non-delivery and the chance to promote best practice. There should be clarity as to the expectations on all partners.

It is important to recognise that Inclusion is not only about SEND but is about wider barriers to accessing learning. The inclusion of Alternative Provision in the green paper reflects this and should be part of local SEND partnerships. Clarity is needed in proposals as to the role of family support, attendance and mental health and well-being being part of local inclusion plans.

The partnerships must focus on standards and expectations which must then be able to be appropriately resourced from across Education, Health and Care.

Partnerships need to have a clear remit re transition points, Early Years and Post-16 as there is a risk of them being missed – however, that makes them very broad.

There needs to be the ability to link to current strategies – whilst not a legal requirement to have a strategy or a real recommendation, Ofsted Local area inspections have criticised the lack of them, so partnerships need to have this focus.

Guidance needs to be clear on what role the safeguarding partnership will have alongside the SEND partnership. This will prevent duplication and lack of clarity.

Consideration needs to be made as to how these will be financially resourced to be successful.

3. What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?

The development of cross-border commissioning and development of specialist education and residential provision that is reasonably priced and can meet needs is essential. Many independent providers make substantial profits as they can charge what they want due to the level of demand.

It is important that local areas can commission provision themselves so that they can open new education placements. Currently local authorities are not permitted to do this under the free school presumption. This needs to change.

Creating routes for local authorities/area partnerships to jointly access capital funding would enable neighbouring areas to share the costs and commission of such provision. Creating regional commissioning bodies like the regional adoption agency may be a route to explore.

4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

Great care needs to be taken in reviewing or amending any specific components of the EHCP to prevent demand for re-assessment that has minimal impact for individual children. The 2014 reforms failed in part because of the need to invest so heavily in re-writing all statements to plans in such a tight timeframe. This detracted from creating high quality new assessments due to the lack of local capacity and expertise.

A purpose of an EHC Plan is to commission provision that is not ordinarily available. The code of practice identifies that the plan generally should not need to change on an annual basis, yet parents, schools and services understandably also want it to be a single living plan for the child. This causes confusion and a regular concern that the plan is out of date. Clarity as to how the EHC Plan should be used in future is needed to fully answer this question.

Clarity is specifically needed on what should be included and how in the care sections (D and H1/H2). It needs to be clear as to when family support should be included and how it should be utilised. This will depend on the expectation of the document.

Standardisation of expected assessments is needed with greater clarity as to why something would or would not be assessed. It would be sensible to match expected assessments to specific areas of need. For example, where a child presents with a social communication need there might be an expectation of a targeted speech and language assessment. Where a child presents with an SEMH need there might be an expectation of a targeted mental health assessment. This will need resourcing if it is to be successful.

5. How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents confidence in the EHCP process?

Clearly defined national standards should help local areas to understand what provision individual schools can and should be delivering.

Co-producing a local prospectus that clearly defines what each provider offers and what should be expected to be delivered in both mainstream and specialist settings should be part of the local plan. This will also ensure that there is clarity about the designation of providers.

Whilst we are pleased that there should be a defined list of schools for needs which parents can choose from and the local authority can suggest, we are concerned about an issue over 'first available place in order of preference'. The reason for this concern is that this may result in high-cost provision being put in place when it is not offering best value for money or when a child's needs could be met within their local school. Whilst the needs of the child must always come first, school place costs are part of the challenge for the system. The idea is sensible that there should be an order, but unless there is real clarity that considers resource implication this will cause conflict.

It is understandable that local authorities will be reticent to include high-cost independent specialist provision in any list and so for parents and local authorities to work together in securing an appropriate list there needs to be better understanding of what a school is expected to deliver and the expected financial cost of it.

If the proposals around set costs are put in place as detailed later in the green paper, this becomes less of an issue as schools should be put in a position where they cannot set exceptionally high prices.

It is important that there is the ability to locally commission suitable provision for children who are not able to have all the provision in an EHC Plan delivered in mainstream as this will also ensure that parents have confidence in the schools offered to them.

6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

Agree

– If you selected Disagree or Strongly Disagree, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.

Whilst we agree with the proposal, we would note the following. Mediation should be made mandatory, including requiring both parents and the LA to take actions. Currently mediation is often a tick box or can be unsuccessful as compromise is not reached. Whilst it is right that LAs should potentially change their actions based on mediation, there needs to be checks in place to ensure that parents are also encouraged to change their views and perceptions and to try the solutions that the LA is proposing, otherwise it risks being an additional cost and activity that is undertaken before a tribunal and risks increasing the adversarial approach that currently exists.

We have seen significant progress being made through the effective use of mediation when decisions are well managed, and solutions progressed through all agreeing to adapt their position.

Expected involvement of what schools should provide in line with their legislative requirements and of health providers needs to be clearly defined and mandated within mediation.

A regulatory framework or standards of practice about the involvement of advocates, both commissioned and parent sought, would help to ensure that the voice of the child and the parents are clearly supported to find solutions.

The points around possible panel decision making are confusing – earlier in the paper there is an expectation of a multi-agency panel for decision making then at mediation there's a need for the decision maker but it says you could use the panel. This needs clarity.

7. Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people's education back on track? Please give a reason for your answer with examples, if possible.

We do not currently have a sufficient body of evidence to provide a response on the effectiveness of current remedies. Anecdotally any family who feel that they must go to a tribunal about the schools actions will find it incredibly challenging to get the working relationship with the school back on track.

8. What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?

Regular training is needed to support SENCOs in settings to support early years practice in conducting the two-year-old progress checks. Staff turnover is high in early years settings (20% in 3 years in our local area where there has been heavy investment in training) and so support is needed to aid retention. Funding is required to support this.

The healthy child review and 2-year progress check could be merged as one document. This would provide parents, professionals and settings with a clear assessment and plan, ensuring that health and education specialist services are referred to without delay. This would also overcome the difficulty of the healthy child programme assessment not being shared with Early years settings. The 2-year review could be revised as this is often under used once completed, instead of using this document to create a plan.

Sharing data agreement is needed between support services to reduce delays.

Funding for Early Years needs to be reviewed to enable effective practice for meeting SEN. Inclusion funding is confusing and non-standard and therefore difficult to ensure that needs are being targeted and met. Additionally, Early Years SENCOs must be resourced appropriately to complete work across the sector with sufficient time and funding.

9. To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?

Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree

Agree

– If you selected Disagree or Strongly Disagree, please tell us why.

It is vital to raise the skills of the workforce and to see the SENCo remit as being equivalent to other school leadership roles.

The quality assurance of NPQs as a framework is positive. The expectation that SENCo's sit within the leadership team means that NPQ creates a parity with other school leadership roles.

It is essential that potential staff are not put off developing the qualification through potential costs to them as individuals as this will deter people from progressing in this area.

More general training for all staff in teaching children with SEN is also essential for both staff who are new to the profession and those who have experience for many years to broaden the understanding of SEN across the workforce.

10. To what extent do you agree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the role?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

Agree or disagree

– If you selected Disagree or Strongly Disagree, please tell us why

We agree that ideally SENCOs should be qualified when they take on the role.

Whilst we agree that this position would be ideal, we are concerned that by strengthening this, further recruitment issues will arise. There needs to be motivation for staff to take on and train for the role of SENCO. Staff must primarily have the suitable approach, experience, and skills. Consideration is needed as to how government will address the training gap and make the role attractive to staff. This includes how individuals who wish to progress to be a SENCO are funded for the course.

Work is needed to make the SENCO role an attractive option for teachers seeking further development. As part of this there should be an expectation to strengthen and resource the administrative support and protected time for SENCOs so that they have the capacity to do their role effectively. Ideally all SENCOs should be in non-teaching roles.

11. To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

Neither Agree nor Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

The most important question to ask is whether the trust has the skills, experience, resources, and approach to successfully deliver specialist provision within their trust.

In creating a fully academized system that expects a minimum of 10 schools or 7500 children within a strong MAT, there is a risk that special schools either all end up in a single MAT in an area or end up in a trust that does not have localised relationships.

There needs to be careful consideration as to how special schools and alternative provision fit into the academy system to ensure localised relationships and best practice is in place, whether within a local MAT or national MAT.

There is likewise a risk of a MAT having a single special school but the lack of expertise to run it. The focus should be on ensuring that the system is inclusive and develops the expertise to meet the needs of all children across their MAT.

Consideration of an infrastructure strategy for larger MATs and local MATs to create a citywide solution that is led and co-ordinated by the local authority will enable a better balance of support and oversight in a local area.

We would encourage government to consider again with the special school sector and local authorities how special school and Alternative provision schools can operate effectively whilst minimising these risks.

12. What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like traineeships?

There needs to be more flexibility about what young people with SEND can do in the workplace to be successful within the apprenticeship standards. We need to have flexibility to make sure that we can use employment options such as job carving to help young people with SEND to hit the standards that are needed within the apprenticeship rather than the expectation of a full-time job and needing to be able to complete all elements of the role.

Employers need to be supported to understand more about what young people with SEND can bring to the workplace; understanding the unique talents they bring but also that they may not be able to do everything within a role due to their disabilities. Employers need to be more accommodating to a flexible approach such as having 2 people in a job over the week who can deliver on different parts of the role.

It is important that there is a clear expectation that young people with SEND can work, contribute and make a positive difference in an employers workplace.

13. To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

Agree

– If you selected Disagree or Strongly Disagree, please tell us why

Having a clearly defined vision for Alternative Provision (AP) that is not based on failure or worse, forcing children who face significant challenges out of mainstream school, is positive and needed. It is, however, full of challenges for implementation including creating the breadth of quality providers and improving quality in some areas where provision already exists. It must not become a default route for meeting SEMH needs.

The role expected of unregulated AP (ie not registered with Ofsted) must be clearly defined and, if there is a drive to support unregulated AP to become regulated, clear supportive processes to do this need to be invested in. There must be a clear standards framework that is expected on a national level and is clearly and simply defined, linking back to the school learning that is in place. We believe that providers from the voluntary and community sector can bring a lot of expertise to the AP landscape if effectively supported but have concerns that it is too easy for individual providers to work with schools with no clear oversight or accountability.

Alternative provision needs to offer a clear pathway to enable success. This means that it must be intervention based with a focus on bringing about change and a return to mainstream wherever possible. It cannot be used as a route to place children where they end up out of sight and out of mind. Any framework around AP needs to ensure this is the case.

Discussion with schools as to how they can be supported to use and develop expertise to deliver alternative pathways within internal AP and a revised curriculum offer should be had. This would mean that schools are able to develop a wider offer that meets the needs of their community without concern that they will be negatively impacted.

14. What needs to be in place in order to distribute existing funding more effectively to alternative provision schools, to ensure they have the financial stability required to deliver our vision for more early intervention and re-integration?

To be able to redistribute funding there needs to be an invest to save model to enable those already in Alternative Provision (AP) to remain there whilst pump priming the work upstream. There is a real risk that the aspiration will not happen without this.

The approach assumes there is a current breadth of offer with the capacity and skill to work upstream. As an LA with a single PRU and unregulated provision, this is not possible to deliver currently. As such more breadth of AP who are regulated is needed and the resource to physically build it.

Clarity about unregulated provision and how it should be funded is also needed. Currently schools fund unregulated provision which schools use to support children who are directed offsite. This needs consideration.

Clarity on the role of other LA or commissioned support who may already deliver upstream work, such as advisory services, is also needed with a clear evidence base as to why different models would be successful or not. ie why would AP deliver something that a service may currently be putting in place.

The remit of the local authority to co-ordinate at a localised level needs to be articulated and resourced.

Consideration as to whether sustainable funding should be linked to MATS or local groups of schools to ensure delivery of evidence-based intervention within localised alternative provision may be a route to progress. Creating more AP will put extra pressures on current finances and so it is important that it is a financially sustainable model. Clarity about how funding should follow the child is needed, whether in registered or unregulated AP.

15. To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes, will improve the quality of alternative provision?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

Agree

– If you selected Disagree or Strongly Disagree, please tell us why

We are supportive of a bespoke Alternative Provision (AP) performance framework, though recognise that for many schools that deliver AP, particularly special schools, there needs to be alignment with the current frameworks.

Focus on attendance and re-integration is good and essential, recognising that for many young people the aspiration for full time attendance will not be immediately possible due to their prior experiences, but also ensuring that there is an expectation for reasonable improvement.

There also needs to be a focus on effective evidence-based interventions – what is done to bring about change that is not about the environment (ie more than small school, but support to address the causes of exclusion or issues in school).

16. To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

Agree

– If you selected Disagree or Strongly Disagree, please tell us why

The better grip on movement proposed is essential to safeguard both the child and their educational support. A focus on how to challenge proposed poor practice is needed.

On unregulated AP we disagree that this is about poor local planning. The changes in need and lack of opportunities for LAs to open new provision has created this. Our local challenge is based on having a single provider that grew for statutory funded provision and no guarantees or funding for non-statutory provision (ie schools purchasing provision) – this risks quality as there is no sustainability.

17. What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these.

Performance should consider all SEN cases together and be split into sub-categories of SEN support and EHC Plan as this gives a full picture across the area.

Attendance data should include a breakdown of coding across total SEN and sub-categories of EHCP and SEN Support

Exclusion and Suspension data

Transition points and change of placement following transition as measure of fit for purpose system

NEET figures

Child and parent voice and feedback broadly across the local area

Timeliness of assessments and reviews

Re-integration from AP

18. How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

A national banding model is welcome.

Consideration needs to be given to how notional SEN is distributed. Whilst it is understandable that it is currently distributed against levels of deprivation, SEN needs do not sit only in high areas of deprivation. Any changes to targeted funding distribution may be impacted by this.

It is essential that there is clarity about how funding is used and potential overheads plus the expectations of staff training are considered.

Creating a single model and national tool for provision mapping that is updated annually and includes clarity about on-costs and support would be the most detailed way to create a national funding model. This would, however, be highly complex.

The most sensible approach would be to provide clear parameters of funding that are used consistently on a national basis and links to identification of need. Greater clarity and regulation of high needs funding at school level ring fencing funding for the identified needs will be required if this is to be successful.

Local authorities need to be able to ensure that funding reflects identified provision. We have examples of schools insisting on 1:1 support when this is not detailed within an EHC Plan or to aid transition to a new school and then never stepped down.

Any new model will need to be piloted and include inflationary costs.

Funding models will also need to be consistent for early years and post-16 settings. Funding models that reflect early support in mainstream as well as consistency in specialist setting costs that includes independent sector is needed.

As this is put in place, the level of funding put into areas needs to be reflective of the identified needs rather than being dependent on metrics such as numbers of EHC Plans.

19. How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

Regular local engagement to understand barriers to success is needed.

Development of evidence based best practice that can be disseminated in areas, for example research around how children are best supported to overcome attendance barriers and the interventions that are needed and successful in doing this.

Change needs to be at pace and be focused on the impact for children of change.

20. What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

Ensuring well written legislation and guidance that prevents the current combative situation but also holds schools to account to deliver identified support, particularly when it should be ordinarily available.

Additional capacity to enable changes between systems. The 2014 reforms spent high levels of resource on rewriting plans rather than addressing local needs and embedding system as that was the funding and legislative expectation.

We will have children in high-cost provision whilst trying to create work upstream. There needs to be a clear 'invest to save' approach. The proposals need to be properly funded if they are to be successful.

Safety checks need to be in place so that there are not substantial requests for new plans which draws resource away from meeting needs.

Clarity about the expectation of schools and MATS engagement within the regulatory framework.

Much of the success of any change will be dependent on having the appropriately skilled and qualified workforce able to deliver change.

Locally and nationally, success will come if there is clear evidence-based expectations and interventions that are co-produced and able to be properly funded.

21. What support do local systems and delivery partners need to successfully transition and deliver the new national system?

Resource

Clearly defined expectations and legislation

22. Is there anything else you would like to say about the proposals in the green paper?

Designated social care officer – this is not covered in the paper, but many areas are developing it. This and the designated clinical officer role should be reviewed and clearly defined if evaluation shows that they have impact. It needs to link clearly to the virtual school role to support children with a social worker. We would also suggest that there should be funding for all local areas for a virtual school SENCO.

National standards for transition are a good suggestion. Clarity is needed as to how far they should be used at all transition points.

The role and expectation of educational psychologists needs to be reviewed and clarified. Currently pressures on services to deliver statutory advice mean that local authorities are struggling to recruit and deliver any early help provision. Consideration as to how they can best be utilised for their expertise is needed and how they are then resourced.

The role and expectation of other advisory services should also be considered. Expertise from across the workforce is needed to ensure that needs are met within and outside the classroom. This cannot be left solely to SENCOs and the AP sector delivering 'up stream'.

There is nothing in the paper about medical needs and how they should be met. A growing need post pandemic exists around mental health that links to SEND but there is no clarity about how this can be supported better.

There is a lack of focus on developing skills of the workforce across the board – there needs to be wider training than for new teachers as we have an existing workforce that needs support to ensure they can deliver support in inclusive classroom environments. There needs to be more training offered for professionals who provide advice and therapeutic input, with places on training courses pre-empting future national growth in demand for skilled experts such as Educational Psychologists and Speech and Language therapists.

There is nothing in the paper about the running costs of any change to the system eg boards, panels, local inclusion plans, new role and security of A

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