

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

This page is intentionally left blank