Response to the SEND Green Paper Consultation Questions

Question 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. (Chapter 2)

- There is already a strong legal framework for SEND which sets national standards. The problem has been with compliance. It is unclear what new national standards would achieve unless they were around inclusive education. The Green Paper is very confusing on inclusive education
- There needs to be a clear definition of what is meant by 'outcomes'. Preparing for Adulthood (section 8 of the C of P) talks about life outcomes – but many sections of the EHC plan templates are constructed around the four areas of need. It is important that outcomes are holistic:
  - Learning and employment
  - Independence and independent living
  - Friends, relationships and community inclusion
  - Good health.

- The review needs to listen to what children and young people are saying in terms of what outcomes they see as important, and plans must be "owned" by them
- Ensure any data that is collected is accurate and comprehensive and includes qualitative data and measures what is important to young people
- If national standards for inclusive education are developed, they must aim to ensure that every mainstream school/college is able to meet the needs of every local child/young person with SEND, no matter their level of need.

Question 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? (Chapter 2)

- Utilise current boards and strategic groups and avoid duplication; for example, Health and Wellbeing board be charged with the responsibility of developing the local inclusion plan. This will create a local inclusion partnership that includes young people and families, education, health and

care (adult and children) representatives responsible for the strategic delivery of the local inclusion plan.
- If a new SEND board is created, there needs to be clarity in terms of the relationship between this board and other boards, their role and how they relate. Note, too many boards make it difficult to coordinate.
- Every area could review their local partnerships and have a SEND partnership to oversee all aspects including early years, curriculum, early help, panels in education (including AP) and overseeing issues for CYP at risk of permanent exclusion, with a strategy for early intervention and support to help prevent parent/carers educating at home because there is nothing else available.

Question 3: What factors would enable local authorities to successfully commission provision for low-incidence high-cost need, and further education, across local authority boundaries? (Chapter 2)

- Ensure there is clear understanding of the current specific needs of children and young people in the area. Include historical data (how many in the past with these specific needs) and make sure there is good local data too.
- Needs should be met locally with specialists commissioned in partnership with other local neighbouring local areas. Strong partnership working across education, health and care needs to be in place.
- More collaborative work between schools to meet low incidence needs for CYP in the local areas – sharing the learning across schools to enable all schools to meet all needs in the future.

Question 4: What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version? (Chapter 2)

- There has to be a maximum length, but it is vital that the plan remains young person centred, personalised and focused on the young person's aspirations, supporting as independent a life as possible. Not just about academic achievement.
- A standard format which includes a Preparing for Adulthood (PfA) outcome focused approach from the earliest years. Section E of the plan should include the PfA pathways 0-25 – Learning and Employment, Independence and Independent learning, Friends, Relationships and Community and Health. There could also be a heading "Other Outcomes".
- Input and ownership by young people and families – and easy parental access. Enabling young people to take ownership – need to acknowledge that what young people want is not always the same as parents/carers.
- Recognition and ownership of responsibility by all agencies.
- At present young people and parent/carers are unable to access portals and there needs to be a recognition that not everyone has access to the internet and a computer or device.
- Importance of recognition that children develop at different rates. For some young people, indicators included in early childhood may continue to

be outcomes they are progressing toward as they get older - so each new age/stage continues to develop and build on the previous ones.

Question 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? (Chapter 2)

- This question feels like it is the most likely to have legal challenge. At present parents can express a preference of any school – will parents now get a list of schools to express a preference? Does this mean that we are going to be limiting child/young person and parent/carer choice here? How does this support the inclusion agenda if schools (academies) choose to not be on the list even if they are the local school for that child/young person and one where their sibling/s go?
- When we talk of placements, we have failed a person. We need to refer to early years, schools, and colleges not placements!
- One of the strengths of Alternative Provision's is the flexibility that they are able to provide – we need to learn from this and ensure that schools are more flexible in supporting difference to allow children and young people to succeed.
- We need a vision of comprehensive, inclusive schools which can cater for all children in the locality.
- Special and mainstream schools should form partnerships so that children can learn together and form lasting friendships.

Question 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** – 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. (Chapter 2)

- The focus is wrong. Focus on making the system work for children and young people and their families. Supporting them at the very beginning to truly understand the needs of the child would surely dramatically reduce the need for mediation.
- The system is set up to be adversary from the outset. We need to flip the narrative totally and change the language. We talk about battles, winning or losing, and this sets the scene from the outset for parents as well as those paid to support children and young people with SEND.
- The language of SEND needs to be considered and changed to different needs in a way that respectfully acknowledges that we all have different strengths, skills and needs.
- Consider the four cornerstones of Genuine Partnerships again as a national standard to supporting children, young people and their families; Welcome and Care, Value and Include, Communicate and Working in Partnership.

Question 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. (Chapter 2)

- We are more interested in preventing people getting to a place where there is a need for tribunal. Early support and good communication to prevent the need for tribunals, and robust support and challenge to schools. Our experience is that schools still do not understand the law around SEND (Code of Practice, UN Convention, Equality Act).
- Paperwork and tribunal preparation are time consuming and create additional delay. There is no compensation for the time in waiting for the tribunal, so we do not remedy that damage.
- Health and social care recommendations should be binding

Question 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? (Chapter 3)

- There needs to be enough early years funding to deliver against the needs identified by the early years' practitioners and a good understanding of the importance of thinking about PfA from the earliest years ('what does this child need now to support them to be as independent as possible as an adult?').
- The transition between nursery and reception is difficult. Are we addressing this, alongside the challenge of the high turnover of staff in early years settings?
- All staff working in early years settings need to understand how to include all children, including those with disabilities, language delay and autistic young people. There needs to be a national programme of CPD which is aimed at developing an inclusive early years' sector – with consistency of practice across provision in the private and voluntary sector as well as nursery schools, nursery classes in schools and other provision.

Question 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 – If you selected Disagree or Strongly Disagree, please tell us why. (Chapter 3)

- School leaders need to be qualified in SEND as well as SENCOs
- FE has a SENCo equivalent, so this is not just about people with SENCO qualification, it needs to also consider FE.
- We need to shift the focus so that SENCOs are part of the leadership team, involved in senior leadership decisions and understand the SEND budget
- SENCO networks in a local area are vital in order to support the role, develop CPD for all schools and share good practice
- The focus should be on people having the time to do the job well as well as on qualifications.

- Do we need to financially reward those who are good at the job but may not have a specific qualification? For example, pastoral care in mainstream is essential for the wellbeing of CYP yet often paid below minimum wage.

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, <u>Agree</u>, Neither Agree nor Disagree, Disagree, Strongly Disagree – If you selected Disagree or Strongly Disagree, please tell us why

- How important is the qualification?
- SENCo needs to be part of the senior leadership team and freed up to carry out role
- We agree that the mandatory training should be strengthened but that head teachers also need to be highly knowledgeable and qualified around inclusion

Question 11: To what extent do you agree or disagree that both specialist and mixed MATs should 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. (Chapter 3)
Strongly Agree, Agree, <u>Neither Agree nor Disagree</u>, Disagree, Strongly Disagree – If you selected Disagree or Strongly Disagree, please tell us why

- We feel felt that throughout the Green Paper the right questions are not being asked. There is a huge focus on process change but not on human change and a focus on values for inclusion
- No definition of what is meant by "inclusion" or "complex needs" and we seem to have moved away from special provision to specialist provision. Specialist provision is found in mainstream schools and therefore it is better to keep to the terminology of special school/provision
- Research doesn't support that MATS lead to better outcomes for (any) young person.
- Need to share skills and expertise across the system, i.e. skills from special schools supporting mainstream (secondments?) as in more common between AP and schools
- Would a mixed MAT be able to offer anything different?
- In our work we are commonly told how much local authority learning and behaviour support teams are valued and critical in developing inclusive practice
- Whatever system we adopt there needs to be a more consistent approach across schools and a stronger challenge and accountability to inclusion. Currently some schools do it OK, some do it well and others don't seem to think it's their problem.

Question 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? (Chapter 3)

- Cultural change is needed for employers to see benefit of employing people with a disability including autistic people.
- Support to SME's who may not have the infrastructure for this to happen
- National employment strategy
- Prioritise employment pathways in schools (SI's) and back up with regulatory challenge
- PfA embedded from early on – mandatory, not nice to do. Needs to be compulsory in EHC plans and part of the curriculum delivery
- Easier streamlined system of funding including DWP as it is currently hard to obtain particularly Access to Work funding
- Needs to be a stronger employment support pathway so that disabled people who obtain employment are supported to stay in work and think about their own careers too.

Question 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 – If you selected Disagree or Strongly Disagree, please tell us why (Chapter 4)

- Neither agree nor disagree but clear that we welcome inclusion of AP in Green Paper
- The quality and outcomes of AP should be monitored as well as numbers
- There is much criticism about outcomes for children in AP but it needs to be remembered that these are young people who the system has failed. The focus needs to be on schools for all that can support, nurture and include all children.

Question 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? (Chapter 4)

- Existing funding for AP needs to be up front so that they can properly support young people. Cannot come with child as infrastructure needs financial support

Question 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 – If you selected Disagree or Strongly Disagree, please tell us why (Chapter 4)

- Like the 5 outcomes
- Like the idea of a performance framework but cynical it will make a difference

- Data needs scrutiny, numbers in AP has gone down but numbers in mixed provision (duel registered) has gone up
- We should not be planning for an increase in alternative provision. Schools need to be fit for purpose for the whole range of children. The lack of flexibility introduced in schools over the last few years has been detrimental to children and young people with SEND.

Question 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 – If you selected Disagree or Strongly Disagree, please tell us why (Chapter 4)

- We agree that there needs to be absolute transparency about pupil movement to demonstrate that all children are receiving high quality inclusive education.
- There needs to be a tracking system so that we know where all children are. This would include refugees and other children vulnerable to multiple family moves.

Question 17: What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these. (Chapter 5)

- Metrics about "bureaucracy" do not reflect context
- Metrics to measure the success of a SEND system need to be about pupil outcomes and the things that matter to them. For example, how many leave education with a job, whether children and young people are socially included and have friends and a social life, how many young people move into supported or independent living and how well are health needs met
- Just having data based on labels, placements, EHC assessments and other quantitative indicators do not reflect people's experience or quality of life

Question 18: How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks? (Chapter 5)

- A national banding system is problematic. Our understanding is that, in law, funding should enable the provision in an EHCP to be delivered.
- Provision should enable outcomes to be met and these should be developed based on person-centred conversations and best practice and be relevant to the individual.
- What we need is a national framework which promotes high quality pedagogy and inclusive practice based on the human rights of all children. This could include advice and guidance about funding. We strongly believe that there should be a ring fenced SEND budget for every school which is clearly identified with transparency for parents, young people, governors and everyone involved in supporting children and young people with SEND.

Funding based on labels is not person-centred. Each child is an individual and their needs are impacted on by things like environment, early childhood trauma, poverty, ethnicity, class and ethos.

- Children with the same descriptors of deficits will have very different support needs depending on their individual circumstances and context. Also costs of provision vary across the country.
- Many local authorities are considering devolving more money to schools to support children with high needs, without the need of an EHCP. This approach needs to be considered as a possible national approach. This system means that schools get resources quickly, children do not miss time out of school while waiting for a plan to be written and bureaucracy is reduced, thus creating a much stronger partnership approach with parent/carers too.

Question 19: How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully? (Chapter 6)

- Further work needs to be carried out on the vision for SEND. We find it quite muddled to start with the vision: **'We want an inclusive education system with excellent mainstream provision which puts children first, is financially sustainable and has long term success in meeting the needs of its pupils and enabling them to move into a positive and fulfilled adult life beyond education'.** And yet at the same time: '**To shift the dial... starting with improved mainstream provision... Alongside that, we need a strong specialist sector that has a clear purpose to support those children and young people with more complex needs who require specialist or alternative provision'.**
- These two statements are contradictory and will make the work of the National Delivery Board very difficult as it is not clear what the vision is. In law, parents and young people from the age of 16 have the right to express a preference for a mainstream school. Surely this means that we should be working towards every school being inclusive. A special school placement is not about the complexity of need, it is about parent/carer and young people's preference. There are many mainstream schools across the country including children with the most complex needs
- It is also confusing to talk about the "specialist sector." There is a huge amount of specialist provision in the mainstream sector and so it would be more helpful to describe it as the "special school" sector.

Question 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? (Chapter 6)

- It needs to be much clearer what is going to happen to ensure that schools are working towards being inclusive. We need a national strategy that sets out a vision and clarity about what is expected of schools. We need a national infrastructure that begins at the national level with a team with experience and knowledge of including children with the highest level of disabilities in mainstream schools. This team would support regional

teams who would in turn support local teams. The purpose of this approach would be to:

1. To create an evidence-base of pedagogical approaches that work
2. Ensure consistency
3. Support every school in the country to be confident inclusive settings
4. Ensure that every child is in a school that welcomes them, understands their curriculum access needs, supports their social inclusion and prepares them for adulthood

- If schools are not at the heart of the new SEND system, the other proposals will sadly not have the intended impact.

Question 21: What support do local systems and delivery partners need to successfully transition and deliver the new national system? (Chapter 6)

- Most of what is contained within the Green Paper is already the law or certainly promoted in the SEND Code of Practice. Before changes are made, more time needs to be spent analysing why the current system is not working.
- There have been several reviews and fresh starts in the SEND system since 1981. The issues and challenges remain largely the same. This must lead to the conclusion that there is something fundamentally flawed in our thinking about disabled children and education. We believe that a focus on the human rights of all children with schools being truly inclusive including their ethos, curriculum and social relationships will lead to much better school system for all children resulting in a healthier society.
- If inclusive education is not the focus, many of the challenges faced by the SEND system are likely to continue to get in the way especially those relating to lack of capacity, constantly changing staff and the adversarial nature of the current system.

Question 22: Is there anything else you would like to say about the proposals in the green paper? (Chapter 6)

<u>Curriculum</u>

- The increasingly narrow mainstream curriculum and behaviour policies take little account of diversity and difference and promote the notion that "problems" are in the child rather than in the environment. We need to think about relationships and a '**what would it take"** *approach* to supporting every child and young person.
- All students experience an equitable and supportive learning experience that offers them the opportunity to succeed whatever their support needs or background.
- All staff working in education, health and care should share inclusive values that accommodate the needs and abilities of all children and young people and eliminate barriers to learning.

<u>A rights-based approach</u>
- The SEND system should be framed around the UN Convention of the Rights of the Child (UNCRC), The UN Convention of the Rights of Persons with Disabilities CRPD) and The Human Rights Act and the Equality Act.
- Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously (Article 12 UNCRC).

<u>Additional notes</u>
- Schools should be held to account for their actions.
- The use of exclusions should be reviewed with a focus more on rights and inclusion.
- Parents don't have faith in schools being able to offer early support so are applying for EHCPs to ensure their child/young person gets what they need.
- Currently it feels like the Green Paper and Schools White Paper are saying different things.
- Disappointed in how little is said and considered about FE colleges.