

Meeting date: 23rd May 2022

Report to: School's Forum

Subject/report title: National Education Changes: SEND Green Paper

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Wards affected:

All Wards

Public/private report: Public

1. Purpose of Report

1.1 To update members on the changes to the SEND and education system which are proposed through the SEND review green paper "Right Support, Right Place, Right Time".

2. Decision(s) recommended

2.1 Schools Forum members to consider how best to support consultation responses and ongoing activity as delivery plans are implemented.

3. Overview

3.1 The review identifies that the reforms to the SEND system which were introduced in 2014 had the right aspirations. However, acknowledges that too often the experiences and outcomes of children and young people are poor – with parent carers frustrated at having to navigate an increasingly complex and adversarial system and tension across the system creating delays in accessing support alongside increasing financial burdens for local authorities.

3.2 The Schools White Paper provides the platform for some of the changes proposed within the green paper due to the inevitable overlap.

3.3 The green paper is making a range of proposals in an attempt to deliver greater national consistency in the support that should be made available for children and young people, how it should be accessed and how it should be funded. It provides a

focus on a greater inclusive system with improved mainstream provision, high-quality teaching, and prompt access to targeted support alongside timely access to specialist services, support and placements where this is appropriate. It also considers how best to increase levels of accountability through creating new local and regional groups and introducing local area data collection on system performance. Through these changes, the expectation is for:

- the vast majority of children and young people to be able to access the support they need to thrive in their local mainstream setting; without the need for an EHCP or being placed in special or alternative provision
- children and young people to have their needs identified promptly, with appropriate support put in place at the earliest opportunity
- minimal bureaucracy for some children and young people to be able to learn and succeed within specialist provision where it is most appropriate

There are four main overarching proposals:

4. A single national SEND and alternative provision system

This attempts to address inconsistency in how individual schools and local area services identify and support needs are identified and supported. The proposals include:

- 4.1 setting nationally consistent standards for how needs are identified and met at every stage of a child's journey across education, health and care
- 4.2 creating new local SEND partnerships which bring together education, health and care partners with local government to produce a local inclusion plan setting out how each area will meet the national standards and what provision in the area is available
- 4.3 providing a tailored list of appropriate mainstream, specialist and independent settings for each child and young person so parent carers can express an informed preference for a placement
- 4.4 introducing a standardised and digitised EHCP process and template
- 4.5 streamlining the appeal process and including mandatory mediation

5 Excellent provision from early years to adulthood

This attempts to create a more inclusive education system to ensure that children and young people with SEND are set up to thrive. The proposals include:

- 5.1 providing an additional £1 billion into the school's budget in 2022-23 to support children and young people with the most complex needs
- 5.2 investing £2.6 billion over the next three years to deliver new school and places and improve existing SEND and alternative provision

- 5.3 investing £18 million over the next three years to build capacity in the Supported Internships Programme
- 5.4 using the Schools White Paper reforms to improve mainstream provision through teacher training and development and sharing best practice
- 5.5 consulting on a new National Professional Qualification for school SENCOs and increasing the number of staff with an accredited SENCO qualification in early years settings
- 5.6 using the Schools White Paper reforms to ensure that by 2030 all children and young people will benefit from being taught in a family of schools
- 5.7 commissioning analysis to better understand the support that children and young people with SEND need from the health workforce to inform workforce planning
- 5.8 funding more than 10,000 additional respite placements and investing £82 million in a network of family hubs for wraparound support

6 A reformed and integrated role for alternative provision

This attempts to clarify the role of alternative provision so it can be used at the right time to focus on children's needs where these present a barrier to learning. The proposals include:

- 6.1 requiring the new SEND partnerships to plan and deliver an alternative provision service focused on early intervention which is an integral part of the local SEND system
- 6.2 requiring local authorities to create and distribute an alternative provision specific budget to provide financial stability to these schools
- 6.3 developing a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations
- 6.4 delivering greater oversight and transparency on children and young people's movements into and out of alternative provision
- 6.5 launching a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice

7 System roles, accountabilities and funding reform

This attempts to align system incentives and accountabilities to reduce perverse behaviours that drive poor outcomes and high costs in the current system. The proposals include:

- 7.1 delivering new national standards on roles, responsibilities and accountabilities across education, health, care and local government so everyone has the right incentives and levers to do their role and be held to account
- 7.2 equipping the new Regions Group to take responsibility for holding local authorities and trusts to account for delivering for children and young people with SEND locally through new funding agreements between local government and the DfE
- 7.3 introducing a new inclusion dashboard for 0-25 provision giving a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- 7.4 introducing a new national framework of banding and price tariffs for funding matched to levels of need and types of education provision so providers have clarity on how much funding they should expect to receive for delivering support or a service and the right pricing structures are in place to control high costs attributed to expensive provision
- 7.5 working with Ofsted and the Care Quality Commission to deliver an updated Local Area SEND Inspection Framework with a focus on arrangements and experiences of children and young people with SEND and in alternative provision

8 Delivery

- 8.1 Alongside the green paper consultation, the DfE will continue to support the stabilisation of local SEND systems through the Safety Valve Programme and Delivering Better Value Programme – which Solihull will be part of during 2022/3.
- 8.2 The proposals set out in the green paper also align with wider reforms around levelling up, including policy set out in the recent Schools White Paper, as will complement the forthcoming Independent Review of Children’s Social Care and wider reforms to the delivery landscape across health and care.
- 8.3 Later this year the DfE will publish a national SEND delivery plan, setting out the government’s response to the consultation and how the proposals will be implemented.
- 8.4 There is also a commitment from the DfE to undertake a local authority new burdens assessment which considers the capacity required to manage the delivery of this change, including the training and development needs of LA SEND teams.

9. Matters for Consideration

- 9.1 The changing educational landscape will see the responsibilities of the local authority changing as the government moves to a trust led system. The role will become more focused on supporting schools to make the right decisions for their school communities so we need to ensure internal teams and systems can support this changing landscape to continue the strength in the school system.
- 9.2 The actions committed to through the Additional Needs Strategy and associated

service plans, including the SEND Improvement Plan, still remain appropriate and should work support some of the culture, policy and practice changes which will be essential to establish a solid foundation across the local area which can implement any future reform effectively.

- 9.3 The burdens funding suggested by the DfE will be vital to implement any future change given the current pressures within the SEND system already; but this is yet to be determined.

10 Consultation and Scrutiny:

- 10.1 The Joint Additional Needs & Disability Board will oversee a Solihull strategic response to the SEND green paper consultation in addition to more individualised responses from different parts of the local SEND system.
- 10.2 The impact of the delivery plan when published will be shared and discussed through the multi-agency forums, including the Joint Additional Needs & Disability Board, and forum arrangements with schools, including EdSEND.

11 Financial implications:

- 11.1 To implement the proposals in the green paper there would be a considerable financial implication for the Council in terms of system wide staffing capacity to lead local delivery of the change, education staffing capacity to meet requirements of any new processes (for example converting around 2,000 EHCPs onto new templates) and system resources to support the required digitisation of the EHCP process. It is therefore imperative that the DfE's new burdens assessment results in investment to local authority's.