



## **AGENDA**

## **CABINET**

**Thursday, 21st July, 2022, at 10.00 am**  
**Council Chamber**

Ask for: **Emily Kennedy**  
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### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

1. Apologies and Substitutes
2. Declarations of Interest
3. Minutes of the Meeting held on 23 June 2022 (Pages 1 - 12)
4. Cabinet Member Updates
5. Countywide Approach to Inclusive Education
6. KCC's response to the SEND Green Paper Consultation (Pages 13 - 134)
7. Ofsted Inspection of Children's Services (Pages 135 - 152)
8. 16-19 Review (Pages 153 - 180)
9. Reconnect: Kent Children and Young People Programme - Delivery Beyond August 2022 (Pages 181 - 190)
10. Homelessness Connect  
To follow.

### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 13 July 2022**

**KENT COUNTY COUNCIL**

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**CABINET**

MINUTES of a meeting of the Cabinet held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 23 June 2022.

PRESENT: Mr R W Gough (Chairman), Mrs C Bell, Mr D L Brazier, Miss S J Carey, Mrs S Chandler, Mr P J Oakford and Mrs S Prendergast

**UNRESTRICTED ITEMS****1. Apologies and Substitutes**

*(Item 1)*

Apologies were received from Mr Hill. Mrs Hohler was in attendance. Mr Murphy attended virtually.

**2. Minutes of the meeting held on 16 May 2022**

*(Item 3)*

Resolved that the minutes of the meeting held on 16 May 2022 were a correct record and that they be signed by the Chair.

**3. Cabinet Member Updates**

*(Item 4)*

1) Mrs Bell said there was less live data to review on Covid-19 but the Coronavirus was still circulating in Kent.

There was to be a heatwave in Kent and residents were asked to: keep cool, stay hydrated and be prepared. Kent's residents were urged to stay indoors when it was very hot, avoid direct sunlight, stay in the shade, keep one's room or house cool by drawing the blinds when the sun was coming in, or when it was cooler outside to open windows and doors. It was important to stay hydrated and drink plenty of fluids. It was important to be prepared and to avoid travelling when it was really hot. If travel was necessary, residents were asked to take common sense precautions.

KCC was seeking for health and social care professionals to identify people they cared for who were at high risk, make plans to support them and to check on them regularly during hot weather. Care home managers and staff identified people they were caring for at high risk and were making changes as necessary, using the Beat the Heat checklist. Advice was available on the KCC website regarding keeping cool in hot weather.

It was Carers Week between 6 and 12 June. This was an annual awareness campaign to celebrate and recognise the vital contribution made by the UK's 6.5 million carers. It aimed to highlight the challenges unpaid carers face and recognised the contribution made to families and communities throughout the UK. It also helped people who did not think of themselves as having caring responsibilities to identify as carers and access much-needed support.

The campaign was brought to life by thousands of individuals and organisations who came together to provide support for carers, run activities, to highlight the vital role carers play in our communities and draw attention to just how important caring was. There had been numerous drop-in information sessions and coffee drop-ins across the county.

KCC urged everyone to recognise Kent's carers and support them in getting the practical, financial and emotional help needed. Any carers not currently receiving help were encouraged to contact KCC for a care assessment so that they could be provided with all the support available to assist them to continue caring and to ensure their wellbeing. Anyone could ask for a carer assessment, even if the person being cared for was not receiving support from the council.

2) Mrs Chandler said that over the previous six years, HeadStart Kent had been an ambitious, county-wide programme, working to support the resilience and emotional wellbeing of young people in Kent through a variety of ways. The HeadStart Learning and Celebration Event on 8 June included hearing from young people involved in the programme, as well as from schools, organisations, The National Lottery Community Fund, and the HeadStart team, to share key learning, celebrate the many achievements and demonstrate how the programme's elements were to be sustained and developed across the county.

The event was attended by 130 participants and Mrs Chandler presented three Community Awards to the following organisations : The Prince of Wales Youth Club in Canterbury, The Young Lives Foundation and the Pavillion Youth and Community Café in Broadstairs. The award recognised and celebrated everything community organisations did to champion resilience and wellbeing, whether through their staff or volunteers, working with parents and carers, or through sessions and activities for children, young people and the wider community. Mrs Chandler was to attend a ceremony later in June to present the Canterbury Neighbourhood and Community Centres team with their award who unfortunately were unable to attend the event on the day.

Mrs Chandler highlighted the success of the programme which was attributed to over 2000 young people who had helped design, deliver and evaluate the programme, and thanks were given to all involved, including partners , who had worked tirelessly to support over 50,000 young people. The HeadStart programme would leave a lasting legacy thanks to the wealth and evidence of learning which was embedded in the county's mental health provision.

Further information on the legacy and sustainability of HeadStart was to come to County Council on 14 July and to the Children's, Young People and Education Cabinet Committee on 19 July.

Members were reminded that the Kent Fostering Service's annual Foster Carer Award Ceremony was to take place on Friday, 4 November. The awards were to recognise the outstanding work carried out by Kent foster carers and staff within Kent Children's Services. Nominations could be made by KCC staff members, partner agencies, foster carers and young people, to show their appreciation for the hard work and dedication to our children and young people in their care. The closing date for nominations was Friday 30 September 2022.

As part of its recruitment and workforce strategy the Children, Young People and Education Directorate recruited on average 55 to 60 newly qualified social workers (NQSW) each year. This was a significant part of KCC's strategy to recruit social workers through a dedicated recruitment campaign in the spring and autumn months. KCC had successfully recruited 60 newly qualified social workers and were anticipating further confirmations.

All newly qualified social workers were enrolled onto the Assessed Year in Education (ASYE) programme, which was a 12 month employment-based programme of support, development and assessment.

As part of that support and development work, all new social workers were offered:

- a mentor identified within the districts who was to support with cases and work alongside the newly qualified social worker to enable them to develop the learning they had already had on student placements
- 2 AYSE supervisors in Learning and Development
- 1 AYSE Co-ordinator who set up initial on-boarding meetings with newly qualified social workers and steered them and their manager through the programme
- Registration on the ASYE Skills For Care portal and associated support
- Co-ordination of ASYE Assessors per newly qualified social worker including the provision of the ASYE Assessor training courses and refreshers

All NQSW's joined frontline social work teams across the range of children and families provision. NQSW's were expected to have a 10% reduction in caseload during their time completing the ASYE and each of the 4 areas had an Area NQSW Supervisor that was a dedicated role providing group and individual tailored support to NQSW colleagues within their area.

KCC's newly qualified social workers were congratulated and were wished all the best as they navigated their way through their assessment year and gained the confidence and knowledge required to support them in the employment environment.

3) Mrs Prendergast said the Department for Education (DfE) had long sought to reduce the significant variations in school funding across the country. This was initially consulted on back in 2016 with the aim of establishing greater predictability in schools financial planning and supporting the system to make best use of resources.

In 2018/19, the introduction of a soft national funding formula for mainstream schools was calculated on an allocation for each school based on pupil numbers and characteristics from the school census. The government then aggregated this amount for all the schools in each local authority to create a total allocation for that area. Local authorities, in conjunction with the Schools Funding Forum then set their own local formula to distribute their total allocation between all the schools in their area.

Fair school funding for all, the DfE consultation in 2021 focused on implementation of a directly applied National Funding Formula and the transition from the current system to achieve this. The government had confirmed the approach to transitioning to a direct NFF, requiring local authorities to use all NFF factors, and bring their factor values 10% closer to the NFF.

Before the summer of 2022, there was to be a second stage consultation detailing how the direct NFF was to be implemented. The measure would mean that the Secretary of State in relation to England was to determine funding for all mainstream schools through a single, national funding formula.

Local authorities were to continue to have a local education budget to deliver their education responsibilities including high needs, early years, and central school services and could continue 'de-delegation' deducting funding from maintained schools' budgets to fund central services for those schools – with Schools Forums retaining some responsibilities around local education spending, but not core schools funding.

Mrs Prendergast had been invited to take part in a podcast produced by pupils at East Peckham Primary School, an initiative that had gained national acclaim and followed in the footsteps of celebrities such as Rick Astley, Michael Ball and Josh Widdicombe who had featured in previous podcasts.

The school had won Best Primary School Radio Station of the Year in the Young Audio Awards 2022, after impressing the judges with their regular podcast, involving all the children and edited by Year 6 students and set up just after the first lockdown in 2020.

Mrs Prendergast was interviewed about her role as the Cabinet Member for Education and Skills and she was thoroughly impressed with the quality of their questioning and their professionalism. The pupils were a true reflection of the schools values and she was delighted that their initiative had been recognised through the award. Mrs Wickens, the headteacher, was retiring shortly after 13 years at the school. Mrs Wickens was a huge fan of Rod Stewart and the children said they were endeavouring to secure Mr Stewart as their next interviewee. Congratulations were given to all the staff and pupils at East Peckham Primary school.

4) Mr Brazier said the Department for Transport (DfT) response to KCC's Bus Service Improvement Plan bid for £220 million was an allocation of £35.1 million, two thirds of this in capital. There had been a number of meetings with the DfT and there had been a round table with the Minister, Baroness Vere to discuss how we secure the funding. The emphasis was to be on highways schemes to improve bus priority on the highway network and ticketing and fares initiatives to encourage bus use. The money could not be used to support current services, so KCC was not able to mitigate our proposed cuts in support for routes or alleviate the increase in the cost of the standard Kent Travel Saver.

It was understood that KCC would not be able to reduce the extent of discretionary support for buses for the three-year period of the grant.

The government's introduction of Local Cycling and Walking Infrastructure Plans (LCWIPs) was in 2017. The intention was to make cycling and walking the natural choices for shorter journeys and in Kent, LCWIPs had been created by the district councils. Several of these had started to develop plans, but several had yet to develop plans. LCWIPs were to be incorporated in local transport plans and were to be integrated into the transport system in an area.

Mr Brazier attended a seminar in Cambridge, arranged by Sustrans and Cambridgeshire County Council. This consisted of a number of presentations by the

County Council, Cambridge University and Sustrans. Cambridge was growing and there was a good deal of expansion in the scientific sector and the growth of housing and satellite developments to the city. Very prominent in the planning was the provision of facilities for cycling, walking and public transport. During the afternoon, there was a cycling tour of the city to share how much had been achieved.

Mr Brazier intended to encourage the development and growth of LCWIPs in Kent, giving rise to modal shift, active travel and improved health for residents. New developments in Ashford already demonstrated how this was to be achieved.

Mr Brazier cut the ribbon at the opening of the new bus station in Gravesend. The new bus hub had provided Gravesend with canopies, seating, toilets and real time information. The real time information made it very clear for users where and from where the buses would be departing. The fast-track service served Gravesend. The £2.5 million facility was funded in large part by SELEP with contributions from KCC and Gravesham Borough Council. The scheme completed the revival of the entire area of the town surrounding the railway station.

KCC had been informed by Baroness Vere, Minister for Roads, Buses and Places that the application for powers under Part 6 of the Traffic Management Act had been successful and that she had signed a designation order that would allow KCC to enforce moving traffic offences in the county. This meant with the use of camera technology, KCC would be able to verify offences such as stopping in yellow boxes, prohibited right turns or a range of offences prescribed by the legislation. Emphasis was being put on improving traffic flow in our towns and not on the increased income.

5) Miss Carey said there had been a visit from members of the Plan Bee group and others to Moat Farm in Shadowhurst near Ashford to see the wildflower meadows, which supported a great variety of insect life, plants and birds. They also saw one of the natural flood management projects that KCC had supported. There had not been a substantial test to the new arrangement yet but it was expected that it would provide some relief to Yalding. There was scope for more such projects which were considerably cheaper than building concrete dams and they also improved biodiversity by providing a wet landscape, attracting different types of plants and wildlife. Together, the natural flood management projects had multiple benefits in that they helped with adaptation to the weather, were good for nature and beautiful visually.

6) Mr Murphy said the Kent Invicta Chamber of Commerce and Your Business Awards were being launched and companies across the county were able to enter the Kent Invicta Chamber of Commerce Annual Business Awards and pitch themselves as being one of the best companies in the county. Kent Invicta Chamber of Commerce had launched the 2022 Awards to help showcase the business community, and this year the contest was run in association and closely with Kent County Council. Across Kent, businesses were leaders in their respective industries and were making a positive contribution to the county's economy and the communities in which they worked. KCC was to co-host the Awards and companies who are interested in entering were able to find the applications forms on the Kent Invicta Chamber of Commerce lead webpage.

BT had announced that they were to upgrade landlines to digital technology at the end of 2025. This meant in practice that all landline calls were to be delivered over digital technology, using a broadband connection. The Broadband Team were working closely across KCC directorates and with partners to ensure that KCC was prepared for the switchover and that appropriate measures were in place to ensure communications continued with withdrawal of the copper network.

On 19 May, Mr Murphy and officers were pleased to input into the Affordable Housing Select Committee and the final report was awaited. In addition, input was provided into the short-focused inquiry into Section 106 developer contributions within the county and again, the results and recommendations from that committee were awaited.

Ebbsfleet Development Corporation were celebrating the formal completion of 300 houses within the Ebbsfleet city development. This was a huge achievement contributing to the much-needed housing in the county. Officers had been working closely with districts to assist with the Levelling Up funding bids that the various districts were putting to central government and thanks were given to Lee Burchill for his contributions to this work. Close work was ongoing with district councils in order to help and facilitate the construction of their bids and it was hoped they would be successful in the Levelling Up process.

It was also announced that the Chamber of Commerce had been awarded a £500,000 grant from central government for their Local Skills Improvement Plan (LSIP) projects and that was very welcome news. Work was also ongoing with colleagues at Essex County Council, helping them with their application to join the Straits Committee, which it was hoped would go forward in early 2023.

Meetings and discussions had continued with UK Power Networks to ensure that the county's power infrastructure grid was suitable and reliable for what would be needed going forward into the future.

7) Mrs Hohler said that she and Mr Hill had attended the KCF Needs in Kent Conference on 15 June which was very well organised and a wonderful event. The theme of the conference was looking at the county's priority needs, on a district-by-district basis. The aim was to launch research and provide an opportunity to discuss the collective ambitions for Kent and its future needs and how to focus funding and connections to meet need in the county. Delegates at the conference were from the voluntary sector. There were keynote speakers, question and answer sessions as well as breakout discussions.

8) Mr Sweetland said KCC's new recruitment website had been launched. In an increasingly competitive market, it was more important than ever that KCC's recruitment site gave applicants easy access to the available jobs and a good feel for what it was like to work at KCC. KCC's reputation as a good employer was an important factor in attracting good people to apply for the job and career opportunities across the broad range of services.

KCC had won the Charity, Education, Public Sector category for this year with The Job Crowd for the second year running. KCC had also moved into the top 30 graduate employers across all sectors. The Job Crowd was the leading ranking of graduate and apprentice employers based exclusively on anonymous feedback from graduates. The graduate program had been in place since 2019 and there were 10



streams running with 10 current graduates. Getting this recognition from The Job Crowd would help KCC to continue to attract graduates to join KCC as an employer of choice.

KCC had been highly commended at the Kent Employer Awards 2022 for our Kickstart Programme. The award recognised the valuable opportunities KCC had provided for individuals to join that programme to enhance their skills and build confidence enabling them to be competitive in the labour market.

Like The Job Crowd award, this had not been something KCC had nominated itself for, this was done by the Department of Work and Pensions. The Kickstart Scheme had a positive impact on the lives of 122 people who had accessed a placement with KCC so far.

KCC had launched a search amongst Kent residents for volunteers to join the Digital Champion Network. Those volunteering were to have opportunities to support and improve the digital skills of Kent's communities. Anyone with patience and a willingness to learn was asked to get in touch with a view to being trained to provide support to people across a range of things, including accessing public services online, online GP booking services and more general advice about internet shopping and Zoom meetings. Information was available on the Digital Champions Network page on Kent.gov.uk.

The Kent County Show was on 8, 9, and 10 July and was to feature the Reconnect Programme.

9) Mr Oakford updated regarding the Information Technology Group and improvements made in recent months. Thanks were given to Lisa Gannon, Director of Technology, who acknowledged when she joined KCC that there were challenges with IT provision, the relationship with Cantium and service being received. In March 2022, the Technology Team initiated a service improvement project with a focus on 3 key areas. The first area was cyber security, which was of the utmost importance. The others related to laptops and the IT ServiceDesk.

The improvement project with KCC and Cantium took a collaborative approach working towards joint objectives. Each team completed a detailed review of their area and these fed into joint action plan. The action plan looked at the areas of most benefit to KCC, in particular to Officers and Members. Feedback from staff working on the teams had been positive. The joint plan was being actioned and the benefits and improvements were starting to be seen.

Many officers had experienced performance and stability issues with their laptops and laptop health check clinics. During the health checks, engineers were to do a health check of laptops, update software and hardware where needed. The pilot was very successful and the clinics were being rolled out across the council.

The Technology Team had implemented a new streamlining process for repairs so that disruption to work was minimised. The Team had also improved the soft management process, meaning that KCC was insulated from the ongoing worldwide supply issues. There had also been improvements to the Helpdesk function. The work on improving services had just started but after a short period of time, a difference had already been made. Thanks were given to all those involved with this work.

10) The Leader said that together with Mrs Chandler, Mrs Bell, Richard Smith and Anjan Ghosh, he had attended and chaired an opening shadow meeting of the Integrated Care Partnership. This brought local authorities and the health organisations together as part of the new structures. It had been a positive start and these meeting would be webcast in future. The new structure was to start on 1 July 2022.

#### **4. Provisional Revenue and Capital Budget Outturn Report 2021-22** *(Item 5)*

*John Betts, Interim Corporate Director (Finance) was in attendance for this item*

1) Mr Oakford said the report outlined the provisional outturn for 2021-22 and it was the 22<sup>nd</sup> year that KCC was able to demonstrate sound financial management. This was a considerable accomplishment considering the forecast position experienced throughout the year. The last reported position showed an overspend of £13.9 million. In the last quarter, KCC had managed this down to a slight underspend of £500,000. This was primarily due to proactive management, additional unexpected grant income, re-phasing of tenders and a review of expenditure that could be legitimately charged to various grants. Within the overall outturn position, there was significant overspend in Children's Services totalling £8 million. This had been offset with underspends elsewhere. The provisional outturn was an underspend of £7.6 million, with 'roll forward' requests of £7.1 million, bringing the net position to an underspend of £0.5 million.

The Covid related spending had been closely managed and monitored throughout the year. The Covid related spending charged to the Covid-19 Emergency Grant reserve amounted to £17.9 million, leaving a balance of £53 million in the reserve. There were a number of commitments against the reserve going forward into 2022/2023.

KCC's earmarked and general reserves had increased by £15.3 million to £408.1 million. The largest item was the emergency contribution to the General Fund of £14 million. This brought the general reserve to 5% of the revenue budget.

The capital outturn position was an underspend of £172 million with the vast majority of this related to re-phasing and a £2 million real underspend.

The Schools' delegated budgets had reported an overspend of £41 million which reflected the increased number of children requiring an Education, Health and Care Plan. The needs of children had become more complex and with the complexity came more expense. The Dedicated Schools Grant deficit was £97.6 million. However, KCC had been invited by the Department for Education to take part in the second round of the Safety Valve Programme discussions to support the development of a sustainable plan for recovery.

2) Mr Betts said it was a remarkable achievement to demonstrate sound financial management and achieve an underspend given the pressures. There had been a consistent focus on good financial management. There was to be a considerable amount of financial challenge in the coming year but KCC was in a robust position.

3) RESOLVED to agree the recommendations set out in the report.

## **5. Quarterly Performance Report**

*(Item 6)*

*Rachel Kennard, Chief Analyst was in attendance for this item.*

1) Rachel Kennard outlined the report for Quarter 4, reporting full year results for 2021-22 as well as proposed indicators and targets for the coming year. Overall, the position was positive. 24 of the KPIs were 'RAG' rated as green, 6 rated as amber and 3 performing below target rated as red.

2) The 3 areas that had been 'RAG' rated as red were:

- 77% of complaints had been responded to within timescale which was below the floor standard of 80% but this was an improvement to the previous quarter. Work was ongoing to improve this area.
- The KPI relating to Section 106 developer contributions had been affected by one large site in Thanet. Work was being undertaken to rectify the situation.
- There had been an improvement throughout the year for the KPI under Children, Young People and Education, 'ECHPs issued within 20 weeks'. This KPI was expected to continue to improve.

3) It was noted that only 5 KPIs had shown deterioration.

4) It was also noted during discussion of the Quarterly Performance Monitoring Report:

- The KPIs demonstrated a resilient operating environment and how well KCC stood up against pressures.

5) Resolved that the Quarterly Performance Report – Quarter 4 be noted.

## **6. Economic Strategy**

*(Item 7)*

*David Smith, Director of Economic Development and Ross Gill, Associate Director at SQW were in attendance for this item.*

1) Mr Murphy introduced the report.

2) Mr Smith outlined the report and advised that work had been ongoing to make a document which was to be supported across Kent and Medway and would form the basis of an 8-year framework for specific actions. The strategy was completely aligned with the KCC Strategic Statement.

3) Mr Gill said a draft of the document had been considered at a meeting of Growth, Economic Development and Communities Cabinet Committee (GEDC CC) on 10 May and it was also shared with county partnerships. Comments had been incorporated into the revised Strategic Framework draft. Members of GEDC CC were

keen to have a greater 'line of sight' over evidence so this had been built into the document. The evidence, in many cases, was historical and reflected gradual, incremental changes and it was considered how to reflect the changes in context within the draft Strategy.

There would need to be a consensus on the strategic as while KCC was a driver in the work, support was needed from the districts and Medway. There would need to be a balance in the longer term between flexibility and a certain amount of abstraction and grounding actions.

Some actions had already been taken forward in the multi-agency context.

4) Further to questions and comments, it was noted:

- It was considered there was a huge opportunity in improving access through the Port of Dover. The strategy built on the strength of Dover and one of the actions already being worked on was a 'green route' through to the continent.
- There was a huge movement where people had gone from working in offices in London to working where they lived in Kent and where people were spending money in their communities. However, it was important to press for more investment in Kent's transport network, in particular the train and highway networks. Kent's proximity to London was also a strength.
- Alignment with existing strategy around education and the skills base was important. It was queried how the Strategy was being linked with business and how to strengthen links in Kent. The next stage would involve publicly engaging with partners such as universities, FE colleges and places like Discovery Park. They would be crucial in delivering the strategy alongside districts.

5) RESOLVED to note the draft Strategic Framework.

## **7. Ukraine Update**

*(Item 8)*

*Rebecca Spore, Director of Infrastructure was in attendance for this item.*

1) Ms Spore outlined the presentation (attached).

2) In response to questions and comments, it was noted:

- The expectation was the government would reimburse local authorities for costs such as school transport. The DFE guidance had still not been received so there was a risk the cost would not be met.
- Some groups were going back to Ukraine but the majority of people were securing places to work and for children to go to school in the community.
- Concerns were raised about housing issues due to placement breakdown. Homelessness was recognised as key risk and the longer placements go on, the more likely there could be breakdowns. There will be challenges around accommodation for when the 6-9 months of placement ends and capacity moving forward.

3) RESOLVED to note the update.

## **8. South East Migration**

*(Item 9)*

*Sarah Hammond, Interim Corporate Director for CYPE; Louise Fisher, Assistant Director (Front Door); Chris Grosskopf, Refugee Resettlement Programme Manager; and Roy Millard, Head of Partnership (South East Strategic partnership for Migration) were in attendance for this item.*

- 1) Ms Hammond outlined the presentation (attached).
- 2) Ms Fisher outlined the section of the presentation relating to UASC.
- 3) Mr Millard and Ms Grosskopf outlined the presentation regarding South East Strategic Partnership for Migration (attached).
- 4) Further to comments and questions from Members, it was noted:
  - Thanks were given to the Area Education Officers for their assistance with young people coming from Afghanistan.
  - There were 53 female UASCs between January and June with the majority in 15-17 age group.
  - It was reported that 80% of claims for asylum were successful last year on the first hearing and the figure rose on appeal. It was high in comparison to 'normal' years, where the percentage was around 60% and it was not clear how much the pandemic affected this. Negative decisions were not being served during the pandemic. Once granted, there was not the same system to track where people had gone to settle down. However, it was important when considering the modelling for full dispersal.
  - Most Ukrainians were not claiming asylum but some were as they had 'fallen between the schemes', as was the case for Syrians a few years ago.
- 5) RESOLVED to note the report.

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**From: Sue Chandler, Cabinet Member for Integrated Children's Services**

**Sarah Hammond, Corporate Director Children Young People & Education**

**To: Cabinet – 21 July 2022**

**Subject: SEND Green Paper Consultation – Kent County Council consultation response submission**

Non-Key decision

Classification: **Unrestricted**

**Electoral Division:** County-wide – all divisions affected

### **Summary:**

This report summarises the headlines from the council's response to the draft SEN Green paper released by the government 30<sup>th</sup> March 2022. The full and final response for submission is attached as Appendix A. In drafting this consultation, both members and officers have convened stakeholder engagement sessions to canvass views from partners, parents/carers, and young people.

The response has also taken into consideration the unique pressures currently facing the county in terms of SEN demand, the challenges in meeting this demand, and the potential impact of recommendations made in the Green Paper on our future ability to provide the best and most appropriate support for SEN children, young people and their families across Kent.

### **Recommendation(s):**

Cabinet is asked to:

1. consider and endorse the council's draft response submission
2. agree for the consultation response to be submitted

## **1. Introduction**

- 1.1 The purpose of this report is to set out the background to the government's SEND review green paper, "Right Support, Right Place, Right Time", launched for consultation 30<sup>th</sup> March 2022.
- 1.2 It sets out the headline aims and objectives within the green paper that are relevant to Kent, and details how we have engaged with local stakeholders to both bring the contents of the green paper to their attention, but also ensure their voices are represented in the council's final consultation submission.

1.3 Finally, this report sets out the headline feedback received through our engagement process and draws out some of the key messages that Kent's SEND stakeholders would like the government to consider through the consultation process.

## **2. “Right Support, Right Place, Right Time” – background, process and response**

### The SEND Green Paper

2.1 On 30<sup>th</sup> March 2022, the government published its SEND Review Green Paper “Right Support, Right Place, Right Time” seeking views about proposed changes to the special educational needs and disabilities (SEND) and alternative provision (AP) system in England.

2.2 The government commissioned the SEND Review in September 2019 as a response to the widespread recognition that the system was failing to deliver improved outcomes for children and young people, that parental and provider confidence was in decline, and that the system has become financially unsustainable.

2.3 The review has highlighted three main areas of challenge within the SEND system that it aims to address.

- outcomes for children and young people with SEN or in alternative provision are poor
- navigating the SEND system and alternative provision is not a positive experience for children, young people and their families
- despite unprecedented investment, the system is not delivering value for money for children, young people and families

2.4 Underpinning these challenges is a belief that there is a “vicious cycle” of late intervention, low confidence and inefficient resource allocation that holds back improvement and entrenches challenges within the system.

2.5 Inconsistent practice can lead to late or misidentification of needs amongst children and young people that in turn reduces confidence in the ability of mainstream provision to provide the right support. As more parents, carers and providers look to the Education, Health and Care Plan (EHCP) process to secure support, this can lead not only to lengthy delays in accessing support, it can also lead to the wrong type of support being accessed potentially limiting the development of the child or young person.

2.6 Ultimately, as more demand is channelled towards specialist and alternative provision, more resources are diverted towards intensive support leaving less and less resource for better early upstream intervention that could break this cycle.

### Headline proposals

2.7 The SEND Green Paper aims to build consistent practice at both a local and national level through the following:



- establishing a **new national SEND and alternative provision system** setting nationally consistent standards for how needs are identified and met at every stage of a child's journey across education, health, and care
- **establishing new local SEND partnerships**, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a local inclusion plan setting out how each local area will meet the national standards.
- **reviewing and updating the SEND Code of Practice** to ensure it reflects the new national standards to promote nationally consistent systems, processes, and provision.
- introducing a **standardised and digitised EHCP process and template** to minimise bureaucracy and deliver consistency.
- delivering **clarity in roles and responsibilities with every partner across education, health, care**, and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities
- Statutory guidance to **Integrated Care Boards (ICBs)**
- working with Ofsted/Care Quality Commission (CQC) on their plan to deliver an **updated Local Area SEND Inspection Framework** with a focus on arrangements and experience for children and young people with SEND and in alternative provision
- **National framework for banding** and price tariffs for funding
- **Inclusion dashboards** for provision

### Local engagement and reflections

2.8 In order to provide a holistic and joined up Kent response to the green paper and its proposals, the Cabinet members for Education & Skills and Integrated Children's Services led roundtable engagement events with key local partners, parents and young people.

2.9 These events took place on 18<sup>th</sup> May 2022 and 27<sup>th</sup> June 2022 and included representation from

- children and young people
- parents (via PACT)
- headteachers/deputy headteachers
- Special Educational Needs Co-ordinators (SENCo)
- primary and secondary schools, both mainstream and specialist

2.10 From the young people engaged, the following feedback was captured

- *Mainstream schools need to be more understanding that not everyone can keep up at the same pace, especially with homework. Teachers lacked knowledge and skills in meeting health needs e.g. epilepsy*
- *A YP had a long wait for a special school place and was at home for 3 years - now he is in a school that understands he can get his GCSE's. This YP now wants to stay in school for 6th form as they are understanding of him and his needs. He is allowed movement breaks. The new legislation needs to make this possible for all children – children learn in different ways; schools need to help all children to learn.*

- *Movement breaks are very helpful. In mainstream if I moved, I would get detention. I now enjoy school and want to go to school because they understand me.*
- *More schools local to my house... getting stuck in traffic can make a student late and that can cause anxiety. Getting ready for school or getting up, getting anxious about going to school can all cause me to be late. In mainstream, I would get the same punishment whether I was 2 minutes late or 1 hour. There was a lot of stress of being late but I couldn't help it because of my anxiety. It is treated differently at special school.*
- *Most YP had a good/manageable experience in primary but for most secondary school was difficult. One YP said it made him 'crumble'*
- *Primary school was very good, interventions were put in place.*

2.11 From parents and carers engaged, the following feedback was captured

- *A parent said we should protect at all cost the rights currently in legislation and law*
- *There needs to be much more accountability in the whole system*
- *Classroom training, teachers need to be trained to deal with everything (all special educational needs). If a parent decides they want their child to be in local school the school should be able to cope with it. Best endeavours isn't good enough, it must be specific. The good level of support must be available in every school.*
- *There must be training for all staff in all schools. In a nutshell – schools must have staff who are trained.*
- *National standards should be at a very high level and set high, schools shouldn't be able to say they've met the standard because it's too low a level.*
- *A parent waited 18 months to get draft EHCP, the biggest issue was caused by SENCo who had no training, they were new in post, unqualified, the child was able to mask difficulties and the SENCo did not have the skills or knowledge to identify child's needs.*
- *SENCo's should have required training before being a SENCo.*
- *There should be a national standard for the time that a SENCo has available to do their job, so they aren't pulled away to teach.*
- *Parent who has moved from one county to another strongly agrees a national, digitised EHCP would be ideal to avoid paperwork being missed.*
- *My child's needs could have been met in mainstream without an EHC Plan – my child only ended up in special school as needs weren't met at school and his anxiety grew.*
- *Under current legislation action is only taken when a child fails, fails and fails again*

2.12 From school leaders engaged, the following feedback was captured

- *It's essential SENCos are part of the SLT and trained. Their voices must be heard.*
- *There was a consensus that currently only strong, confident headteachers feel able to put in place options for SEND children with a range of needs and not feel pressured by Ofsted to only focus on children who will achieve better results.*

- *Schools apply for funding based on meeting individual children's needs so that they can employ additional staff, but this is a hit and miss approach, without certainty that the school will get funding year on year which makes planning provision ahead very difficult*
- *Overall, HTs are in favour of multi-agency panels – currently, multi-agency working is failing, the NHS are struggling so don't always turn up to meetings. Speech and Language – impossible to find enough support so it's left to the school to sort out. Schools struggle to find specialist – need national standard but also need an effective system that feeds into it.*
- *Affluent families are paying for diagnosis – the system heavily leans towards parent that can afford it, Specialist Resource Provision is full of children who have a private diagnosis which is leading to inequality.*
- *There are significant difficulties getting CAMHS to work with children with challenging behaviour, CAMHS refuse so the child has no specialist health support.*
- *Deprivation is related to the level of complex needs of children, particularly SEMH – it has a close correlation*
- *Children need role models, people who care, deal with trauma, it's much more than just education, it needs a rounded approach. It is difficult to do this while exams are such a focus, schools feel the issue of their headline figures being impacted which can cause schools to focus on results and not the individual needs of the child.*
- *Needs to be clear and sustainable funding. Alternative provisions want to be part of continued support to post 16, alternative provision needs to be used in the right way.*
- *Early intervention question – also linked to national standards question – early years training capped at level 3, should be a lot higher.*
- *Key metrics should be linked to wellbeing and not just exams. Are they happy, healthy, that is just as important? Measuring levels of engagement measuring for learning in mainstream and SEND schools - so it's not just based on results.*

### Consultation response headlines

2.13 The feedback gained from local children, young people, parents/carers and stakeholders has been used to directly inform the council's draft consultation submission. Much of what was discussed reflected the challenges identified in the Green Paper and the need for change within the system.

2.14 The full proposed consultation response can be found in appendix A. Below are the key headlines identified that Kent County Council would like the government to consider as part of their consultation review process.

- All professionals are agreed that standardisation of provision pathways in mainstream and special schools would be a more equitable way forward
- The current Tribunal system needs revision to address changes in legislation, which are necessary. The current system encourages adversarial relations between parents and Local Authorities and is inequitable, favouring those with resources to pay for private reports.
- Standardise and streamline admission processes for children with SEN (SEN Support and EHC Plans) with the general admissions so that there is greater inclusion and reduced anxiety for parents.

- SENCOs should be qualified and part of the school senior leadership team. All teachers should have training in teaching children with special educational needs through Early Career Development. Teaching school hubs should be required to demonstrate excellence in inclusive practice and lead on early career teaching development in evidence-informed practice for children and young people with additional learning needs. This should mean that all teachers are confident in meeting children's special needs.
- There needs to be a mandate for health and education to jointly fund and collaborate to achieve effective integration, for example of the two-year old check and arising early years intervention

### **3. Financial Implications**

- 3.1 The council's consultation submission does not have any direct financial implications; however, the outcome of the consultation and any subsequent implementation of the recommendations are likely to have a significant impact on the council's ability to meet budgetary pressures in the future.
- 3.2 Both the content of the Green Paper and the insight gained from engaging with the local SEND landscape will actively shape the council's discussions with the Department for Education around potential Safety Valve funding and the action plan for reducing projected budget deficits.

### **4. Legal comments**

- 4.1 The council's consultation submission does not have any direct legal implications; however, the outcome of the consultation and any subsequent implementation of the recommendations may impact on the council's legal duties to support SEND children and young people and their families.

### **5. Equalities implications**

- 5.1 A formal equalities impact assessment has not been required for this report; however, the direct impact of the implementation of any recommendations in the Green Paper will have equalities considerations for the following protected characteristics;
- Age (specifically children and young people)
  - Pregnancy or maternity leave
  - Disability
  - Race
  - Sex (in particular women who primarily present as carers)
- 5.2 Carrying out engagement events to inform the council's consultation response has allowed a forum for potential impact against protected characteristic groups to be considered and incorporate within the council's submission, as well as allow local people to better engage with and understand what the proposals might mean for them.

### **6. Recommendations**

- 6.1 The recommendations are as follows:

6.2 Cabinet is asked to:

- consider and endorse the council's draft response submission
- agree for the consultation response to be submitted

## 7. Background Documents

7.1 Appendix A – Draft KCC consultation submission

7.2 Appendix B – SEND Green Paper – “Right Support, Right Place, Right Time”

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## SEND Review Right Support, Right Place, Right Time

### Summary of the SEND Green Paper

The SEND Green Paper was published on 30th March 2022. **The consultation closes on 22nd July 2022.** Kent Councillors are keen to hear the views of stakeholders to inform the Council's response to the SEND Green Paper.

<https://consult.education.gov.uk/send-review-division/send-review-2022/consultation/subpage.2022-02-02.7538639008/>

The review has identified 3 key challenges facing the SEND and alternative provision 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. 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 this applies across education, health and care in a 0-25 system. (Paragraphs 4-6).**

- All Kent professionals that have been engaged are agreed that standardisation of provision pathways in mainstream, special schools and post-16 provision including the FE sector would be a more equitable way forward.

The current system encourages adversarial relations between parents and Local Authorities. Parents often lack confidence in the support for children in mainstream provision through SEN support and have told us that expecting schools to make 'best endeavours' to meet children's special educational needs is not strong enough. This lack of confidence drives demand for special schools.

With regard to FE provision, our own local review into post-16 provision Pathways for All [https://www.kent.gov.uk/data/assets/pdf\\_file/0009/135495/16-to-19-Review-executive-summary.pdf](https://www.kent.gov.uk/data/assets/pdf_file/0009/135495/16-to-19-Review-executive-summary.pdf) has identified a need for clear and accessible information for parents/carers who influence young people's choices for post-16 provision, with FE being seen as a viable and attractive option. Whilst young people with EHCPs or SEND are not directly referenced in the review, implementing the recommendations will have most benefit for vulnerable learners, including those with SEND.

- The implementation of simple processes ensuring education, health and care systems for children with additional needs are joined up and accountable.
  - The national variance in support available should be a consideration to ensure national standards allow for local pressures and/or local strengths, e.g waiting lists, therapy provision. Provision should be standardised and prioritised by age; for example, speech and language therapy in early years; Child and Adolescent Health for secondary or KS4 and 5 – so that parents and schools can be confident and plan together. Access to health services is also a challenge for young people attending FE and other post 16 provision.
- 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? (Paragraphs 6-12)**
- Build on existing school and local authority partnerships – for example, in Kent there are well established Local Inclusion Forum Team (LIFT) Executive and LIFT practitioner meetings. This model is working well in most districts with regard to Early Years and school engagement and could be strengthened if there was consistent health and social care attendance and support for schools through a standardised model in Kent is strong and support is available through that.
  - Partnerships need to include appropriate representation from the FE sector, building on existing relationships between the LA and FE.
  - Introduction of national standards that directly support local SEND partnerships including the duty to co-operate and work in partnership across Multi-Academy Trusts and the Local Authority.
  - A new national framework should explicitly include the partnerships and membership required - Health, social care and including CCG commissioned services such as Child and Adolescent Mental Health Services.
- 3. What factors would enable local authorities to successfully commission provision for low-incidence high-cost need, and further education, across local authority boundaries? (Paragraphs 10)**
- Regional partnership SEND commissioning and practice-sharing arrangements. These exist in one form or another across many Local Authorities (e.g. SE19 of which Kent is a member) and should be formalised with an explicitly recognised remit.
  - Sometimes information sharing and/or other governance issues can prohibit cross Local Authority and Health partnership working and joint commissioning – these barriers should be minimised by drawing on good practice, where this works well.
  - Simplifying and standardising funding processes, for example one of the Kent FE providers currently manages different funding application proforma and processes from 22 different LAs with a significant administrative cost.
- 4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version? (Paragraphs 15-23)**



- Whatever changes are made to the EHCP, a focus needs to be on the quality of the content of the plans and the completion of an annual review process.
- **Education, Health and Care Plan Section B** - Description of needs - Change the focus and areas to be addressed from **'description of needs'** to **'what is working to help the CYP'**, **'what are the Barriers to learning'**, rather than strengths and difficulties. Place greater emphasis on school and parent describing actions taken to provide evidence-informed intervention and the child's progress in response.
- **Section E - Outcomes** – a standard approach if the aim is to track progress and the DfE intend to collect this. Drop down menu based on developmental progress, could be an option.
- **Section F – Provision** - An understanding of the importance of strategies and approaches as a means to maintain inclusion. Recognising that not all intervention can be quantified into specific units of time, and that it is not always helpful to do this.
- Review the concept of the four areas of need. Include Early Development for example and consider the overlap between Communication & Interaction and Social, Emotional Mental Health. Consider implications for standardised national provision pathways for children presenting with challenging behaviour and mental health. Both are a barrier to school attendance and engagement with learning, but are likely to need different provision pathways. Clarify what is intended by Physical & Sensory.
- Clarify whether funding is required to provide the special education provision in Section F or whether the primary function of the EHCP is to signal eligibility for specialist education pathway (Section I). Ensure parity of funding and offer of provision pathways nationally, so that parents and Local Authorities can work together and the conditions for collaboration are maximised.
- Kent young people with an EHC Plan have told us that the communication about their EHC Plan can be difficult to understand. The language in the SEND Code of Practice is not easily understood and consequently, young people don't feel that they can make decisions about their education, health and care despite being over 16 years of age.
- Young people did not feel that they had an active role to play, despite the focus of decisions being made being about preparing for adulthood. Words that they found difficult included: 'decision to maintain', 'amendments', 'tribunal', 'mediation', 'appeal'.
- Young people said communication was:
  - Wordy and too formal
  - Impersonal
  - Structure of (annual review) letter quite confusing - would be better to have the information in a more logical and chronological order
  - Young people would like to be able to read and understand the letter themselves
- It would be helpful to take account of young people's feedback when formulating a digitised national EHC Plan template and related information. Kent has developed easy read letters to be read alongside formal letters addressing legislative framework in response to feedback from young people.

**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? (Paragraphs 24-28)**

- Mainstream schools to own setting out their provision referencing national standards/standardised framework so that parents can be confident that there is equity of provision for children with SEND no matter where they live
- Ensuring that information can be easily accessible for parents and is inclusive for all as well as being standardised across local authority boundaries.
- Development of clear provision pathways in Specialist Resource Provision/Special schools that is published on school websites. Avoid admission criteria that require diagnosis (e.g. of ASD) as this drives demand and creates inequity for those on 'waiting lists'.
- Local Authorities to publish maps showing all mainstream schools, specialist resource provision (alongside mainstream schools) and special schools. Clear and consistent information for parents signalling that mainstream schools can meet predictable needs.
- Promotion of FE as a positive option for post 16 students, rather than a default option
- Clear provision pathways and straightforward option to cease a plan if and/or when a child makes progress.

**6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation? (Paragraphs 29-32)**

- All professionals agree to large extent that standardisation of provision pathways in mainstream and special schools would be a more equitable way forward. The current Tribunal system needs revision to address changes in legislation, which are necessary.
- The current system encourages adversarial relations between parents and Local Authorities and is inequitable, favouring those with resources to pay for private reports.
- It is not clear that greater mediation would improve outcomes. Mandatory mediation is helpful but won't resolve the adversarial nature of the current placement system for children with an EHC Plan.

**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 consider that the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools is effective.
- Children and young people with SEND are discriminated against in the current system. Some schools actively discourage children with additional learning needs and/or challenging behaviour to attend. As a consequence, parents are discouraged and seek schools that are welcoming.
- The current Tribunal system doesn't adequately address the level of discrimination that children with special needs and their parents experience because parents rarely challenge through the Tribunal system once they have experienced a negative response to their child's inclusion.

- Magnet schools becoming popular with parents of children with special educational needs is a consequence of the discrimination that is unchallenged within the current system of school admission and accountability.

**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? (Paragraphs 3-5)**

- There should be a stronger focus on speech, language and communication as part of the integrated two-year progress check, with co-ordinated health and Early years education intervention available for those children with significant delay and support with speech and language difficulties. This can be resolved with training for Early Years practitioners and a more joined up approach drawing on evidence-informed practice from the Education Endowment Foundation.
- Introduce a mandate for health and education to work together to achieve effective integration of the two-year-old progress check and plan joint intervention to respond to the outcome of the check strategically across a Local Authority. Ensuring joint funding arrangements will be key if this is to be achieved as well as drawing on examples of good practice in areas where this is working effectively.

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

- Kent somewhat agrees with the introduction of a new mandatory SENCo NPQ
- The SENCo role should be part of the senior leadership team within a school and the NPQ Training would reflect this approach.
- To complement this is the importance of the initial training that all teachers receive and Early Career training to support teachers' in adopting evidence informed practice for children with additional learning needs.
- School leaders and Governing Bodies also need training that supports understanding of the duties on schools to provide education for all children in the community.

**10. To what extent do you agree or disagree 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? (Paragraphs 21-24)**

- Kent somewhat agrees with the strengthening of mandatory SENCo training through headteachers providing oversight
- It is important that SENCos are trained and that headteachers and governors take responsibility for ensuring that teachers appointed to the role are qualified to do so or are in the process of becoming qualified to do so.

**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. (Paragraphs 39-40).**

- Kent somewhat agrees that both specialist and mixed MATs should be allowed to co-exist in the fully trust-led future.
- This could be excellent for transition (primary to secondary) and for pupils moving from or to Alternative Provision and/or Special School when appropriate. It could provide greater flexibility for pupils accessing teaching and learning across a range of settings during the course of their education.
- This could allow for children to have access to a wider range of specialisms.
- This could create opportunities to share good practice, with teachers developing skills and knowledge by teaching in mainstream and specialist settings. There is strong evidence that this can change attitudes and improve inclusion.
- Multi Academy Trusts will need to be accountable for including children with SEND in order to ensure that all children get the opportunities they need.

**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? (Paragraphs 44-51)**

- This work starts in schools and encouraging them to meet the Gatsby standards so that young people and their parents are fully aware of all the options open to them and are supported to be ambitious and aspirational about the next steps as young people transition to adulthood. This is particularly important as often with young people with SEND the biggest aspiration is the next course they may compete.
- Young people with SEND need more support to prepare for post 16 opportunities and this has been recognised by KCC in commissioning a supported employment project [https://www.kelsi.org.uk/\\_data/assets/pdf\\_file/0019/125443/Supported-Employment-in-Schools-Programme-Summary.pdf](https://www.kelsi.org.uk/_data/assets/pdf_file/0019/125443/Supported-Employment-in-Schools-Programme-Summary.pdf). Schools should be encouraged to use resources in the community (FE, employers and others) to invest in preparing young people for all options open to them
- There needs to be a range of supported pathways, including expanding supported internships
- Existing schemes for example the Job Centre Access to Work need to be streamlined and simplified and that would strongly improve uptake. Kent partners including KCC would be interested in exploring opportunities through a local pilot working with the Department of Work and Pensions.
- More needs to be done in identifying and understanding the barriers to businesses in enabling young people with SEND to access and thrive in apprenticeship roles. This will help local stakeholders to better provide support to address barriers.
- In particular, there needs to be more understanding of the challenges and potential of small businesses to engage young people with SEND in order to create more opportunities in appropriate localities, where larger employers are unable to be based.

**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? (Paragraphs 8-11)**

- If this is applied in the way it is being suggested, Kent agrees that the new vision for alternative provision will be a positive thing.

- There must be a way back into mainstream when a child is suspended. Strong wraparound support and therapy (Early Help and Child and Adolescent Mental Health Services, for example) should be provided as necessary to ensure young people can re-engage with learning and ultimately play a positive part in society.
- The alternative provision settings must be integrated within mainstream education pathways so that children and young people experience holistic education provision and are not considered - 'out of sight, out of mind'
- Any outreach offer must be explicit, easy to access with clear expected outcomes, delivered by experts and focused on training in evidence-informed approaches for mainstream staff to manage the young people.
- There needs to be a pathway from AP into post 16 provision and students tracked

**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? (Paragraphs 12-15)**

- A finite alternative provision budget allocated to groups of schools (e.g. districts/clusters) for alternative provision arrangements to be made through existing school partnerships.

**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? (Paragraphs 12-15)**

- While there is agreement that the five outcomes set out are clear and provide a robust structure for any alternative provision framework, the success in improving the quality of alternative provision will be dependent on clear processes and clarification of roles and accountabilities to be deliverable. Framework makes sense to ensure good practice and works for everyone without becoming another accountability measure.
- There needs to be greater clarity about what constitutes successful post-16 transition which takes account of a successful transition and then what those young people go onto achieve.

**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? (Paragraphs 22 – 26).**

- There is agreement from Kent stakeholders that a statutory framework is a good idea for the purposes of safeguarding the child and ensuring continuity and access to education.

**17. What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these. (Paragraphs 14-20)**

- Young people have told us that there are critical factors that affect whether schools enable them to engage with learning, make progress and develop socially and emotionally. These make the difference between state education being effective for students whose positive development and capacity to learn will contribute to their community now and in the long-term.

- Teachers who have been trained in providing education and engaging with children and young people with neurodiverse developmental profiles.
- The engagement with education (attendance as a minimum) and progress in learning (academic and personal/social) of the lowest attaining 20% in any school.
- A measure that assesses whether state-funded mainstream schools school roll is reflective of the local community (demographics by postcode).
- Listening to young people's views about schools and teachers and the effectiveness of strategies that support their teaching and learning.
- Schools have told us that key metrics should include a measure that reflects the emotional well-being of students and their engagement with learning.
- However the metrics need to extend further than school outcomes. EHCPs are in place potentially until young people are 25 and that needs to be encompassed in the vision for young people as they transition into adulthood. In this context numbers progressing into employment would be a helpful indicator.

**18. How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks? (Paragraphs 27-32).**

- A transition to a new national framework for funding bands will require carefully managed transition arrangements given the current variance in funding levels e.g. 50% of the High Needs Block being based on historic spend
- Where funding bands have been associated with individual children's needs, these can then be a driver for describing children's developmental profile in increasingly deficit terms in order to secure higher bands of funding.
- This model of banded funding does not encourage schools and/or parents to attribute progress to a child with SEND, as there is a perceived risk of reduced resource allocation.
- Our recommendation is that funding provision pathways are based on a national standardised state-funded model of special education provision by band to meet predictable needs in mainstream (dyslexia; speech, language and communication).
- The system needs to be streamlined and simplified.

**19. How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully? (Paragraph 6-7)**

- Through LA partnership steering groups and the Regional Schools Director – building on current informal/formal regional Local Authority SEND partnerships.

**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? (Paragraphs 8-14)**

- Aligning school accountabilities through Ofsted Inspection with effective provision of education for children with SEND. Take account of the feedback from parents of children who are in the lowest attaining 20% and children and young people who fall in this group by way of a limiting or elevating judgement.
- Funding state-funded SEND education through a national standardised framework, rather than EHC Plans. Funding a state-funded mainstream and special

education/special school offer that is consistent and equitable across Local Authorities and regions. This would avoid the need to define children by their deficits in order to issue EHC Plans that attract individual funding.

- Promoting visibility of the FE sector as a positive destination.

**21. What support do local systems and delivery partners need to successfully transition and deliver the new national system? (Paragraphs 8-14)**

- A programme of training for the range of stakeholders including but not limited to parents, practitioners - Local Authority SEND case officers, school leaders; Governors; Clinical Commissioning Groups and social care leads.
- Support for establishing regional Local Authority SEND partnerships.
- Clear arrangements for transitional funding that enable Local Authorities to manage the provision of SEND pathways within a defined budget.
- Inclusion of and support for the FE sector and other post 16 providers.

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

- Kent County Council wishes to thank the young people with SEND; parents and carers representing the parent/carer forum PACT (Parents and Carers Together) and head teachers; SENCOs and other school leaders who took the time to meet with Councillors to share their views about the Governments SEND Green Paper Proposals.
- Kent County Council values the views of those with lived experience of SEND in our education settings, health and social care systems.

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<https://consult.education.gov.uk/send-review-division/send-review-2022/consultation/subpage.2022-02-02.7538639008/>

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HM Government

# SEND Review:

Right support

Right place

Right time





# **SEND Review:**

**Right support, right place, right time  
Government consultation on the SEND and  
alternative provision system in England**

**Presented to Parliament  
by the Secretary of State for Education  
by Command of Her Majesty**

**March 2022**



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## Ministerial foreword



This government is determined to level up opportunities for all children and young people – without exception. We are just as ambitious for children and young people with special educational needs and disabilities (SEND) as for every other child. This green paper sets out our proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives.

The 2014 reforms to the SEND system brought many positive changes: increased co-production with children, young people and their families, an expectation of greater joint working between education, health and care, and a focus on a child's journey from birth to 25.

But we know that, too often, children and young people with SEND, and those educated in alternative provision, feel unsupported, and their outcomes fall behind those of their peers. Too many parents are navigating an adversarial system, and face difficulty and delay in accessing support for their child. And we know that the pandemic has disproportionately impacted children and young people with SEND, exacerbating the challenges that already existed within the system.

We commissioned the SEND Review to understand these challenges better and determine what it would take to establish a system that consistently delivers for children and young people with SEND. We have listened carefully to children, young people and their families. We have listened to those working in education across early years, schools and further education; those working across health, care, local government; and the many voluntary and community sector organisations that support children and young people with SEND. We thank them all for their time, input and for their patience.

This green paper sets out proposals to ensure that every child and young person has their needs identified quickly and met more consistently, with support determined by their needs, not by where they live. Our proposals respond to the need to restore families' trust and confidence in an inclusive education system with excellent mainstream provision that puts children and young people first; and the need to create a system that is financially sustainable and built for long-term success. We know that there are places where this is already the case, and we want to make this a reality across the whole country.



We are proposing to establish a single national SEND and alternative provision system that sets clear standards for the provision that children and young people should expect to receive, and the processes that should be in place to access it, no matter what their need or where they live. We are setting out proposals for strengthened accountabilities and investment that will help to deliver real change for children, young people and their families.

Creating a single national system that has high aspirations and ambitions for children and young people with SEND and those in alternative provision, which is financially sustainable, is not a straightforward task. However, the reward for getting this right is huge: children and young people supported to succeed and thrive for generations to come.

We are committed to continuing to listen to children, young people, parents, carers, and those who advocate for and work with them, as well as system leaders, to achieve this ambition. We encourage you to reflect on the proposals set out in this green paper and respond to our consultation. Together, we can ensure every child and young person with SEND, and all those in alternative provision, can thrive and be well prepared for adult life.



Nadhim Zahawi  
Secretary of State for Education



Sajid Javid  
Secretary of State for Health and Social Care

# Key Facts: the SEND and alternative provision system in numbers

## As of 2020/21 in the state-funded education system in England

**15.8% of all school pupils – 1.4 million – were identified with Special Educational Needs (SEN)<sup>1</sup>.**

In 2021, 36% of pupils in year 11 had been identified with SEN at some point in their educational journey<sup>2</sup>. 82% of pupils with SEN were in state-funded mainstream schools, 10% in state-funded special schools, 7% in independent schools, and 1% in state place-funded alternative provision<sup>3</sup>.

**12.2% of pupils were identified as requiring SEN Support**

This is an increase on recent years, from 11.6% in 2016, prior to which the rate had been decreasing<sup>4</sup>.

Amongst pupils on SEN Support in state-funded primary schools, the most common primary type of need in 2021 was Speech, Language and Communication Needs (34%). In secondary schools, this was Social, Emotional and Mental Health (SEMH) (22%)<sup>5</sup>.

**A further 3.7% of all pupils had an Education, Health and Care Plan (EHCP), receiving more support than available through SEN Support**

This is an increase on recent years, from 2.8% in 2016<sup>6</sup>.

Amongst pupils with an EHCP, the most common primary type of need in 2021 was Autistic Spectrum Disorder (30%)<sup>7</sup>.

50% of pupils with EHCPs were in state-funded mainstream schools, 41% in state-funded special schools, 7% in independent schools, and 1% in state place-funded alternative provision<sup>8</sup>.

**Of all children and young people with an EHCP, 77% are in schools or alternative provision**

Of the remaining 23%, 1% are in early years, 17% are in further education, and 6% are educated elsewhere or Not in Education, Employment or Training (NEET)<sup>9</sup>.

The proportion of 3- and 4-year-olds in receipt of funded early education with SEN fell from 6.6% in 2020 to 6.3% in 2021<sup>10</sup>.

**82.7% of children and young people in alternative provision were identified with SEN**

In state place-funded alternative provision in January 2021, 24.0% of pupils had an EHCP and 58.7% received SEN Support<sup>11</sup>. The most common primary type of need was SEMH (78.3%)<sup>12</sup>.

## **The high needs budget has risen by more than 40% over three years**

The high needs budget, which will total £9.1 billion in 2022-23 (over £8 billion in 2021-22), enables local authorities and institutions to better meet their statutory duties for those with SEND, including children and young people in alternative provision<sup>13</sup>.

## **Many parts of the SEN system aren't working as well as they should**

### **For parents and carers:**

In 2021 during the pandemic, 68% of parents reported that their child's needs were 'not met at all' or only 'somewhat met' in accordance with their EHCP<sup>14</sup>, during the pandemic.

### **For teachers:**

In 2019, 41% of teachers reported that there is appropriate training in place for all teachers in supporting pupils receiving SEN Support<sup>15</sup>.

### **For local areas:**

Of the 141 local area inspections published by 21 March 2022, 76 resulted in a written statement of action, which indicates significant weaknesses in SEND arrangements<sup>16</sup>.

## **Outcomes for those with SEN, or in alternative provision, on average are low**

### **In the Early Years Foundation Stage Profile<sup>17</sup>:**

In 2018/19, 76% of children identified with SEN did not achieve at least the expected level across all early learning goals, compared with 24% for those with no identified SEN<sup>18</sup>.

### **In key stage 2:**

22% of pupils with SEN reached the expected standard in reading, writing and mathematics in 2018/19, compared to 74% of those with no identified SEN<sup>19</sup>.

### **In key stage 4:**

In 2020/21, there were 87,210 pupils identified with SEN at the end of key stage 4, with an average attainment 8 score of 31.1. This compares to pupils with no identified SEN with an average attainment 8 score of 54.5<sup>20</sup>.

### **In state place-funded alternative provision:**

55% of pupils from state place-funded alternative provision sustained an education, training, or employment destination after key stage 4 in 2019/20, compared with 89% and 94% from state-funded special and mainstream schools respectively<sup>21</sup>.

## Executive summary

1. The reforms to the SEND system introduced in 2014 had the right aspirations: an integrated 0-25 system spanning education, health and care, driven by high ambition and preparation for adulthood. Since 2014, there is much to celebrate: 90% of state funded special schools are graded outstanding or good by Ofsted<sup>22</sup> and 2,200 young people were successfully placed on a supported internship in 2021<sup>23</sup>. As we have seen, particularly over the course of the pandemic, the system is driven by a hard-working and dedicated workforce who are committed to delivering excellent support for children and young people with SEND.
2. But despite examples of good practice in implementing the 2014 reforms, this is not the norm and too often the experiences and outcomes of children and young people are poor. There are growing pressures across the system that is increasingly characterised by delays in accessing support for children and young people, frustration for parents, carers, and providers alike, and increasing financial pressure for local government.
3. The government commissioned the SEND Review in September 2019 as a response to the widespread recognition that the system was failing to deliver improved outcomes for children and young people, that parental and provider confidence was in decline, and, that despite substantial additional investment, the system had become financially unsustainable. The Review has sought to understand what was creating these challenges and set out a plan to deliver improved outcomes, restore parents' and carers' confidence and secure financial sustainability.
4. Over the course of the Review, we have listened to a wide range of people from across the SEND system, including children, young people and their families; early years providers, schools and colleges; local authorities; health and care providers; and voluntary organisations. We have considered a child's journey through the SEND system - from early years through to further education.
5. As the Review progressed it became clear that alternative provision is increasingly being used to supplement the SEND system; to provide SEN Support; as a temporary placement while children and young people wait for their Education, Health and Care Plan (EHCP) assessment; or because there is insufficient capacity in special schools. We have therefore looked at the specific challenges facing the alternative provision sector as part of this Review.
6. We have also considered how this Review can be best implemented alongside reforms to health and social care. This includes the introduction of Integrated Care Systems and wider reforms to adult social care, as well as the forthcoming Independent Review of Children's Social Care. There is significant overlap between the cohort with SEND and those who interact with the care system. It is therefore important that the education, health and care systems work together effectively to

support children, young people and their families. We will consider the response to this consultation in parallel to the Independent Review of Children's Social Care to ensure the cumulative implications of reform deliver for children with the most complex needs.

## **There are three key challenges facing the SEND system**

### **Challenge 1: outcomes for children and young people with SEN or in alternative provision are poor**

7. Children and young people with SEN have consistently worse outcomes than their peers across every measure. They have poorer attendance<sup>24</sup>, make up over 80% of children and young people in state place-funded alternative provision<sup>25</sup> and just 22% reach the expected standard in reading, writing and maths<sup>26</sup>. In a 2017 study, special educational needs were more common in children with a mental health disorder (35.6%) than in those without a disorder (6.1%)<sup>27</sup>. Young people with SEN often have fewer opportunities in later life: by age 27 they are less likely than their peers to be in sustained employment<sup>28</sup> and are at greater risk of exposure to a number of harms, including becoming a victim of crime<sup>29</sup>.

### **Challenge 2: navigating the SEND system and alternative provision is not a positive experience for children, young people and their families**

8. We have heard that for too many families their experience of the SEND system is bureaucratic and adversarial, rather than collaborative. Too many parents and carers do not feel confident that local mainstream schools can meet their child's needs. Parent and carers are subsequently frustrated with the difficulties and delays they face in securing support for their child. The system relies on families engaging with multiple services and assessments, making it difficult to navigate, especially for the families of children and young people with the most complex needs. Some families with disabled children tell us they are put off seeking support from children's social care because of fear they will be blamed for challenges their children face and treated as a safeguarding concern rather than receive the support they need. The difficulty faced in navigating children's social care assessments, and the lack of consistency in the offer among local authorities, can mean that support is often only provided once families reach crisis point.
9. The system is not equally accessible: parents and carers with access to financial and social resources are often better placed to navigate the system and secure support for their child. Parents and carers of children in alternative provision often have little choice over whether their child ends up in these specialist settings, or whether the support and education being provided meets their child's needs.

10. Despite the heavy emotional - and sometimes financial - costs associated with tribunals, since 2015 the appeal rate to First-tier SEND Tribunals has increased year on year, demonstrating parents' and carers' increasing frustration with the system. In the academic year 2020/21, Her Majesty's Courts and Tribunals Service recorded 8,600 registered SEN appeals, an increase of 8% when compared with the previous year. Of the cases the tribunal upheld, 96% were at least partly in favour of the parent or carer, an increase of two percentage points on 2019/20<sup>30</sup>.

### **Challenge 3: despite unprecedented investment, the system is not delivering value for money for children, young people and families**

11. The government is making an unprecedented level of investment in high needs, with revenue funding increasing by more than 40% between 2019-20 and 2022-23. However, spending is still outstripping funding. Two thirds of local authorities have deficits in their dedicated schools grant (DSG) budgets as a result of high needs cost pressures. By the end of 2020-21, the national total deficit was over £1 billion<sup>31</sup>.

12. Forecasts show total high needs spending continuing to increase year on year, with recent increases driven predominantly by an increase in the proportion of children and young people with an EHCP, over and above general population change. The government has already announced additional investment of £1 billion in 2022-23. Whilst future funding will need to take account of the increasing prevalence of children and young people with the most complex needs, this needs to be balanced with targeting spending more at strengthening early intervention. Investment cannot continue to rise at the current rate, particularly since this is not matched by improved outcomes or experiences for children, young people and their families.

13. Although only making up a small part of total high needs spending, early years, further education and alternative provision can be heavily impacted by local funding decisions, over which they can feel they have minimal influence. High needs spending on alternative provision is also increasing, having remained relatively stable in recent years. Inconsistency in placements leads to unpredictable funding from year to year, or even within the same year, limiting the ability of alternative provision settings to plan and invest in services.

### **A vicious cycle of late intervention, low confidence and inefficient resource allocation is driving these challenges**

14. For children, young people, families and providers, there remains significant inconsistency in how children and young people's needs are met, with a lack of clarity around what services can be expected and who provides them. Too often, decisions are made based on where a child or young person lives or is educated, rather than their needs. This is most prominent at school level, with the school that a child or

young person attends accounting for more than half the chance of a child being identified with special educational needs<sup>32</sup>.

15. The current SEND system does not prescribe in detail exactly who should provide and pay for local services, leaving it to local agreement and First-tier SEND Tribunals. Similarly, delivery of alternative provision is inconsistent across areas and schools. In some places, alternative provision schools have a strong role in accommodating children and young people with significant needs and in providing support and services to help children and young people stay in mainstream schools. Elsewhere, provision is mixed, and children and young people may be placed in inappropriate settings that do not support their needs.
16. The Review has consistently heard that these challenges are driven by a vicious cycle of late intervention, low confidence from parents, carers and providers, and inefficient allocation of support which is driving the spiralling costs in the system. This cycle begins in early years and mainstream schools where, despite the best endeavours of the workforce, settings are frequently ill-equipped to identify and effectively support children and young people's needs<sup>33</sup>. Children and young people's needs are identified late, then escalate and become entrenched. In some cases, a child or young person may be incorrectly identified as having SEN when in fact they have not had sufficient access to high-quality teaching, particularly in reading and language<sup>34</sup>.
17. Inconsistent practice across the system exacerbates the challenges caused by late or misidentification: parents, carers and providers alike do not know what is reasonable to expect from their local settings and so lose confidence that mainstream settings will be able to meet the needs of their children and young people effectively. As a result, parents, carers, and providers feel they have no choice but to seek EHCPs and, in some cases, specialist provision, as a means of legally guaranteeing the right and appropriate support for children and young people.
18. Increased numbers of requests for EHCPs and specialist provision means that children and young people often face significant delays in accessing support as they need to go through a long and bureaucratic process to access provision. They do not always end up with the right support, in the most appropriate setting, with some children and young people placed in specialist settings even when their needs could be met effectively in mainstream settings with high-quality targeted support.
19. In some cases, children and young people are placed in alternative provision due to lengthy delays in securing an EHCP assessment, seriously disrupting an already challenging educational journey. By the time they arrive there, they may have fallen behind to an extent that it is hard for them to fully catch up before they reach the end of key stage 4. Too often they remain there regardless of whether that setting is the most appropriate to meet their needs.
20. Increased numbers of placements in specialist provision also restricts capacity. Some children and young people have to be educated outside of their local area or face long

journeys to and from school taking them away from their local community and resulting in increase transport costs. More children and young people are also placed in independent specialist provision, even when this may not be best for them. Too often the costs of such provision represents poor value for money.

21. As more children and young people receive EHCPs and attend specialist settings, more financial resource and workforce capacity is pulled to the specialist end of the system, meaning that there is less available to deliver early intervention and effective, timely support in mainstream settings. As a result, the vicious cycle continues with outcomes and experiences for children and young people continuing to suffer, and cost pressures increasing.

## **We need to turn this vicious cycle into a virtuous one**

22. We are clear that in an effective and sustainable SEND system that delivers great outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive without the need for an EHCP or a specialist or alternative provision place. This is because their needs would be identified promptly, and appropriate support would be put in place at the earliest opportunity before needs can escalate. Those children and young people who require an EHCP or specialist placement would be able to access it with minimal bureaucracy.
23. To shift the dial, we are setting out proposals for an inclusive system, starting with improved mainstream provision that is built on early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum, and prompt access to targeted support where it is needed. 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.
24. We need to deliver greater national consistency in the support that should be made available, how it should be accessed and how it should be funded. We need a system where decision-making is based on the needs of children and young people, not on location. This must be underpinned by strong co-production and accountability at every level, and improved data collection to give a timely picture of how the system is performing so that issues can be addressed promptly. This green paper sets out an ambitious plan for how we will deliver a more inclusive SEND system.



## A single national SEND and alternative provision system

25. We propose to:

- establish a **new national SEND and alternative provision system setting nationally consistent standards** for how needs are identified and met at every stage of a child's journey across education, health and care
- review and update the **SEND Code of Practice** to ensure it reflects the new national standards to promote nationally consistent systems, processes and provision
- **establish new local SEND partnerships**, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a **local inclusion plan** setting out how each local area will meet the national standards
- **introduce a standardised and digitised EHCP process and template** to minimise bureaucracy and deliver consistency
- **support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings**, drawn from the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs
- **streamline the redress process**, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

## Excellent provision from early years to adulthood

26. We will:

- **increase our total investment in schools' budgets by £7 billion by 2024-25, compared to 2021-22**, including an additional £1 billion in 2022-23 alone for children and young people with complex needs
- **consult on the introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos**, and increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise
- **commission analysis to better understand the support that children and young people with SEND need from the health workforce** so that there is a clear focus on SEND in health workforce planning

- **improve mainstream provision**, building on the ambitious Schools White Paper, through excellent teacher training and development and a ‘what works’ evidence programme to identify and share best practice, including in early intervention
- **fund more than 10,000 additional respite placements through an investment of £30 million**, alongside £82 million to create a network of family hubs, so more children, young people and their families can access wraparound support
- **invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision**. We will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline
- **set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools**, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one, sharing expertise and resources to improve outcomes
- **invest £18 million over the next three years to build capacity in the Supported Internships Programme**, and improve transitions at further education by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for employment and higher education

## A reformed and integrated role for alternative provision

27. We propose to:

- **make alternative provision an integral part of local SEND systems** by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention
- **give alternative provision schools the funding stability to deliver a service focused on early intervention** by requiring local authorities to create and distribute an alternative provision-specific budget
- **build system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust**, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed
- **develop a bespoke performance framework for alternative provision** which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations
- **deliver greater oversight and transparency of pupil movements** including placements into and out of alternative provision

- **launch a call for evidence, before the summer, on the use of unregistered provision** to investigate existing practice

## System roles, accountabilities and funding reform

28. We propose to:

- **deliver clarity in roles and responsibilities** with every partner across education, health, care and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities
- **equip the Department for Education's (DfE) new Regions Group** to take responsibility for holding local authorities and MATs to account for delivering for children and young people with SEND locally through new funding agreements between local government and DfE
- **provide statutory guidance to Integrated Care Boards (ICBs)** to set out clearly how statutory responsibilities for SEND should be discharged
- **introduce new inclusion dashboards for 0-25 provision**, offering a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- **introduce a new national framework of banding and price tariffs for funding**, matched to levels of need and types of education provision set out in the national standards
- **work with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework** with a focus on arrangements and experience for children and young people with SEND and in alternative provision

## Delivering change for children and families

29. We will:

- **take immediate steps to stabilise local SEND systems by investing an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme**, over the next three years, to support those local authorities with the biggest deficits
- **task the SEND and Alternative Provision Directorate within DfE** to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards

- support delivery through a **£70 million SEND and Alternative Provision change programme** to both test and refine key proposals and support local SEND systems across the country to manage local improvement
- publish a **national SEND and alternative provision delivery plan** setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people
- establish, for implementation of the national delivery plan, **a new National SEND Delivery Board** to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals

# Chapter 1: The case for change

## Summary

1. The current SEND system means that too many children and young people with SEND are achieving poor outcomes. Parents and carers are facing difficulty and delay in accessing support for their child. Providers have to navigate a complex system where it is not clear what support should be provided or who should pay for it. Despite a more than 40% increase in high needs funding between 2019-2020 and 2022-2023<sup>35</sup>, local government spending is outstripping funding and the system is financially unsustainable<sup>36</sup>.
2. In this chapter, we set out the key findings from the SEND Review and what is driving these challenges. We set out our vision for what needs to change to ensure that more children and young people are set up to succeed in a sustainable, less bureaucratic system. And finally, we set out our plan for action for how we propose to deliver the improvements the system needs.

## The SEND system since 2014

3. In 2014, the SEND system underwent significant reform, with Education, Health and Care Plans (EHCPs) being introduced as a replacement for the previous Statement of special educational needs. The fundamental principles that underpinned these reforms of co-production, joint working and a 0-25 child-centred approach were widely supported at the time and continue to be broadly supported now.
4. The Review has seen examples of mainstream early years settings, schools, academies and further education settings that have high aspirations for children and young people with SEND and provide excellent support. 90% of state funded special schools are graded outstanding or good by Ofsted<sup>37</sup> and 2,200 young people were successfully placed on a supported internship in 2021<sup>38</sup>. We have seen, particularly over the course of the pandemic, that the system is driven by a hard-working and dedicated workforce who are committed to delivering excellent support for children and young people with SEND.
5. We have also seen changes in the identification of some types of need. Since 2015, there has been an increase in the proportion of children and young people with EHCPs with a primary need of Autistic Spectrum Disorder (ASD), speech and language communication needs (SLCN), or social, emotional and mental health needs (SEMH) and a decrease in the proportion of those with moderate learning difficulty (MLD)<sup>39</sup>. See Annex Figure 2 for further details.
6. But, even accounting for these changes identified in need, it is clear that the SEND system is not operating effectively and the ambitions of the 2014 reforms have not yet

been realised fully, with too many children and young people not fulfilling their potential, parental confidence in decline and further pressure on a system already under strain.

## The aims of the SEND Review

7. The SEND Review was launched in 2019 in response to growing concern about the challenges facing the SEND system in England and the future of the children and young people it supports. Successive public reports, including those from the [Education Select Committee](#), the [National Audit Office](#), and the [Public Accounts Committee](#), highlighted a range of challenges to be addressed. The SEND Review committed to examining how the system has evolved since 2014, how it can be made to work best for all families and how it can ensure the effective and sustainable use of resources.
8. Alternative provision can serve children and young people both with and without SEND. While alternative provision was not part of the 2014 reforms, it is clear it is increasingly being used as part of the SEND system, demonstrated by the incremental rise in EHCP placements and the fact that over 80% of those in state place-funded alternative provision have SEN<sup>40</sup>. Close working with the sector during the pandemic, along with concerns about the poor outcomes for children and young people leaving alternative provision, demonstrates that reform is needed. We have therefore considered reform to alternative provision within the scope of this Review.
9. The SEND Review has looked at the full range of the SEND system, spanning early years provision through to further education and encompassing education, health and care. We have listened to hundreds of people, including children and young people, parents, the workforce within early years settings, schools, further education and alternative provision. We have listened to DfE's national young SEND advisory group, FLARE. We have spoken with health commissioners, designated clinical and medical officers, as well as social workers. We have spoken with those helping families to navigate the SEND system, as well as many charities whose focus is on supporting those with specific disabilities.
10. We have sought advice from independent advisers, key member organisations, further education commissioners, members of the government's SEND Review Steering Group and our Alternative Provision Stakeholder Group (see acknowledgements for members of these groups). We are very grateful to everyone who has taken the time to engage with us and offer their thoughtful insights and observations.
11. We conducted the SEND Review against the backdrop of the pandemic and understand how difficult the pandemic has been for so many people, including those families with children and young people with SEND. Despite the tireless work of

teachers, leaders, support staff, early years practitioners, local authorities and wider children's professionals across health and social care, children and young people with SEND missed out on learning and wider enrichment opportunities. But we recognise the challenges are not new: instead, the pandemic has exposed and exacerbated pre-existing difficulties<sup>41</sup>. For too many children and young people, the SEND system is not working well enough.

## **Children and young people with SEND and those in alternative provision have consistently poorer outcomes than their peers**

12. Research from the [Children's Commissioner's Big Ask Survey](#) shows children and young people with SEND have the same aspirations as their peers. They value their education and want good friends, a social life, and good mental health. They desire independence, and the prospect of a good job or career in the future<sup>42</sup>. We believe that, with the right support, all children and young people with SEND can achieve their potential, with most achieving in line with their peers.
13. Despite these aspirations, children and young people with SEN fall behind their peers at every stage of education, regardless of their prior attainment. Children and young people with SEN are also more likely to be disengaged from education, pushing them further behind. They have poorer attendance<sup>43</sup> and are more likely to be excluded<sup>44</sup>.
14. Key stage 4 outcomes for children and young people in alternative provision are poor, with 4.5% achieving grades 9-4 in GCSE English and maths in 2018/19<sup>45</sup> and only 55% sustaining their post-16 destination after six months in 2019/20<sup>46</sup>. This is often a reflection of the fact that over three quarters of children and young people in state place-funded alternative provision are in year groups 9–11<sup>47</sup>, many having already fallen a long way behind in their education.
15. Children and young people with SEN face poor outcomes beyond education. Whilst the likelihood of children with SEN being involved in crime is low – just 8% of children who had ever had SEN Support had also ever offended and 14% of children who had ever had an EHCP had also ever offended - those who are identified with SEN at some point are more likely to have been cautioned or sentenced for an offence, including serious violence offences. Children who had been cautioned or sentenced for any offence were more likely to be recorded as having SEN (both with SEN Support and with an EHCP) than the all-pupil cohort. Of children who had been cautioned or sentenced for an offence, 67% had ever had SEN Support and 13% had ever had an EHCP<sup>48</sup>. Young people with SEND are also overrepresented in the justice system: one in four children and young people in young offender institutions have SEND<sup>49</sup>.

16. As young people with SEN move into adulthood they find it more difficult to secure employment; at age 27 young people with SEN are 25% less likely to be in sustained employment than their peers with no identified SEN<sup>50</sup>.

## **Experiences of the SEND and alternative provision system are negative**

‘Even once you manage to get an EHCP then a whole new fight with the local authority starts - it's such a massive ordeal to make sure it's written correctly so the child gets the actual support - ultimately parents (like me) end up forced to appeal and go through tribunal’ – Parent, focus group 2021

17. Parents and carers want accurate information from their first contact with professionals and want to be partners in determining arrangements for supporting their child. However, this does not always happen. Parents and carers are not always made aware of the support that their child is accessing. Many parents and carers also find their child has been directed to alternative provision by their school and have little or no say in this decision.

18. Research from the [Children's Commissioner's Big Ask Survey](#)<sup>51</sup> showed many children and young people felt they had not received enough understanding or tailored support for their needs. When children and young people did not get the support they wanted, they often felt excluded, unable to form relationships with children their own age, and in some cases bullied. In the parents and pupils survey (2019)<sup>52</sup> and panel (2021)<sup>53</sup> commissioned by DfE, pupils with SEND were more likely to report experiencing bullying.

19. Families of children with SEND have spoken about the impact that trying to secure SEND provision has on them, including the financial costs and mental health impact<sup>54</sup>. We have heard the system is not always equally accessible parents and carers with access to financial and social resources are often better placed to secure support for their children. In a 2021 survey of 483 responses, conducted during the pandemic, 68% of parents reported that their child's needs were ‘not met at all’ or only ‘somewhat met’ in accordance with their EHCP<sup>55</sup>.

20. The growing number of tribunal cases reflects this dissatisfaction. In the academic year 2020/21, there was an 8% increase in registered appeals in relation to SEND, with 96% of decided cases found at least part in favour of families<sup>56</sup>. Despite this high success rate, going to tribunal is not an easy decision for families as it carries a huge emotional, and sometimes financial, burden.

21. The financial and administrative burden of preparing for and responding to tribunal cases is also felt significantly by local authorities and diverts resources away from providing direct support, which in turn affects children and young people waiting to receive the support they need.



## **The SEND and alternative provision system is financially unsustainable**

22. The government has made significant investment in the SEND system: by the 2024-25 financial year, the core schools' budget will have increased by more than £7 billion compared to its 2021-22 level. Within this overall budget, high needs funding for children and young people aged 0-25 with more complex needs has increased by £1.5 billion over the last two years and will increase by a further £1 billion in the next financial year to reach a total of £9.1 billion: an increase of more than 40% over three years. We will sustain and build on these increases through the rest of the current Spending Review period.
23. Despite this significant investment, the system is not delivering value for money and outcomes and experiences for children and young people with SEND are not improving. Instead, the system has become financially unsustainable, with investment being outstripped by spending which has left two thirds of local authorities with growing deficits. By the end of 2020-21, the total national deficit was over £1 billion.
24. Between 2014-15 and 2020-21, the largest contributor to the increases in high needs spend was the rising proportion of children and young people with an EHCP, over and above general population change, which accounted for roughly half of the more than £2 billion increase. See Annex Figure 3 for further details.
25. There is a lack of consistency in the costs of different types of specialist provision for children and young people with SEND, with the average cost of a placement in an independent special school costing more than double that of a placement in a maintained or academy special school (£54,000 compared with £22,000<sup>57</sup>). However, independent special schools often cater for children and young people with very complex needs which increases the average cost. Spending on this more expensive provision is taking up a greater proportion of local authorities spending – from 2014-15 to 2020-21, local authority spending on independent special and non-maintained special school places increased by 126%, compared with a 38% increase in spending on other special school provision; spending on alternative provision increased by 18% over the same period<sup>58</sup>.

## **There is too much inconsistency across the SEND system in how and where needs are assessed and met**

26. The 2014 reforms introduced, and placed significant emphasis on, local discretion with expectations based on the local authority working closely with local education, health and care partners, parents and carers.
27. However, this local discretion has resulted in significant inconsistencies in how SEND provision is delivered in practice across the country. This begins with inconsistency in how needs are identified and assessed: research by the [Education Policy Institute](#)

found that the school a child or young person attends is the greatest factor in whether they are identified as having SEN, and whether they access support, accounting for 67 to 69% of the inconsistency in identification<sup>59</sup>.

28. A lack of consistent guidance as to the type of settings where needs should most effectively be met means that there is significant inconsistency across the country in whether children and young people with the same types of needs receive an EHCP and where they are educated. A child or young person may be effectively supported in a mainstream school in one area of the country, but would be placed in a specialist setting if they were living in another area. See Annex Figure 4 for further details. Rates of EHCPs also vary significantly: 5.5% of all pupils in Torbay have an EHCP compared with 1.7% in Nottinghamshire<sup>60</sup>.

## A vicious cycle is driving these challenges

29. These challenges are driven by a vicious cycle of late intervention, low confidence across the system, and inefficient resource allocation.



**Figure 1: A vicious cycle of late intervention, low confidence and inefficient resource allocation is driving these challenges**

30. This begins in early years and mainstream schools where, despite the best endeavours of the workforce, settings are frequently ill-equipped to identify and effectively support needs<sup>61</sup>. This results in children and young people's needs being identified late, or incorrectly, with needs escalating and becoming more entrenched. In some cases, poor quality teaching, particularly in reading, may cause a child or young person to fall behind their peers and be incorrectly identified as having special educational needs.
31. Inconsistency across the system, around the identification and support of needs, means that there is inconsistent practice: parents, carers and providers do not know what to reasonably expect from their local settings. This results in low confidence amongst parents, carers, and providers in the ability of mainstream settings to effectively meet the needs of children and young people with SEND.
32. As a result of this low confidence, parents, carers, and providers feel they need to secure EHCPs and, in some cases, specialist provision as a means of guaranteeing appropriate support for their child. This increased need for EHCPs and specialist provision creates further challenges across the system:
- **children and young people face delays in accessing support** as they need to go through a time-intensive and bureaucratic process to access provision, even when what might be required is high-quality teaching to catch-up or time-bound access to a particular service.
  - **children and young people are not always placed in the most appropriate setting**. Not every child or young person with SEND requires a specialist placement, but a lack of clarity on when specialist provision is appropriate means that some children and young people end up in these settings even when their needs could be met effectively in mainstream, with some high-quality targeted support.
  - **increased requests for placements in specialist provision means that capacity is restricted**. Some children and young people, including those with more complex needs, face long journeys to school or have to attend out of area placements, resulting in increased costs for school transport. In some areas, alternative provision appears to be increasingly used to supplement special school places. Pressures on the capacity of specialist provision also mean that more children are placed in independent specialist provision, even when this may not be the most effective setting for them, resulting in poor value for money.
33. As more children and young people receive EHCPs and attend specialist settings, more resource and capacity is pulled to the specialist end of the system, meaning that there is less resource available to deliver early intervention and effective, timely support in mainstream settings. As a result, the vicious cycle continues with outcomes and experiences continuing to suffer, and costs pressures increasing.

## **A system where every child and young person can access the right support in the right place at the right time**

34. Addressing these challenges, and delivering better outcomes, improved experiences and financial sustainability, requires a whole system response. Far more children and young people should be able to access the support they need in their local mainstream setting, without the need for an EHCP or specialist provision. That begins with clear and common standards across the SEND and alternative provision system so that needs are identified, assessed and supported fairly and consistently, no matter where a child or young person lives or is educated. Consistent standards will facilitate a more inclusive system, with more children and young people able to have their needs met in high-quality mainstream provision with high aspirations, a confident and expert workforce and access to high-quality targeted support as needed.
35. We also need a strong specialist sector that supports those children and young people with more complex needs, and a clear vision for an improved alternative provision system that offers upstream support as well as placements. We need funding reform and strengthened accountability across the system so that everyone knows the role they play, is incentivised and held to account for doing so. We need a strong focus on delivery, supporting the move to a more inclusive system that starts to deliver now, and in the long-term for children, young people and their families. This green paper sets out how we intend to deliver these changes in England so that every child and young person can achieve their potential.

## Chapter 2: A single national SEND and alternative provision system

### Summary

1. The Review has concluded that there is a need for much greater consistency in how needs are identified and supported, so that decisions about support and provision are made based on a child or young person's needs, in co-production with families, not where they live or the setting they attend. The Review has heard that parents and carers want greater confidence that their local early years setting, school and college will be able to effectively support their child's needs.
2. We propose to establish a new national SEND and alternative provision system that will set new standards for how needs are identified and met across education, health and care. This will include standards on what support should be made available universally in mainstream settings, as well as guidance on when an EHCP is required, and when specialist provision, including alternative provision, is most appropriate for meeting a child or young person's needs.
3. In this chapter, we set out what the new national standards would cover, and how they would be delivered in a local area. In Chapter 3, we expand on how we propose to improve provision across the system, starting with excellent teaching in mainstream settings and improved workforce expertise across early years, schools and further education. In Chapter 4, we set out how this system will operate specifically for alternative provision settings. In Chapter 5, we set out our proposals for ensuring there are clear roles and responsibilities, alongside funding reform and robust accountability across processes and procedures in the system. Finally, in Chapter 6, we set out our plans for delivering the proposals set out in this green paper.

#### We propose to:

- establish a **new national SEND and alternative provision system setting nationally consistent standards** for how needs are identified and met at every stage of a child's journey across education, health and care
- review and update the **SEND Code of Practice** to ensure it reflects the new national standards to promote nationally consistent systems, processes and provision
- **establish new local SEND partnerships**, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a **local inclusion plan** setting out how each local area will meet the national standards

- **introduce a standardised and digitised EHCP process and template** to minimise bureaucracy and deliver consistency
- **support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings**, drawn from the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs
- **streamline the redress process**, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

### **What this means for:**

**Children and young people:** will be able to access the support they need, without bureaucracy and delay, and will be able to attend the setting that is right for them so that they can be supported to achieve improved outcomes.

**Parents and carers:** can be confident that their child's needs will be met effectively in the most appropriate local setting, without having to fight to secure the appropriate support for their child's needs. They can be clear about what support their child is receiving and are engaged in decision-making at every stage.

**Education settings:** can be clear about the support that they are expected to ordinarily deliver for children and young people with SEND. They can be engaged in strategic decision-making in their local area so that they can access the right targeted support for children and young people quickly and effectively.

**Health and care providers:** will be clear about their responsibilities in meeting children and young people's needs. Consistent processes and strategic planning will mean services can be jointly commissioned and delivered across regions to meet the needs of children and young people across their local area.

**Local government:** is clear on roles and responsibilities with the levers to fulfil their statutory duties. They can deliver the right, appropriate support to meet the needs of children and young people with SEND in their local area.

## **We propose to legislate for new national SEND standards**

4. The 2014 reforms placed a strong emphasis on local decision-making. However, it is clear that there is too much local discretion, to the extent that there are now, in effect, 152 local SEND and alternative provision systems operating across the country. This is difficult for parents and carers navigating the system and for education settings, particularly MATs and further education providers across regions, who have to deal with different systems, processes and funding regimes across multiple local authorities.

5. We propose to create new national SEND standards spanning early years settings through to further education. These standards would make consistent the provision, processes and systems that should be made available across the country for every child and young person with SEND, acting as a common point of reference for every partner within the SEND and alternative provision system. We intend for these to apply across education, health and care. We propose to bring forward legislation to place the standards on a statutory footing within the early years and education sectors and revise the SEND Code of Practice to reflect these standards. Recognising the different legal framework for health and adult social care (for ages 18-25), we will work with relevant bodies to ensure the new national SEND standards are appropriate for health and adult social care, reflecting this in the relevant health commissioning guidance and in line with the Care Act 2014. The application of the national standards to children's social care will be informed by the government's response to the forthcoming Independent Review of Children's Social Care. The proposed national standards will include:

- **How needs should be identified and assessed:** the standards will set consistent processes for decision-making on how a child or young person's needs are identified and recorded and instruct on how and when an assessment should take place, who should be involved in the assessment process, and how the information and evidence collected should be recorded and monitored. This will include standards on how and when a child or young person should be identified as requiring SEN Support, and best practice in reasonable adjustments for disabled children, such as those children with a sensory impairment. These standards should improve consistency of identification, reducing the likelihood of misidentification driven by place, setting or other factors such as race or disadvantage.
- **The appropriate provision that should be made available for different types of need:** the national standards will set out the full range of appropriate types of support and placements for meeting different needs. This will include setting out when needs can and should be met effectively in mainstream provision, and the support that should be made ordinarily available in mainstream settings to facilitate this. It will also bring clarity to the circumstances in which a child or young person needs an EHCP, and additionally whether their needs should be met in a specialist setting (including alternative provision). For those parents and carers with children with complex needs, there will be greater clarity too in when a special school is appropriate. There will be greater clarity about which partners should fund specific forms of support and provision.
- **Standardised processes for accessing and reviewing support:** the standards will set out clear processes for accessing and reviewing the support that is put in place in mainstream settings, including consistent standards on co-production with children, young people, parents and carers. It will also set clear standards for how

and when EHCPs should be effectively reviewed, with a much greater emphasis on effective time-bound support and achieving individual outcomes.

- **Standards for co-producing and communicating with children, young people, parents and carers:** co-production with children, young people and families is a fundamental principle of the SEND system and enables children, young people, parents and carers to be valued partners in decision-making<sup>62</sup>. We will introduce consistent standards for co-production and communication with children, young people and their families so that they are engaged in the decision-making process around the support that they receive and the progress they are making.
- **Standards for transitions:** transitions standards will ensure there are consistently deliverable arrangements in place as children and young people move to their next phase, particularly into further education, employment, and adulthood. The standards will have the preparation for adulthood goals at their heart, and will provide consistency on the quality, timeliness and effectiveness of transitions for children and young people in both mainstream and specialist settings.

**Consultation 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.**

## **We propose to introduce new local SEND partnerships to ensure effective local delivery**

6. National standards will ensure that there is greater fairness and consistency in decision-making across the country in how needs are identified, assessed and supported. However, we recognise that some local discretion will be required and necessary, taking into account differing prevalence of need, geographical contexts, and patterns of provision to enable effective local delivery. We want to create a system that promotes a collaborative approach to supporting children and young people with SEND, built on common understanding of needs and provision, with effective joint working, mutual trust and accountability between all system partners.
7. We propose to legislate to enable statutory local SEND partnership arrangements that bring together representatives across early years, schools, further education, alternative and specialist provision, in addition to health and care partners and other partners, including youth justice. The partnerships will be convened by local authorities who will continue to hold responsibility for high needs funding and coordinate the local system to deliver statutory responsibilities including duties for vulnerable children. We want to establish these new partnership arrangements, mindful of current local partnerships and not wanting to duplicate other partnership



arrangements including Integrated Care Partnerships. Statutory guidance will be clear on what is expected of every partner involved to enable these partnerships to be successful.

8. This local partnership will be responsible for working with parents and carers to carry out an assessment of need and existing provision across their local area, capturing the prevalence of different types of need locally, and the range of provision that will need to be available locally to effectively meet those needs. For alternative provision, this must include the provision necessary across a continuum of support, with a strong focus on targeted support in mainstream settings (further detail in Chapter 4). This partnership arrangement will enable local authorities to work collaboratively with health and care partners as well as local education settings, including MATs, to meet their statutory responsibilities for children and young people with SEND. We therefore propose to review the current co-operation duties and requirement to keep education and care provision under review.
9. Following the needs assessment, the local partnership will work with parents and carers to produce a local inclusion plan. The local inclusion plan should be a strategic plan for delivery including setting out the provision and services that should be commissioned in line with the national standards and based on the results of the joint needs assessment. Local partnerships will be expected to consider local issues, such as transport arrangements, when determining the provision that is included within the local inclusion plan. The local inclusion plan will inform the local offer, with the national standards being clear on what should be included within the local offer. We will undertake a local authority new burdens assessment as part of this proposal, including consideration of the capacity required to manage delivery of this change, such as the training and development needs of local authority SEN officer teams. In Chapter 5 we expand on how inclusion plans will be quality assured.
10. Whilst we would expect most planning and commissioning for provision to take place at a local authority level, for some types of provision a regional approach may be more appropriate. We propose that the national system encourages more commissioning at a regional level. This is likely to be the case for further education settings, whose footprint often spans across multiple local authorities<sup>63</sup> and for specialist provision to meet the most complex needs which tend to be less prevalent.
11. The local partnership will need to work alongside multi-agency safeguarding partnerships and Integrated Care Systems, with the joint needs assessment and local inclusion plan informing health and care commissioning to ensure integrated delivery of services across education, health and care.

**Consultation 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?**

**Consultation 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?**

### **We propose mandating the use of local multi-agency panels to improve parental confidence in the Education, Health and Care (EHC) needs assessment process**

12. We have heard from parents that improving the impartiality of the needs assessment process will improve their overall confidence in EHC needs assessments and local authority decision-making. Some areas have already taken steps to address this through the use of multi-agency panels. We propose introducing statutory local multi-agency panels to review and make recommendations on requests for EHC needs assessments, the needs assessments themselves and the consequent placement and funding decisions.
13. This panel would include representation from schools and colleges, health, social care, parents and carers to take a holistic view of the child or young person. They would make recommendations to the local authority on whether (following the decision-making processes set out in law) an EHC needs assessment must be carried out, whether or not an EHCP is required, and that the provision specified in a plan is in accordance with the national model. The local authority must then take these recommendations into account when making their final decisions.

### **We propose to standardise EHCPs to ensure consistent access to specialist provision**

14. The component sections and information that must be included within an EHCP are defined in law, and local areas have the discretion to create their own versions of the EHCP template and the process of inputting into them. However, recent analysis<sup>64</sup> by the Children's Commissioner highlights a lack of consistency in the specificity of information included within EHCPs, and how outcomes are defined, including the timeframe in which a child or young person is expected to achieve them by. There were inconsistencies too in the structure, length and formatting of EHCP forms, with the samples included in the analysis ranging from a maximum of 40 pages in one local authority to between 8 and 23 in another. The EHCPs produced by the local authorities in the sample would take approximately 50 minutes on average to read aloud to a child. This lack of consistency means that partners who work across multiple local authorities must navigate multiple processes and templates, reducing their capacity to deliver support and adding to their administrative burden.
15. We therefore propose to introduce standardised EHCP templates and processes. This will place greater focus on the support that is being put in place, including whether

support should be classed as education, health and care interventions, and therefore funded by the appropriate service. Documentation must be co-produced with parents, carers, children and young people to ensure the templates produced are user-friendly and accessible.

16. We know that families can feel overwhelmed and overburdened by multiple assessments. The national standards will make clear the input required from different services, including health and social care, to contribute to an EHC needs assessment. We will more clearly define the statutory requirement for social care input into EHC assessments, so that at a minimum children and young people with SEND are signposted to appropriate advice and guidance when more formal social care support may not be necessary.
17. We will explore opportunities for streamlining EHC and social care assessments following publication of the Independent Review of Children's Social Care. We will also review whether the distinction between sections H1 (provision under Chronically Sick and Disabled Persons Act 1970) and H2 (any other social care provision reasonably required by the young person's learning difficulties or disabilities) of EHCPs remain helpful and necessary.
18. We will standardise the annual review process for reviewing EHCPs, with new standards on documenting and celebrating progress achieved towards milestones and outcomes. We will introduce a requirement to discuss and record whether a step down to targeted support, and cessation of an EHCP, is more appropriate for meeting the child or young person's needs. This will ensure that when an EHCP is no longer necessary it can be ended whilst also ensuring that children and young people continue to access appropriate levels of support.
19. We propose to change the timescale for the issuing of draft plans following annual reviews. In light of a recent High Court judgment<sup>65</sup>, local authorities must now issue proposed amendments to the plan within four weeks of a review meeting. We are concerned that this deadline does not strike a balance between timeliness and certainty for families and enabling local authorities to gather and consider all the information and advice they need to draft quality amendments to an EHCP. We will therefore consult shortly on a proposal for a timescale that will enable a quality EHCP to be produced.

## **We propose to digitise EHCPs to reduce bureaucracy**

20. We will also digitise the EHCP process with a new digital EHCP template and a secure central location for parents, carers and professionals to upload key information, reducing the bureaucracy of the current process. We will work with parents, carers and professionals to make sure that they can submit and access all

the relevant information for producing, maintaining and reviewing the plan in a streamlined way that is easy to navigate and access.

21. We will make sure that the new system takes full advantage of the potential of technology and can give a holistic picture of the child or young person, for example, by including photos and videos. We will ensure there are appropriate controls in place so that the plan cannot be changed without parent or carer input and that it will provide an audit trail of previous decisions and amendments. The process will take account of General Data Protection Regulations (GDPR) considerations and information sharing protocols.
22. A digital EHCP process will also allow for better data collection including anonymous tracking of progress made towards outcomes and analysis of trends in the prevalence of need, and the support and provision that is made available. This data will be used by DfE to review and update the national standards so that they remain relevant and issues can be addressed proactively.
23. These changes will particularly support those children and young people who move school in the middle of an academic year. We will also consider how we can better support those who return to England following deployment abroad or in other parts of the UK, such as families in the Armed Forces or Crown Servants.

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

## **We propose to amend the process for naming a place within an EHCP**

24. In instances where it has been identified that a child or young person's needs require a placement in specialist provision, the local inclusion plan will set out the provision that is available within the local area, including units within mainstream, alternative and specialist provision.
25. In order to support parents and carers to express an informed preference of a suitable placement, they will be provided with a tailored list of settings based on the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs. These settings may be outside of the boundary of the local authority where this is appropriate. The local authority will allocate the first available place in order of the parent's or carer's preference and this school will be named in the child's EHCP.
26. Parents will continue to have the right to request a mainstream setting for their child, even when they are eligible for a specialist setting. Local authorities must name the mainstream setting where this is the parental preference, unless it is incompatible with the provision of efficient education for others. These changes will not impact children

or young people already in a specialist setting and will apply to future decisions about school places. This change will not come into effect until the local inclusion plan for an area has been quality assured and signed off as being in accordance with the national standards.

27. For children and young people with an EHCP, the setting named on the plan has a legal duty to admit the child or young person. We are aware of instances of alleged inappropriate or unlawful practices: 94% of local authorities said that “resistance from some schools to admit or retain pupils with additional needs or vulnerabilities” happened occasionally or regularly<sup>66</sup>.

28. There are processes to allow local authorities to direct admissions in maintained schools. Although academies are required to admit a child or young person with an EHCP, the power to direct admissions for academies remains with the Secretary of State for Education. We will consider changing this process, so that, as a final safety net to cover rare circumstances where collaborative working breaks down, local authorities have a backstop power to direct trusts to admit children, with a right for the trust to appeal to the Schools Adjudicator. This is important to ensure that children and young people with SEND are not left without a school place for unreasonable lengths of time. It will also support the wider pupil movements process, including placements into and out of alternative provision, with further detail on this set out in Chapter 4.

**Consultation 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?**

## **We propose to strengthen earlier redress through clear national standards and the introduction of mandatory mediation**

29. The new national system will be designed to minimise uncertainty and disagreements throughout the system and improve parental confidence. We recognise, however, that disputes around decision-making may still occur, but these should be addressed and resolved promptly where possible.

30. Through the national system, we will set standards for how complaints related to SEND processes and provision should be dealt with and who is responsible for resolving concerns. This will include improved quality assurance and greater clarity on the local authority commissioned dispute resolution and mediation services, alongside greater clarity on the role of local SEND Information, Advice and Support Services (SENDIASS) who provide impartial support to families and help them navigate processes including their options for redress.

31. Mediation helps to maintain and improve relationships between providers, local authorities and families which is important for long-term collaborative working and supports better outcomes for children and young people. In the current system, families must secure a mediation certificate before registering an appeal with the tribunal<sup>67</sup>, but they do not have to go through mediation itself. We propose to change this so that families and local authorities must engage in mediation prior to registering an appeal to the tribunal. The national standards will set clear expectations of how different parties should engage in mediation, including timescales for mediation to take place and ensuring that local authority decision-makers attend meetings. We will make sure there is appropriate support available to parents to help them understand the mediation process and how best to engage with it.
32. We propose to keep the impact of mandatory mediation under review as we start to deliver these changes. If the national standards and mandatory mediation does not prove effective in strengthening earlier redress, we will consider whether it is necessary to introduce an additional redress measure in the form of an independent review mechanism. This could be the same multi-agency panel proposed in paragraph 13 that reviews evidence at the EHC needs assessment stage to ensure consistency. In these circumstances, the panel would be responsible for reviewing the evidence in any dispute cases that are eligible for tribunal appeal, including refusal to assess need, refusal to offer an EHCP and the content of a plan. Cases would need to go through mediation first and then be reviewed by the independent local panel prior to a tribunal appeal being registered. We would need to consider whether this panel could make the binding legal judgements required to overturn previous local authority decisions and how this would apply across education, health and care.

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

33. The First-tier SEND Tribunal plays an important role in resolving disputes between parents, carers, young people and local authorities over a range of decisions. Appeals to the tribunal should only need to be made in cases where parents feel that their child's needs or proposed provision arrangements are not in line with the new national SEND standards, and mediation has not resolved the dispute. Tribunal decisions would be made in line with the new statutory national SEND and alternative provision standards. The extended powers, tested under the National Trial, given to the SEND Tribunal to hear appeals and make non-binding recommendations about health and social care aspects of EHCPs, provided those appeals also include education elements, will continue. This enables parents and carers to access a single route of redress across education, health and care.
34. The Equality Act 2010 makes clear that schools must operate inclusively and ensure that children and young people who are disabled can access and participate in education and other activities schools provide. However, where this is not the case

and practices may have been discriminatory, families and young people are able to bring a claim to the First-tier SEND Tribunal, which has the power to award a range of remedies to redress the wrong with the aim of putting a child or young person's education back on track. These remedies can include training of school staff and ordering a change to school policies. The government proposes to explore how well this arrangement is working in practice.

**Consultation 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?**

## Chapter 3: Excellent provision from early years to adulthood

### Summary

1. The Review has heard that we need a more inclusive system in order to ensure that children and young people with SEND are set up to thrive and are prepared for adulthood. The national standards introduced in Chapter 2 will provide consistency on where needs should be met, and how. This will give parents and carers increased confidence that their child can be supported effectively in their local mainstream setting and will offer providers greater clarity on the range of needs that can be met within a mainstream setting. An inclusive system will also ensure that children and young people have timely access to specialist services and support, including specialist placements where this is appropriate.
2. In this chapter, we set out our ambition for a continuum of support where needs are identified early and accurately so that the right support is delivered in the right setting at the right time. We will deliver improved mainstream provision, through a highly skilled and confident workforce across early years, schools and further education. Children and young people will access the support needed for effective transitions, especially as they move into further education, higher education, employment or adult social care services. There will be improved access to wraparound services for families, and more timely access to specialist support from health and social care partners where a child or young person requires this. We will invest in new specialist places, ensuring that those children and young people with more complex needs can access the support they need quickly and closer to home.

#### We will:

- **increase our total investment in schools' budgets by £7 billion by 2024-25, compared to 2021-22**, including an additional £1 billion in 2022-23 alone for children and young people with complex needs
- **consult on the introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos** and increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise
- **commission analysis to better understand the support that children and young people with SEND need from the health workforce** so that there is a clear focus on SEND in health workforce planning
- **improve mainstream provision**, building on the ambitious Schools White Paper, through excellent teacher training and development and a 'what works' evidence programme to identify and share best practice, including in early intervention



- **fund more than 10,000 additional respite placements through an investment of £30 million**, alongside £82 million to create a network of family hubs, so more children, young people and their families can access wraparound support
- **invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision.** We will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline
- **set out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools**, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one, sharing expertise and resources to improve outcomes
- **invest £18 million over the next three years to build capacity in the Supported Internships Programme**, and improve transitions at further education by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for higher education and employment

#### **What this means for:**

**Children and young people:** can have their needs met effectively in the setting that is most appropriate for them, with far more children and young people able to attend their local mainstream setting. Children and young people will receive excellent teaching and can get access to the support they need quickly and easily.

**Parents and carers:** can be confident that their child's needs will be met in the most appropriate local setting, with clarity about what support will be made available. Families can access wraparound support so that they can thrive.

**Education settings:** have clarity on the provision that they should be making available as standard. The workforce has access to training and development at every stage of their career giving them confidence and expertise to effectively identify and support needs.

**Health and care providers:** can work with education settings to identify and support needs early. Improved strategic SEND leadership and greater clarity on the specialist support they need to make available will allow them to ensure the right resources are in place in each local area.

**Local government:** will have access to local specialist services and places that they can commission to support children and young people locally where appropriate. Improved clarity about where needs should be met, alongside increased investment in wraparound support and services, will allow needs to be met earlier, reducing budgetary pressures on specialist services.

## **We will identify need at the earliest opportunity in high-quality early years provision**

3. Excellent early years provision can play a key role by identifying needs early and putting the right support in place so that children can progress. Research has found that high-quality early years provision for children significantly decreased the likelihood of a child being identified with SEN in later years<sup>68</sup>.
4. The Early Years Foundation Stage (EYFS) two-year old progress check and the Healthy Child Programme (HCP) development review offer two valuable opportunities to identify additional needs for children aged 2 to 3 and put the right support in place for the children who need it in partnership with parents, carers and any relevant professionals. These are important interventions in assessing a child's progress and optimise children's development, which includes a focus on communication and language, personal, social and emotional development, as well as on children's physical development milestones. We will explore ways to upskill early years practitioners in undertaking the EYFS two-year-old progress check and encourage further integration to join-up across education and health services.
5. We have heard that early years practitioners can struggle to accurately identify where a child may have SEND. Although group-based early years providers are expected to identify a SENCo, early years SENCos are not subject to a minimum statutory requirement regarding the level of qualification. We will increase specialist SEND expertise by increasing the number of trained and qualified SENCos in early years settings, with a view for training to be delivered to up to 5,000 SENCos. We will also conduct a review of the Level 3 early years educator qualification and increase the number of SEND-qualified Level 3 practitioners in early years settings.

**Consultation 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?**

## The example of Daniella shows how the system will feel for children and young people following the proposed changes



Daniella is 4 and educated at her local mainstream nursery. The new SEND system means her needs are identified early and Daniella and her mum receive wraparound support.

### **Current experience and trajectory**

In the early part of the pandemic, despite Daniella's nursery staying open, she missed out on some aspects of support and valuable time with her peers.

The nursery suspect that Daniella might have moderate learning difficulties, which have been compounded by the implications of the pandemic on her learning.

The nursery staff are not sure how best to identify her needs to provide the right support for her and do not know what extra support might be available.

Daniella continues to fall behind.

When Daniella arrives in reception, her needs are not clear and there is little record of the previous support she has had. Therefore, provision is not in place – Daniella's needs become more significant and challenging as she gets older.

### **Future experience**

The staff at Daniella's nursery received SEND specific CPD with a focus on child development.

They utilise these skills to identify children who have been significantly impacted by a lack of interaction and services as a result of the pandemic.

The nursery staff exercise best practice and conduct a 2 ½ year integrated check with a health visitor. The health visitor uses the Early Language and Identification Measure Framework to identify the emerging need that explains why Daniella is beginning to fall behind her peers.

The local family hub model supports integrated working between professionals. The nursery staff and health visitor speak to the family and work together as a team around Daniella to identify what support can be put in place, supported by an effective local data sharing agreement so everyone in the multidisciplinary team has the information to make a good decision quickly.

On transition, the information about the support Daniella has received is passed from her nursery to her primary school. The school has access to a speech and language therapist (SaLT) if Daniella needs access to time-bound support.

## **We will support families at every stage of their child's journey**

6. To improve the availability of early support for families, we will invest £82 million in family hubs across 75 local authorities in England, as part of a wider £300 million package to transform services for parents, carers, babies, and children. These hubs will offer improved access to services, with better connections between families, professional services and providers. Hubs will be expected to help families who have a child with SEND to navigate support by signposting and referring them to appropriate services within the hub network and incorporate evidence-based support for children with SEND into their provision where appropriate. Local authorities receiving funding to develop family hubs through the £12 million Transformation Fund will be expected to integrate SEND provision into their 0–2-year-old offer, offering children the best start in life.
7. We will expand the reach of the Supporting Families Programme through a £695 million investment over the coming three years to secure better outcomes for up to 300,000 families. This will ensure more families are able to access quality, multi-agency support across a wide range of needs, including SEND.
8. Families take on many additional roles to support their children practically and emotionally, without any break. Access to respite, short breaks and opportunities to take part in activities in the local community can reduce stress and increase wellbeing. However, many families struggle to access the additional support they need. A survey carried out by the Disabled Children's Partnership (DCP) showed 53% of parents and carers had been forced to give up a paid job to care for their disabled child<sup>69</sup>.
9. Councils will be able to bid for projects to be funded from a new £30 million investment over the next three years, to set up more than 10,000 additional respite places. This small-scale project will enable innovative approaches to providing support to be evaluated over the course of the three-year programme, with best practice learning being shared across the system so that more families can benefit.
10. We recognise that even with this additional investment there is more that could be done to provide support for those children and young people with the most complex needs. We know that the forthcoming Independent Review of Children's Social Care has looked closely at early help and we await the report with its final recommendations in the spring.

## **We will deliver excellent teaching and high standards of curriculum in every mainstream school**

11. Excellent mainstream provision serves as the foundation for a strong SEND system that delivers for all children and young people and allows them to have their needs met effectively in their local setting. That is why we are investing an additional £7

billion in the core schools' budget by 2024-25, including a further £1 billion in 2022-23 alone for all those aged 0-25 with more complex needs, to ensure that the system has sufficient resource in the years to come.

12. But we are clear that there is further to go in delivering a mainstream system that can support children and young people with SEND effectively. This government's Levelling Up mission for schools is that, by 2030, 90% of primary school children will have achieved the expected standard in reading, writing and mathematics. But in 2019, only 22% of pupils with SEN met the expected standard in reading, writing and mathematics by the end of key stage 2<sup>70</sup>. We will not achieve our mission for 90% of children to reach the expected standard by 2030 in reading, writing and mathematics if we do not better support children and young people with additional needs or in alternative provision, many of whom do not have needs that, in and of themselves, should prevent them from achieving in line with their peers.
13. The Schools White Paper sets out a vision of the school system in which every child and young person can fulfil their potential, supported by an excellent teacher, high standards of curriculum, behaviour and attendance, backed by high-quality targeted support for those that need it. This includes a Parent Pledge from government to parents that wherever they live, and wherever they go to school, the school will provide evidence-based support if their child falls behind. We believe that, with excellent teaching and improved identification of need in inclusive educational settings, fewer children and young people will need additional interventions as they will be getting the support they need as part of high-quality teaching within the classroom.
14. Thanks to bodies such as the Education Endowment Foundation (EEF) and its international comparators, we have considerable knowledge and understanding about what works in improving children and young people's attainment and educational outcomes. To deepen our understanding, we will invest in new research on SEND classroom-based practice, exploring options to build this evidence base with a range of partners, including the EEF. This research will build on 'what works' initiatives currently underway in the SEND system to identify and share best practice, seeking to include trials on screening approaches to support early identification of special educational needs.
15. Excellent teaching is the bedrock of strong mainstream provision and is especially important for children and young people with SEND: research from the EEF found that teacher strategies, additional teaching, and positive interactions with teachers are important factors for improving the outcomes of children and young people with SEND<sup>71</sup>.
16. However, the level of confidence amongst teachers in supporting children with SEND is low. In 2019, 41% of teachers reported that there is appropriate training in place for

all teachers in supporting pupils receiving SEN support. This is a significant decrease since summer 2018 when 59% of teachers agreed with this statement<sup>72</sup>.

17. We have already begun to deliver a transformed professional development pathway for teachers, with high-quality training at every step of their career. We will invest up to £36 million in Initial Teacher Training and deliver 500,000 teacher training and development opportunities across Initial Teacher Training, the Early Career Framework and National Professional Qualifications by the end of this parliament:

- **the mandatory Initial Teacher Training (ITT) core content framework**, published in November 2019, sets out a minimum mandatory entitlement for all trainee teachers. This includes receiving clear, consistent and effective mentoring in supporting pupils with a range of additional needs
- **the Early Career Framework**, introduced in September 2021, entitles early career teachers to a further 2 years of development. This framework was designed in consultation with the education sector, including SEND specialists, and includes training on identifying pupils who need new content further broken down
- **a reformed suite of National Professional Qualifications (NPQs)** for teachers and leaders, introduced in September 2021, have been designed to help the teaching profession hone and develop the skills they already have and to ensure they support all pupils to succeed in both mainstream and specialist settings
- we will establish an **Institute of Teaching** which will become England's flagship teacher development provider, working closely with the Education Endowment Foundation. It will provide cutting edge training and build the evidence base on effective teacher development driving standards of teacher training even higher

18. In February 2022, we announced more than £45 million of continued targeted support for children and young people with SEND; this includes funding for programmes that will directly support schools and colleges to effectively work with children and young people with SEND, for example through training on specific needs like autism.

19. During the pandemic, we offered training to teachers for the first time in using assistive technology that can reduce or remove barriers to learning for children with SEND. We are currently testing how training can increase school staffs' skills and confidence in using assistive technology, which is more widely available following investment in remote education and accessibility features.

20. Teaching assistants play a key role in supporting children and young people with SEND to access learning in the classroom. We will set out clear guidance on the effective use and deployment of teaching assistants to support children and young people with SEND as part of the national standards.

## We propose to introduce a new SENCo qualification

'I work with all our local mainstream schools. Having a good SENCo is beyond vital, but almost impossible to find.' Head, Special School, Provider Fieldwork, DfE Delivery Unit (2019)

21. All mainstream schools must have a qualified teacher or headteacher designated as the SENCo. SENCos' play a critical role in sharing SEND expertise within schools, providing specialist guidance to the wider school workforce, setting the strategic direction, and making day-to-day provisions to support children and young people with SEND, including those with EHCPs. Currently training is available via the NASENCo qualification. We recognise that there is variability in terms of SENCos' experience of the NASENCo and whether it provides the knowledge and skills needed for the role. The government also recognises that the NASENCo currently sits outside of wider teacher development reforms.
22. To improve the level of expertise and leadership amongst SENCos, we are proposing to introduce a new Leadership SENCo NPQ. The NPQ would replace the current NASENCo, bringing the SENCo qualification in line with other teaching training. The NPQ would help improve SENCos' leadership expertise, making them well-placed to sit on a senior leadership team and inform the strategic direction of a setting. As the mandatory qualification for SENCos, all SENCos who have not previously completed the NASENCo would be required to complete the SENCo NPQ.
23. We also recognise that the 3-year window within which SENCos must complete their mandatory qualification creates an inherent risk of variation of when SENCos complete their qualification. We therefore propose to strengthen the statutory timeframe so that in addition to requiring training to be completed within 3 years, headteachers must also be satisfied that a SENCo is in the process of obtaining the qualification when taking on the role. We believe that this approach will ensure that SENCos have the knowledge and skills needed for the role at the earliest opportunity, enabling them to meet the needs of children and young people with SEND, their families and the school workforce.
24. Too often, SENCos' time is spent on completing bureaucratic administrative tasks instead of working with teachers to support children and young people with SEND: 74% of SENCos say that administrative work takes up the majority of their allocated SENCo time, with only 23% of SENCos reporting they have enough time to ensure that children and young people with EHCPs can access the provision they need<sup>73</sup>. We therefore recommend that SENCos are given sufficient protected time to carry out their role and are provided with dedicated administrative support to reduce the time they spend on administrative work.

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

**Consultation Question 10: To what extent do you agree or disagree 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?**

## **Governance**

25. As set out in the SEND Code of Practice, schools are expected to identify a member of the governing body with specific oversight of the school's arrangements for SEND. This role is important in supporting the work of the SENCo, headteacher and the governing body in determining the strategic development of SEND policy and provision, and ensuring the school meets its responsibilities for reasonable adjustments. Through the revised Code of Practice, we will be looking to strengthen the relationship between the SEND governor and the SENCo.

### **Case study – Autism Education Trust**

The Autism Education Trust (AET) is a national partnership that operates across England and is supported by DfE. The AET creates and delivers a national professional development programme to enhance knowledge, understanding and skills in the workforce across early years, schools and post-16 settings to meet the needs of autistic children and young people.

The partnership consists of a range of organisations, including local authorities, the voluntary sector, universities and schools. These organisations apply to become AET programme partners, appointed and licenced by the AET to deliver the AET programme.

The AET provides a framework that can be used to change culture within education settings. Embedding the AET Programme creates a mainstream workforce who are skilled and confident to educate their local population of autistic children and young people, thus reducing the pressure on specialist services, preventing exclusions, and increasing the positive experiences of education for autistic children and young people.

The AET programme promotes whole-school development which is consistently applied through both the AET training and the implementation of the AET standards and competency frameworks. AET programme partners use these frameworks to benchmark how 'autism friendly' education settings are, and it enables them to assist education leaders to reflect and identify ways to improve their good autism practice by making reasonable adjustments as a whole setting.

The AET refer to this as a mainstream plus approach and it ties directly to their Good Autism Practice Principles (enabling environments, positive and effective relationships, understanding the individual, learning and development) that are evidence and research-based.



## We will improve timely access to specialist support

26. Children and young people with SEND frequently require access to additional support from a broad specialist workforce across education, health and care to enable them to effectively access the mainstream curriculum.
27. During the pandemic, there were reports of delays or challenges in accessing support, resulting in children's needs escalating<sup>74</sup>. This challenge was particularly acute for children's community health services with some key professions in high demand but lacking the capacity to deliver to all children that needed them. Data from the Mental Health Services Data Set (MHSDS) showed that between April 2019 and June 2021, only 16% of under 18-year-olds received a first appointment following an autism referral within the 13 week deadline recommended by NICE, while 17% of under 18-year-olds waited over half a year for an appointment following referral<sup>75</sup>.
28. Furthermore, 75% of families reported delays to routine health appointments for their disabled child in the first lock down<sup>76</sup>. The [Ask, Listen, Act study](#) reported that during the first national lockdown, 77% of health and social care professionals reported that the quality of care they were able to provide for children with SEND was 'much worse' or 'slightly worse' than prior to the pandemic<sup>77</sup>.
29. We are taking steps to increase the capacity of the specialist workforce. Since 2020, we have increased the number of educational psychologist trainees that we fund, to over 200, from 160 per annum, and have invested £30 million to train three more cohorts for academic years 2020, 2021, and 2022<sup>78</sup>.
30. We have put a clear focus on mental health and wellbeing, working in partnership with the Department for Health and Social Care (DHSC), NHS England and NHS Improvement to implement the proposals in the 'Transforming children and young people's mental health provision' green paper. We have committed to offer senior mental health lead training to every state-funded school and college by 2025, developing the knowledge and skills to implement and sustain a holistic approach to mental health and emotional wellbeing. In addition to this, NHS-funded Mental Health Support Teams (MHSTs) are in the process of being rolled out with an estimated 35% of the school population expected to have access to an MHST by 2023.
31. We are taking action across government to invest in health services and tackle waiting times for access to diagnosis and therapies. We are investing £2.5 million per year to support autism diagnosis for children and young people in line with the NHS Long-Term Plan. The NHS England-funded Realist Evaluation of Autism Service Delivery will continue work to support local areas to develop effective autism diagnostic pathways that will work well for children and young people.
32. Data and evidence on the precise demand for therapy from children and young people with SEND is limited. In order to ensure that the needs of children and young people with SEND are supported through effective workforce planning, the

Department of Health and Social Care will work with Health Education England, NHS England and DfE to build on existing evidence and build a clearer picture of demand for support for children and young people with SEND from the therapy and diagnostic workforce. This will allow workforce planning to focus on the areas of the health workforce which are a priority for meeting the needs of children and young people with SEND. We will also ensure that the joint needs assessment and local inclusion plans introduced in Chapter 2 support better joined-up workforce planning across education, health and care to enable schools and colleges to access specialist workforce on a targeted basis.

33. We want to build on the existing functions of Designated Clinical Officers (DCOs) and Designated Medical Officers (DMOs) in supporting health commissioners to fulfil their statutory obligations around SEND, and in driving improvements within the health system. To ensure there is consistency in the functions across all local areas, and to reflect learning from current models and inspection outcomes, we propose to clarify the strategic and operational functions that these officers should have at both place-based and Integrated Care System level. This would be reflected in the revised SEND Code of Practice. To better reflect the functions for health, we propose that it be entitled 'Designated Health Officer'.
34. There is currently no provision for an equivalent Designated Officer in social care. To improve strategic leadership and engagement with the SEND system among social workers, the Council for Disabled Children (CDC) has been piloting the role of Designated Social Care Officer (DSCO) across 30 local authorities. This is a senior position within the local authority's children's social care function, with responsibility for supporting better engagement between social care and SEND teams. It has the potential to deliver better join-up between social care and other partners, such as the Virtual School Head, and in developing a quality support offer for families of children with SEND. We therefore propose to revise the Code of Practice to strongly encourage the adoption of DSCOs and use findings from the CDC work to establish what a high-quality standardised DSCO role would look like.
35. For adult social care, resources are being invested by the Department of Health and Social Care (DHSC) to improve the workforce capability and practice and will include learning and development to augment existing best practice on social work for children with SEND and broader care needs to transition to support from adult social care services.
36. We will test the value of embedding multi-disciplinary teams of specialists in alternative provision, through a £15 million, 2 year pilot in alternative provision settings. The Alternative Provision Specialist Taskforces went live on 1 November 2021 and are already working in 22 serious violence hotspots across England. As part of the pilot, professionals from across health, education, social care, youth justice and youth services are co-located in alternative provision settings to provide intensive wraparound support to vulnerable children and young people.

37. The pilot is built on the understanding that by having localised teams of specialists (such as mental health workers, speech and language therapists and family support workers) embedded within alternative provision settings, the outcomes of children and young people will improve, including reducing serious violence. The Youth Endowment Fund (YEF), a What Works Centre for serious violence, are working with the Department for Education (DfE) on the evaluation of the pilot which will help build crucial evidence of what works in alternative provision settings.

## **We will invest in high-quality specialist placements where needed**

38. We understand that for some children and young people, specialist provision will be the most appropriate placement for them to be able to learn and succeed. The proportion of pupils in specialist provision increased by 19% from 2016 to 2021<sup>79</sup>. Some children and young people have to be educated outside of their local area and face long journeys to and from school and college with a resulting additional cost pressure for local authorities on SEN transport in the region of £800 million. This limits their opportunities to be active members of their local community. More children and young people are also attending independent specialist provision, even when this may not be the most appropriate setting for a child or young person, because there are no other state specialist settings nearby.

39. We will invest £2.6 billion over the next three years to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. This funding represents a significant, transformational investment in new high needs provision and will support local authorities to deliver new places in mainstream and special schools, as well as other specialist settings. It can also be used to improve the suitability and accessibility of existing buildings.

40. As part of our new special and alternative provision free schools wave, we will prioritise local authorities in need of further specialist provision, identifying local authorities where a new local special free school will help local authorities reduce their dedicated schools grant (DSG) deficits, enabling the local authority to provide more effective and efficient SEND provision that will achieve better outcomes for children and young people with SEND.

## **We will set out a timeline so, by 2030, every specialist setting can benefit from being part of a strong trust**

41. We are clear on the benefits for schools, parents, carers and pupils of having a well-regulated trust-led system. The Schools White Paper set out plans to work with the sector to complete the journey towards a system where all schools are in a strong

trust, including special schools and alternative provision, of which 766 settings are not yet in trusts<sup>80</sup>.

42. As the specialist sector evolves into a fully trust-based system, it is important to ensure that there is still alignment and sharing of expertise between mainstream and specialist settings, with strong peer networks promoting both support and challenge, and upstream training opportunities from the specialist into the mainstream sector. We recognise that this best practice is found within strong trusts, whether they are specialist-only or mixed (where mainstream and specialist sectors are combined). We therefore propose that both types of trusts are encouraged to coexist in the trust-led future and that currently local authority maintained special schools and alternative provision are given the choice as to which type of trust to join based on their individual and local circumstances, unless the school is becoming a sponsored academy due to underperformance in which case the regional director will determine the most appropriate trust to secure improvement.

**Consultation 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.**

#### **Dixons Academy Trust**

Dixons is a multi-academy trust consisting of 15 schools serving the communities in West Yorkshire and the North West. Dixons' success stems from the high aspirations it shares across the trust for all its pupils, with the aim of maximising achievements. The trust is committed to high-quality teaching for all pupils, including those with SEN, by ensuring teachers have the knowledge and resource to meet the wider needs of all in the classroom. There is an emphasis on continuing professional development for all staff, and pupils are encouraged to share their opinions with student voice activities conducted throughout the year. Parents and carers are actively engaged with the school: strong communication allows for up-to-date feedback on progress, so families feel confident in the support being provided.

The trust also has a strong focus on wellbeing, and pupils can access social communication sessions, with teaching of basic skills like turn-taking and self-regulation. For those pupils who need targeted social and emotional support, the academy provides small pastoral groupings for registration, DEAR (reading) programmes, and Personal Development Studies. The trust has a rigorous system for identifying, reporting and following up alleged bullying incidents and has incorporated anti-bullying themes into the curriculum to ensure an open culture. The basis on which all this support rests is true inclusion: equal quality of education and experience for all pupils irrespective of need, increasing confidence amongst parents and carers that mainstream school can meet their child's needs.

## The example of Sophie shows how the system will feel for children and young people following the proposed changes



Sophie is 5, she has an EHCP and is educated in a special school. The new SEND system means her family and health and care partners can contribute easily to her EHCP and she is educated in her local special school.

### **Current experience and trajectory**

Sophie has profound and multiple learning disabilities as well as complex health needs which require daily management and specialist support.

The EHCP process was challenging and draining for Sophie's family. There was not an easy way for social care and health to contribute effectively to the plan.

When Sophie finally got her EHCP her parents did not feel the provision specified was properly quantified and lacked the specialist wraparound support needed to address her complex needs.

Sophie's parents felt isolated and unsupported and took the case to First-tier SEND Tribunal. The ruling went in Sophie's favour, but the local authority struggled to find Sophie a specialist placement.

Sophie is placed in a special school miles away from her local community. Sophie needs learning support and help with personal care, but the school lacks the capacity to support all her needs.

### **Future experience**

The new standardised EHCP process means multi-agency professionals across education, health and care can work together, and with the family, to ensure Sophie's case is viewed holistically and meets her needs.

The EHCP process is efficient, and Sophie's parents feel that the system is designed to help them access the support they need.

Through the free schools programme, a new special school has opened in Sophie's local area, and she is able to get a place.

The workforce has the capacity and knowledge to support Sophie with personal care and attending appointments alongside her learning, using professionals across education, health, and care.

Sophie's parents can relax in confidence that she is receiving high-quality support. They access respite which has a positive impact on their mental health.

## **We will support young people in their transition to further education**

43. The further education (FE) sector has a vital role to play in supporting young people with SEND: of all FE and Skills participants, 15.7% of those aged 19 and over had a self-declared learning difficulty and/or disability in 2020/21<sup>81</sup>. Through our reform on the post-16 skills system, we are driving improvements for all learners, including those with SEND. The Skills Bill places a duty on all colleges in the statutory sector to review their provision, at least once every three years, to ensure that the education and training provided meets the needs of all learners in the local area – including the needs of learners with SEND.
44. Well-planned transitions are key to setting young people up for success in further education. But too often, information about a young person's needs and required support is not shared in good time, making it challenging for colleges and other further education settings to put the right provision in place. The new national standards will include standards for transition, providing consistent, timely, high-quality transition preparation for children and young people with SEND. We also propose to expand the use of Common Transfer Files to facilitate smooth transition planning. These files would share relevant data between schools and further education settings about a child or young person's needs and ensure the right support is in place from Day 1.
45. Whilst there are examples of excellent SEND provision in the further education sector, senior leaders do not always appreciate their role fully in preparing young people with SEND for adulthood. That can lead to crucial roles, such as careers advice, or job coaching, being delivered by members of staff with no specific or additional training.
46. In January 2022, the Institute for Apprenticeships and Technical Education published a new Occupational Standard for Further Education (FE) teachers. This forms the backbone of the new Learning and Skills Teacher Apprenticeship which is now available for delivery. Going forward, this occupational standard will also form the basis for all publicly funded FE teacher training routes, including qualifications. Any new qualification is likely to include a specialist option in SEND for FE teachers to support learners with additional needs. We will continue to offer financial support for trainees through a range of incentives, including bursaries worth £15,000 each, tax free, that are available to support pre-service training in the academic year 2022/23 for SEND specialists in FE.
47. We will also consider how the proposed NPQ for SENCOs in schools could be aligned to support those with oversight of SEN provision in FE settings. Through our FE governance guide we will set an expectation that every governing body should have an individual with a SEND link governor role who would have a particular interest in the needs of students with SEND.

## **We will prepare young people with SEND for adulthood**

48. With the right support, the vast majority of young people with SEND are able to secure sustained employment or go into higher education. But for too many young people, this is not the case: young people with SEN are 25% less likely to be in sustained employment at age 27 than their peers<sup>82</sup> and they are more likely to become long-term not in education, employment or training (NEET)<sup>83</sup>. As a result, young people miss out on the stability and satisfaction that comes with sustained employment, and the opportunity to demonstrate and develop their skills. They may remain in education settings for longer than is beneficial, because there is not a viable opportunity for them to progress to. This places financial pressure on local authorities, particularly when an EHCP is in place.
49. To give young people with SEND the best opportunity to progress into employment, we will roll out improved careers guidance, including better information about the support that is available to them as they move into work. This will be delivered via Careers Hubs and support for Careers Leaders leading the design and delivery of careers education programmes tailored to the needs of young people with SEND, and currently supported via the Careers & Enterprise Company. We will continue to work with the SEND sector in developing statutory guidance for local skills improvement plans as part of the approach to addressing the SEND employment gap and improve the employment prospects of young people with SEND.
50. We are investing up to £18 million in supported internships over the next three years, aiming to double the capacity of the supported internships programme to provide more young people with EHCPs with the skills they need to secure and sustain paid employment.
51. Alongside this, we are investing further in traineeships to deliver 72,000 traineeships between 2022/23 and 2024/25. Traineeships are open to young people with SEND to support them into an apprenticeship or a quality job. In recent years we have seen improved representation of learners who have declared a learning difficulty or disability starting apprenticeships<sup>84</sup>. We are investing in a comprehensive package of professional development which includes upskilling providers and employers in making reasonable adjustments for apprentices with learning difficulties and/or disabilities.
52. We are also consulting on the review of post-16 qualifications at level 2 and below, with the consultation closing on 27 April 2022. We are proposing a simplified qualifications landscape with a system which is easier to navigate with high-quality qualifications that better support students, including those with SEND, to progress to positive outcomes such as further study, employment, or adulthood and independent living. We will continue to work closely with those in the SEND community to ensure our reforms improve the life chances of both young people and adults.

53. We are working with the Department for Work and Pensions to pilot an adjustments passport that is owned by the young person with SEND and sets out the support that they require to succeed in higher education or in the workplace. We will use the findings from the pilot programme to consider whether adjustments passports should be expanded to all young people with SEND.

**Consultation 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?**

**Weston College**

Weston College is an Ofsted outstanding college of further and higher education in Weston-Super-Mare, with around 30,000 learners across the country. Their whole college inclusive approach has created a sustainable, motivational SEND career structure allowing more learners to succeed and remain in their local area. The college provides individualised support programmes that are delivered by highly-qualified SEND practitioners. At the core of these is a sustained focus on preparation for adulthood. Work experience or an industry placement, digital skills development, careers information, advice, and guidance to facilitate meaningful and sustainable transitions, form integral parts of their learners' programmes. Staff are given specialist training opportunities, which are undertaken regularly, to ensure they can effectively meet the changing needs of learners and provide this level of support. In 2021, 95% of young people with high needs at Weston College progressed onto positive destinations.



## The example of Naz shows how the system will feel for children and young people following the proposed changes



Naz is 18 and is transitioning from post 16 provision into employment. The new SEND system means the right support is in place for him straight away.

### **Current experience and trajectory**

Teachers in Naz's college did not receive information on his needs before he arrived. This means the right support was not immediately in place.

The college does not have a qualified SENCo, so Naz is unsure who he can speak to about his concerns. Eventually the support Naz needs is put in place, but he has missed out on valuable learning time.

Naz has lost confidence in the college's ability to support his development.

When Naz starts thinking about his next steps post college, he considers several options such as an apprenticeship or attending higher education but is worried he won't receive the support he needs when he arrives.

Naz feels discouraged and disengaged from his learning. He struggles to progress and does not meet the expected standard.

### **Future experience**

Naz's secondary school works with him to understand what options are available locally and to help him find the best place.

Naz decides to attend his local college. The use of a Common Transfer File helps ensure information can be shared with his new college so they are prepared for his arrival.

The college think early about preparing Naz for his next steps. Naz decides to do a traineeship, which enables him to get a place on an apprenticeship with a local employer.

Naz uses an adjustment passport which empowers him to take ownership of stating the support he needs when speaking to employers which means he is assured he will receive appropriate help when he starts his role.

Naz's employers have taken advantage of the Department for Education's package of professional development, which means they are confident in making the reasonable adjustments required to support Naz to succeed.

54. We recognise that some young people with more complex needs will require different forms of support as they move into adulthood. Where adult social care support is required, this should happen in good time so that young people are not left without support. This can cause anxiety for the young person and their family and can also result in EHCPs being retained beyond the point at which a young person can achieve

more within an education setting. There have been improvements to the practice of transition planning since the Care Act 2014 through the Care Statutory guidance and practice tools. We want to improve practice development and build on areas where this is working well already.

55. We will keep our approach to transitions to adult social care under review, considering the recommendations from the forthcoming Independent Review of Children's Social Care, as well as reforms to adult social care, including those which follow from the Department of Health and Social Care's Integration White Paper which was published in February 2021. In this White Paper the Department of Health and Social Care committed to responding to recommendations from the Independent Review of Children's Social Care which may be relevant to adult social care.

## Chapter 4: A reformed and integrated role for alternative provision

### Summary

1. The Review has heard about the positive role alternative provision can play in supporting a small number of children and young people facing multiple challenges. At their best, alternative provision schools are experts in dealing with behavioural or other needs which present a barrier to learning, including support for health needs in medical and hospital schools. They deploy their specialist skills in both mainstream and alternative provision settings to help children and young people get back on track. But a high-quality alternative provision offer does not exist everywhere. Structural barriers to effective delivery of alternative provision mean that, too often, its role is unclear and it is used too late or in a way that is not best focused on a child or young persons needs.
2. To address these barriers, we propose to create a national vision for alternative provision, enabling local areas to ensure that children and young people with challenging behaviour or with health needs get targeted support in mainstream settings, or access to time-limited or transitional places in alternative provision schools. This vision will be delivered by an integrated SEND and alternative provision system with clear national standards. We will drive improvement in the sector and enable all alternative provision schools to benefit from joining a trust. This will transform the sector, giving alternative provision a key role in improving outcomes for children and young people.

#### We propose to :

- **make alternative provision an integral part of local SEND systems** by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention
- **give alternative provision schools the funding stability to deliver a service focused on early intervention** by requiring local authorities to create and distribute an alternative provision-specific budget
- **build system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust**, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed
- **develop a bespoke performance framework for alternative provision** which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations

- **deliver greater oversight and transparency of pupil movements** including placements into and out of alternative provision
- **launch a call for evidence, before the summer, on the use of unregistered provision** to investigate existing practice

### What this means for:

**Children and young people:** will receive quality support, such as coaching and self-regulation skills, as soon as they need it from skilled practitioners they can trust. They will know that no-one has given up on them and that they will be supported to reach their full potential.

**Parents and carers:** will have confidence that, if their child is placed in or supported by alternative provision, it is a way of helping their child succeed by providing quality education and support. Decisions about support and placements will be clear and collaborative, always in the child or young person's best interest, and communicated to families.

**Education settings:** mainstream primary and secondary schools will have a clear, tiered package of support from alternative provision settings to build capacity to address behavioural or other needs that present a barrier to learning. This will include targeted support in mainstream schools and time-limited placements in alternative provision. There will also be longer-term, transitional placements in alternative provision, but only when that is in the best interests of the child or young person. Alternative provision schools will be given the resources to deliver this.

**Health and care providers:** will understand the types of medical alternative provision and how they will support those children and young people who are unable to attend a mainstream or special school, or college because of health needs. This will include expectations of how schools, local authorities and health and care providers will work together to address these health needs whilst delivering high-quality education.

**Local government:** will be set clear expectations for arranging and funding alternative provision through local partnerships and inclusion plans. They will be held to account for this through local area inspections. Their commissioning decisions will be guided by performance data that reflects the challenges faced by alternative provision schools and the outcomes they seek to achieve. They will be given the resources to ensure these expectations will be met.

## The needs met by alternative provision

3. Alternative provision supports a broad range of needs and consists of a wide provider base, including Pupil Referral Units (PRU), alternative provision academies and free schools, independent schools and unregistered providers. Alternative provision schools also include a small number of medical and hospital schools. These play an

important specialist role in supporting children and young people whose health prevents them from attending a mainstream school, re-engaging them in education as much as their health allows, and providing a supported transition back to mainstream school when appropriate.

4. The number of children and young people in alternative provision is small<sup>85</sup>, with the majority (75%) not having been permanently excluded before arriving at alternative provision<sup>86</sup>. Most of these children and young people do not achieve the same levels of attainment, or sustained post-16 destinations, as their peers. They are also often vulnerable, including to criminal exploitation. A majority (70%<sup>87</sup>) of children and young people in state place-funded alternative provision have been classed as a Child in Need in the past 6 years. Of the pupil cohort which had ever been registered at a state or non-state place-funded alternative provision setting, 41% had ever been cautioned or sentenced for an offence (this rises to 45% for those that were registered at state place-funded alternative provision)<sup>88</sup>. These challenges often coincide with SEN, with around 80% of children and young people in state place-funded alternative provision having some need<sup>89</sup>, primarily Social Emotional Mental Health (SEMH) needs<sup>90</sup>. Alternative provision has the potential to play a transformative role within an integrated SEND system for this group, who need specific, specialist support to address individual needs.

## What prevents these needs being met?

5. Where good practice occurs, local leaders make a determined effort to collaborate and overcome disincentives in the current system. Where this does not happen, alternative provision lacks the leadership, quality, capacity, and stable funding to deliver a targeted outreach offer that has the confidence of mainstream schools.
6. There is no coherent, agreed purpose for alternative provision, and it is rare for local areas to have a shared strategic plan for how and when alternative provision can best support children and young people. Commissioning practices, including sometimes low-quality unregistered provision, can lead to children and young people missing out on the high-quality education they need. Funding is unpredictable due to the inherent volatility of demand, with a significant proportion of alternative provision's annual income dependent on whether places are used<sup>91</sup>. This makes it hard for alternative provision schools to invest in improving quality, recruit a skilled and stable workforce, or develop a consistent outreach service. Providers are small and often operate in isolation, hindering their capacity to improve and drive-up outcomes. There are gaps in how the system is held to account, including ensuring placement decisions are always in the best interest of the child or young person.
7. This results in a system where children and young people arrive in alternative provision too late and go on to achieve poor outcomes, with only 4.5% of children in

alternative provision nationally achieving grades 4 or above in English and maths GCSEs in 2018/19<sup>92</sup>.

## We propose to create a new national vision for alternative provision

8. Alternative provision will offer timely, world class support to children and young people whose behaviour or needs present a barrier to learning. All alternative provision schools will be ambitious in supporting children and young people to stay in, or return to, mainstream schools or colleges whenever appropriate. Decisions about support and placements will always be in the best interest of the child or young person. Alternative provision schools will provide the leadership and expertise to develop capacity in mainstream schools, building on strong behaviour cultures. Children and young people will have the confidence and skills to succeed in whatever they choose to do next.
9. This vision will be delivered by an integrated SEND and alternative provision system with clear national standards. Although the majority of children and young people in alternative provision have some form of SEND, it serves a distinct purpose that is different to special schools, primarily supporting children and young people to stay in or re-integrate back into mainstream education. Alternative provision addresses behaviour that presents a barrier to learning and supports children and young people whose physical or mental health needs prevent them attending school. It should not be used simply because a child or young person is identified with SEND, or they are waiting for an EHCP assessment, or because there is no capacity in special schools.
10. To deliver this vision, alternative provision schools will offer interventions and education across a continuum of support, rather than focusing exclusively on expensive long-term placements. We propose to establish a new delivery model based on a three-tier system of support:
  - **targeted support in mainstream schools** for children and young people whose needs lead to behaviour that disrupts theirs or others' learning, but for whom a strong school behaviour culture is alone not sufficient. For example, through 'on call' advice for mainstream schools, coaching, delivering self-regulation classes for small groups, or one-to-one support
  - **time-limited placements in alternative provision** for those who need more intensive support to address behaviour or anxiety and re-engage in learning. Schools should use their powers of off-site direction, ensuring that children and young people are dual registered and are supported to return to their original school as soon as is appropriate
  - **transitional placements** for those children and young people who will not return to their previous school but will be supported to make the transition to a different

school when they are ready, or to a suitable post-16 destination. Alternative provision schools will support these children and young people to recover as much academic progress as possible and have the skills and confidence to thrive in what they do next

11. This vision builds on the ambition in the Schools White Paper for all children and young people to be taught in a calm, orderly, safe, and supportive school, and links to the revision of the Behaviour in Schools guidance and the statutory Suspension and Permanent Exclusion guidance. For those children and young people for whom a strong behaviour culture alone is not sufficient, high-quality alternative provision will deploy evidence-led strategies to re-engage them in education, improving their attendance and behaviour. This will provide a coherent, national vision for alternative provision and establish a delivery model for achieving it in every area. Over time, this new system will reduce the number of preventable exclusions and expensive long-term placements, as needs will be identified and supported early. More children and young people will remain in mainstream schools, improving their experience, wellbeing, and outcomes.

**Consultation 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?**

#### **Case study: Chessbrook Education Support Centre, Hertfordshire**

Chessbrook is an Ofsted outstanding PRU that supports over a thousand pupils each year through a tiered intervention service with the core aim to keep children in mainstream education. Chessbrook's team of professionals are on call daily to provide outreach services to local primary and secondary schools so that pupil needs are addressed before they escalate. Approximately 15 pupils with the greatest needs receive onsite provision and Chessbrook set high expectations around behaviour which is reinforced in a calm and consistent environment. This approach is matched with high attainment standards. The core curriculum is supplemented by vocational courses to create bespoke pathways so every pupil can achieve meaningful qualifications. Chessbrook's collaborative and transparent relationships with other schools and track record of keeping pupils in mainstream schools has seen them gain recognition as a trusted partner in the region turning around the lives of vulnerable children.

## **We will embed this vision in the local delivery of alternative provision**

12. We know a coherent, strategic approach to alternative provision does not exist everywhere. Currently, some local areas struggle to plan and deliver alternative provision, reacting only once needs have escalated. Without a clear strategy and plan for alternative provision, schools do not recognise its potential to address behavioural and medical needs when they are first identified. We will introduce new statutory

partnerships to address this by bringing all relevant local partners together to assess need and plan alternative provision. The results of this will be set out in each partnership's local inclusion plan.

13. There are structural barriers preventing alternative provision schools delivering a targeted support offer for mainstream settings. Alternative provision schools are subject to volatile funding, which fluctuates within and across years. Unlike mainstream or specialist SEND schools, where the numbers of children and young people are relatively stable, a large proportion of alternative provision funding is linked to unpredictable pupil movements, attached to every child or young person who has been permanently excluded or who requires a long-term placement<sup>93</sup>. This creates an incentive to support children and young people only once needs have escalated, rather than providing early intervention. This leads to children and young people being in alternative provision for longer than may be necessary, which is the exact opposite of what we want alternative provision to achieve. The unpredictable funding also makes it difficult to attract and retain high-quality staff, with many schools only able to offer short-term contracts. Addressing this problem will make alternative provision schools less of a financial risk for multi-academy trusts, helping to realise the vision set out in the Schools White Paper of a clear time that, by 2030, all children will benefit from being taught in a family of schools.
14. We also know that the current reliance on long-term placements is expensive, and if needs were identified earlier, the same amount of funding could be used to support more children and young people to thrive in mainstream school. Shifting the focus of alternative provision towards early intervention and embedding this in every local area will ensure children and young people get back on track quickly and have the skills to reach their full potential.
15. To ensure alternative provision schools have the funding security and stability they need to deliver a support service focused on early intervention, we will break the link between individual pupil movements and funding. Based on best practice, we propose that local partnerships agree a multi-year budget to be spent on alternative provision (ideally for a minimum of 3 years). In their inclusion plans, partnerships will then detail the number of targeted mainstream support places, time-limited placements, and transitional placements necessary to meet expected needs each year. Local partnerships will agree the cost of each service or placement type that they will provide, and how changes in demand will be managed within the alternative provision budget. We will expect local authorities to distribute full funding in line with the plan, in a way that gives alternative provision schools security – with funding no longer following the movement of each individual child or young person. We will consider the best way to embed these changes for all alternative provision schools as part of wider funding consultations.



**Consultation 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?**

## **We will build capacity to create world class support in every area**

16. During the Review, we heard that many school leaders feel unable to access consistent, high-quality alternative provision. As set out in the Schools White Paper, by 2030 all schools, including alternative provision schools, will benefit from being part of a strong trust, which will address the small, often isolated, nature of alternative provision schools, and help drive up standards.
17. Alongside this, 7 new alternative provision free schools are already approved to open, run by strong multi-academy trusts in areas where new provision is most needed. This will form part of the £2.6 billion investment, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. Alternative provision settings are also eligible for the new School Rebuilding Programme, which is transforming buildings in poor condition at 500 schools. 100 projects, including 2 at alternative provision schools, have already been announced. This is on top of our £11.3 billion investment since 2015 in improving the condition of the estate. From financial year 2021-22, the weighting for special and alternative provision schools in these funding allocations has also been increased by 50% to better reflect their needs.
18. To underpin our planned improvements, we will work with the sector to develop and disseminate an understanding of effective alternative provision practice. This will build on the £15 million Alternative Provision Specialist Taskforce programme which has embedded multi-agency teams in 22 alternative provision schools to support young people in those areas with the highest rates of serious violence. The government also funded two years of an Alternative Provision Transition Fund to support Year 11 pupils affected by the pandemic make sustained post-16 transitions. We will use the learning from both programmes to inform the delivery of our reforms and ensure we make effective practice resources available to all alternative provision providers looking to improve for example through building better relationships with local partners like youth offending teams.

## **We will ensure the system is set up for success**

19. To support improvement in alternative provision, and to help commissioners identify good provision, we will develop a bespoke national alternative provision performance framework. The information we currently publish in [Compare School and College](#)

Performance does not include alternative provision schools and existing measures of performance do not account for the progress which can be made in a short time by this fluid cohort or the success of providers in reintegrating the children and young people back into mainstream schools. We will therefore develop a new performance table for alternative provision schools. This will recognise that most children and young people arrive in alternative provision at a late stage in their education<sup>94</sup>, having already fallen a long way behind their peers. The children and young people who remain in alternative provision until the end of key stage 4 will, therefore, attain better outcomes by focusing on the skills and qualifications that enable them to make a successful transition to post-16.

20. We propose a new national performance framework based on five key outcomes:

- effective outreach support
- improved attendance
- reintegration
- academic attainment, with a focus on English and maths
- successful post-16 transitions

21. We propose to establish an expert working group to assist and advise us in developing this framework. The new performance framework will complement recent changes made by Ofsted to the Education Inspection Framework to strengthen alternative provision school inspections, and the planned inclusion of Local Area commissioning of alternative provision in the new joint Ofsted/Care Quality Commission Local Area SEND framework (set out in Chapter 5).

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

## **We propose to improve oversight of alternative provision placements**

22. While early intervention support provided by alternative provision schools should reduce the number of children and young people requiring a placement in alternative provision, some children and young people will continue to benefit from the expertise and support which placements provide. Currently, there is no comprehensive statutory framework for pupil movements, including placements into and out of alternative provision. Children and young people can enter and leave alternative provision through multiple pathways, each with different levels of regulation, including unlawful off-rolling practices. This results in poor oversight, inconsistency across local authorities, and complex processes for children, young people and families to

navigate. Children and young people also told us that movements between schools are disruptive and can have a negative impact on their mental health.

23. Decisions to move children and young people into and out of alternative provision should always be made in their best interest. As far as possible, placements should be made after other forms of support have been tested, and with the aim of returning the pupils to mainstream schooling as soon as is appropriate. To achieve this, we will review how children and young people move around the school system, including through off-site direction and unregulated managed moves, with a view to introducing a statutory framework for all pupil movements. We will draw on existing good practice, including Local Placement Panels and Fair Access Protocols, to inform this future policy and legislation.
24. As set out in the Schools White Paper, we will also consider a new backstop power for local authorities to direct trusts to admit children, with a right for the trust to appeal to the independent Schools Adjudicator. This will ensure that placements into and out of alternative provision are in the best interests of the child or young person, and that they are not left without a school place for unreasonable lengths of time.
25. Many mainstream, special and alternative provision schools, and local authorities, commission part of their educational offer from unregistered providers, such as one-to-one tutors or mechanics. Used well, this provides a 'hook' back into learning. Used badly, learning needs are unmet and children and young people become less visible across the system. We will strengthen protections for children and young people in unregistered alternative provision settings, so every placement is safe and has clear oversight.
26. The use of unregistered provision requires very careful planning and oversight, but current practice is too often poor. The provision is often used in the absence of sufficient local planning to ensure there are high-quality alternative provision school places, and poor oversight puts the educational attainment and safety of children and young people at risk. We are concerned that commissioners are using a combination of part-time placements to create a full-time education package for children and young people. This is not joined-up, and no single local body is currently responsible for ensuring that children and young people are attending full-time education across the week. To find the right solution, we will issue a call for evidence on the use of unregistered alternative provision before the summer. This will seek views on how unregistered provision should operate, including whether the use of unregistered settings should be limited to part-time provision only as a re-engagement tool that complements education in registered schools.

**Consultation 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?**

## Chapter 5: System roles, accountabilities and funding reform

### Summary

1. We have consistently heard throughout the Review the need to align system incentives and accountabilities to reduce perverse behaviours that drive poor outcomes and high costs in the current system. Where local systems work more effectively, they are often too reliant on good will and relationships and this is the exception rather than the norm. We need every partner to be clear on their responsibilities in the system, have the right incentives and levers to fulfil those responsibilities and be held accountable for their role in delivery.
2. This chapter sets out our proposals to align incentives and accountabilities that will drive this culture change and ensure effective local delivery against the national standards.

#### We propose to:

- **deliver clarity in roles and responsibilities** with every partner across education, health, care and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities
- **equip the Department for Education's (DfE) new Regions Group** to take responsibility for holding local authorities and MATs to account for delivery for children and young people with SEND locally through new funding agreements between local government and DfE
- **provide statutory guidance to Integrated Care Boards (ICBs)** to set out clearly how statutory responsibilities for SEND should be discharged
- **introduce new inclusion dashboards for 0-25 provision**, offering a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- **introduce a new national framework of banding and price tariffs for funding**, matched to levels of need and types of education provision set out in the national standards
- **work with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework** with a focus on arrangements and experience for children and young people with SEND and in alternative provision

## We will deliver clarity in roles and responsibilities

3. Supporting children and young people with SEND depends on complex relationships between multiple bodies. Our aim is to create a system where incentives prioritise the needs of every child and young person and where effective, integrated, local delivery is achieved through collaboration, joint working and strategic leadership. Every partner will have a clear role and be equipped with the levers to fulfil their responsibilities to achieve this.

### What this means for:

**Children, young people and their families:** will be a partner in local decision-making with their views and wishes taken into account and reflected in the support they receive, with co-production embedded at every level of the SEND system.

### Education settings:

- **early years:** will be responsible for enabling children's needs to be identified and met early from 0-5 years old
- **mainstream schools/MATs:** will be responsible for delivering high-quality teaching for all pupils, providing targeted support where needed (as set out in the recent Schools White Paper) and collaborating with local authorities to deliver for the community
- **FE providers:** will be responsible for helping young people transition into employment and adulthood equipped with the right skills to succeed

**Health and Care partners:** will be part of a truly integrated SEND and alternative provision system, using the opportunity presented by the creation of Integrated Care Boards (ICBs) to enable effective joint working and commissioning of local services. ICBs will have a duty to cooperate with local authorities and will proactively provide input and shape local strategic planning and be responsible for funding and delivery of local health provision to meet the needs of children and young people with SEND.

**Voluntary community sector and private sector delivery partners:** we value the expertise, role and contributions of voluntary and community organisations, and that of our delivery and improvement partners across the country. We want to continue to work with them both nationally and locally to deliver better outcomes for children, young people and their families.

**Independent inspectorates:** Ofsted and the Care Quality Commission will continue to assure the quality of providers and local area services through provider level and Area SEND inspections. We know this is essential to giving parents and carers confidence in the system.

**Local authorities:** are uniquely placed to be a champion for the best interests of every child and young person in their area. They will continue to be responsible for the high

needs budgets and lead local delivery, convening the new local SEND partnerships to develop the proposed local inclusion plans. We will equip them with the right levers to match this role with the legislation for enabling local multi-agency partnerships and new backstop powers to direct admissions in schools.

**The government:** will set the new national SEND standards, steward and regulate the system jointly across education, health and care. DfE's new Regions Group will take responsibility for integrated delivery for schools and local authorities, including children's social care and SEND.

## **We propose to strengthen system accountabilities**

4. The Education Select Committee<sup>95</sup> and the National Audit Office<sup>96</sup> sought wide ranging views and identified the need to strengthen accountabilities across all parts of the system. In addition, the Review has heard the need for a much better and timely understanding of how the system is performing locally and nationally, so that we can enable local system leaders to drive performance and the government to fulfil its regulatory function and steward the system effectively. We therefore propose to strengthen accountabilities, through a range of measures, ensuring the right checks and balances are in place to drive better outcomes and prevent failure in the system with every partner held accountable for every role they perform.

## **We propose to hold local authorities and MATs to account for local delivery**

5. DfE will establish a new Regions Group by summer 2022 bringing together functions currently distributed across the DfE and the Education and Skills Funding Agency (ESFA) into a single interface<sup>97</sup>. This function will lead system regulation, holding local authorities and MATs to account for local delivery in line with the new national SEND standards.
6. DfE will support local authorities in the development and review of local inclusion plans to ensure that they are built on strong evidence, are forward-looking, have considered emerging trends and are coproduced with parents to inform effective local delivery. This extra layer of quality assurance will promote best practice and strengthen oversight of local authorities.
7. We also propose that DfE, in its role as the regulator, will enter into new funding agreements with local authorities to provide greater accountability and transparency in how high needs budgets are spent to ensure that value for money is being achieved. The new funding agreements between DfE and local authorities propose to provide clarity on spending of the high needs budget in line with the new national SEND standards and set the circumstances where DfE will intervene.

8. To ensure the conditions set out in the funding agreements are met, DfE will monitor ongoing delivery against local inclusion plans and where delivery is not in line with the national standards, DfE will take action. There will be a clear ladder of intervention that is built on DfE's existing intervention programmes such as Safety Valve and Delivering Better Value (see Chapter 6) and will focus on creating financial sustainability and improving outcomes for children and young people. Where intervention is required, this may look like an improvement plan, pairing with high performing local authorities, imposed conditions such as working with expert advisers and in extenuating circumstances, a change in leadership to control high needs budgets and manage local delivery.
9. DfE will collect timely data and create trigger points that result in an intervention. We will work with local authorities and stakeholders in developing these triggers to ensure they are fair and proportionate. These would be put in place to prevent financial failure, acting early so that the issues do not become entrenched. Sometimes those who know what is happening best are those who are most affected, such as children and young people, their families, and professionals; DfE will use reports from those on the ground to build up an understanding of what is happening.
10. As we move to a fully trust-led system, the government will adapt the regulatory and legal arrangements for trusts. DfE's new Regions Group will act as a single risk-based regulator for trusts, as well as oversight of local authorities. This includes bringing together existing requirements into a set of statutory academy standards. New statutory intervention powers will underpin the standards and provide a robust framework for ensuring we can tackle any trust which fails to achieve the expected outcomes by managing and governing their schools effectively. We have a clear vision for a more inclusive system to be embedded within these requirements and will work with stakeholders to define what we expect of MATs in relation to children and young people with SEND.
11. In the Schools White Paper we will define for the first time the qualities of a strong trust against five key principles including delivering a high-quality and inclusive education. In the longer term, we must shape a regulatory approach that is fit for a fully trust-led system. We will work with stakeholders to design an overall regulatory setup that is risk-based and proportionate through the launch of a regulatory review in May 2022, looking at accountability and regulation.

## **We propose to strengthen accountability within the health system for SEND**

12. The NHS has put in place a system oversight framework to help the NHS manage resources to deliver high-quality, sustainable care. The framework sets out how NHS England and NHS Improvement monitor the performance of Integrated Care Systems (ICSs), Clinical Commissioning Groups and trusts. It is used by NHS England and

NHS Improvement's regional teams to guide oversight of ICSs at system, place-based and organisation level, and sets out how they will work with the CQC and other partners at national, regional and local level to ensure activities are aligned. Regional NHS England and NHS improvement teams work closely alongside the SEND Improvement teams within DfE to ensure that improvement and intervention action is well aligned and has impact across the system.

13. We are working with DHSC to provide statutory guidance to ICBs, subject to the passage of the Health and Care Bill. The guidance will set out clearly how the statutory responsibilities for SEND should be discharged within the ICBs including that ICBs must identify an Executive Lead for SEND who sits on the Board. The Health and Care Bill also provides intervention powers for NHS England where ICBs are found to be failing. NICE has also recently published new guidelines around the support that disabled children and young people with severe and complex needs should receive. These guidelines will support commissioners in planning and securing appropriate services for this group.

## **We propose to make better use of data in the SEND system**

14. Data collection in the current system is inconsistent: we do not always collect the right information, at the right time, in a way that enables local systems and leadership to respond to local needs before it is too late. Local Area SEND inspections are currently the only tangible means of assessing performance at a local level, but the current system only allows for one-off inspections of every local authority within a 5-year window, with a revisit approximately 24 months after inspection for those local authorities that have been required to produce a Written Statement of Action. As a result, poor performance can continue without timely action and improvement resulting in poor outcomes for children, young people and their families.
15. We are proposing to introduce new local and national inclusion dashboards, setting out clear performance data and metrics across education, health and care for strengthened accountability and transparency to parents. These metrics will form the basis of monitoring, planning, and delivering services by local SEND partnerships, showing changes in how the system is performing, and changing patterns of need and provision, in a more timely way. The metrics will also be used by the DfE and other departments to determine progress over time, providing a holistic picture of local area performance.
16. We will work with all those involved in the SEND system to identify the most informative and appropriate data across themes against the national SEND standards at a national and local authority level, and where data isn't currently available, we will work with partners to develop it. This will enable us to consistently capture the following key metrics to monitor and track system health nationally and locally:



- **outcomes and experiences** – examples include attainment and absence rates, tribunal appeal rates, proportion of children with SEN excluded and percentage of young people with SEN in employment, apprenticeships or higher education after 16-18 study
- **identification of need** – examples include proportions of children with different types of needs, percentage of pupils with EHCPs, timeliness of EHCP assessments, and measures on the availability and access to community health services (such as waiting times)
- **value for money** – examples include high needs spending, high needs budgets surplus or deficits and percentage of spend in and out of area provision

17. We will consider carefully how we best align this with the FE Performance Dashboard proposed as part of DfE's reforms to the FE funding and accountability system and the new independent body in England focused on data, transparency and robust evidence announced in the Levelling Up White Paper.

18. One important way in which DfE is committed to improving data on outcomes, experiences and value for money, is via our flagship SEND Futures programme of research and analysis. This comprises both a value-for-money study of SEND provision, and a new longitudinal cohort study focusing specifically on children and young people with SEND, and their families.

19. We have seen the benefits that can be achieved through effective data sharing in allowing families to access prompt support, including through the Supporting Families Programme, and want to promote this more widely across the system.

20. We are working with NHS England to introduce new innovative tools that will facilitate better data sharing across education and health partners. NHS England are also exploring a proof of concept to develop a new innovative family-held digital record for children and young people with SEND that will allow local partners to share relevant information about a child or young person in a timely way. The proof of concept will work with parents and carers, local authorities, and health partners to explore how data can be shared safely and effectively with relevant partners, such as healthcare practitioners and early years settings.

**Consultation 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.**

## **We propose to update performance metrics for education providers**

21. Whilst some mainstream schools are inclusive and support children and young people with SEND, we have heard too many examples where this does not happen. Accountability measures can be seen as a disincentive for schools to be inclusive and take on pupils. There is a perception that those that do welcome pupils with SEND become 'magnet schools' and see increasing numbers attending which becomes unsustainable over time. The issues are complex, with a range of incentives pulling in different directions. We will need to continue to strike a balance between ensuring that inspection and performance metrics for education provision adequately speak to the complexity of the SEND cohort and ensuring they offer a true picture of performance to hold schools accountable for the outcomes of children with SEND, and their role in delivering these outcomes.
22. We propose to update Compare School and College Performance (also known as performance tables) to support parents, young people and wider stakeholders to consider contextual information about a school or college alongside their results data. This will make it easier to recognise schools and colleges that are doing well for children with SEND.
23. The new Ofsted Education Inspection Framework (EIF) (2019) has a greater emphasis on how schools support children and young people with SEND to succeed. To be judged outstanding, settings must show that children and young people with SEND achieve exceptionally well. Inspectors expect schools to provide all children and young people with access to the same broad and ambitious curriculum. Schools should recognise that children and young people with SEND have different needs and starting points and will need different levels of support to make progress through the school's curriculum. Under the EIF, it is not sufficient for schools to have a curriculum that is ambitious and well-designed for the majority of learners, if it leaves some behind. Ofsted's early analysis shows that schools are thinking more about individual needs and how they can be met through a well-designed curriculum and the value of high ambition for children and young people with SEND<sup>98</sup>.
24. All schools and further education providers will be inspected at least once by the end of the summer term 2025 under the new EIF. This means families will have an up-to-date picture of the quality of education that children and young people with SEND are receiving under the new framework.

## **We will work with Ofsted to update the Local Area SEND and alternative provision inspection framework**

25. Local Area Joint Ofsted and Care Quality Commission inspections will continue to have an important role in the system with a focus on how local delivery of services,

including health and care, impacts the experience, progress and outcomes for children and young people with SEND.

26. The government is pleased with the plan for a new Local Area Joint Ofsted/CQC SEND inspection framework due to launch in 2023. This will create an ongoing cycle of inspections and visits of local authorities, monitoring aspects of the liberty protection safeguards scheme and look more closely at children under 5, those aged 16-25 and those in alternative provision. This will pave the way and help build accountability for the changes proposed through the new national SEND standards, including for alternative provision. Ofsted/CQC will review the framework following implementation to ensure that inspections consider how key reforms and legislation impact the experience, progress and outcomes for children and young people.

## **We propose to reform funding for a strong and sustainable system**

27. We propose funding changes to help make the most effective use of our investment in high needs funding, which will total £9.1 billion in 2022-23 and will increase further over the following two years of the spending review period. We want to work with local authorities to make the best use of this investment to deliver quality support for children and young people with SEND and, through the national system, enable local authorities to balance their high needs budgets. This alongside our broader changes to the national funding system will ensure money is targeted to where it's needed most and incentivise and equip settings to provide high-quality education provision thereby improving outcomes for children and young people with SEND.
28. As part of the new national SEND and alternative provision system, we propose the introduction of a new national framework of banding and price tariffs for high needs funding, matched to levels of need and types of education provision set out in the new national SEND standards. Bandings would cluster specific types of education provision (aligned to need) as set out by national standards. Tariffs would set the rules and prices that commissioners use to pay providers – for example, pricing attributed to specific elements of provision such as staffing. This tariff system would draw upon similar examples that are seen in local authorities and other services that cover broad spectrums of support, such as the NHS. Tariffs would ensure the right pricing structures are in place, helping to control high costs attributed to expensive provision. The bands and tariffs would be developed to appropriately reflect need, including the most complex needs and sufficiently meet the cost of provision. They will be designed to give providers clarity on how much funding they should expect to receive in delivering support or a service and enable commissioners to determine the cost of places or services.
29. Most local authorities make use of 'banded' funding arrangements, building on local consensus about types/levels of available provision and associated levels of funding.

A national framework of national funding bands has the potential to establish a more consistent basis for the funding of provision. This would address concerns about the inconsistency in current local authority arrangements including the added administrative burden faced by many education settings receiving pupils from several local authorities.

30. The national bands and tariffs would apply across the breadth of education provision in the SEND system, including places in independent specialist provision, providing a more consistent basis for commissioning and funding of provision. All specialist providers will need to ensure the provision they offer is in line with the national SEND standards if they are to continue receiving placements funded by the local authority.
31. We do not underestimate the challenge and complexity of developing a national framework of bands and tariffs. That is why we will work with local authorities and stakeholders, drawing on their expertise, and propose to pilot approaches on a smaller scale, prioritising high-cost provision, before carefully sequencing implementation on a national scale.
32. We propose to set guidelines for who pays for support, and how local authorities set funding levels. Working with DHSC, DfE will set out joint funding guidance across education, health and care. We will also consult further on funding tariffs for education provision, including the extent to which local flexibility is required (for example, scope to fund lower or higher than the funding tariff) whilst remaining within the national SEND standards.

**Consultation 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?**

### **Early years funding**

33. In early years, local authorities are required to establish a SEND Inclusion Fund to provide additional top up funding to providers to improve outcomes for children with SEND. Funding for the SEND Inclusion Fund can come from both the early years and high needs funding blocks of the dedicated schools grant (DSG). We will work with local authorities, providers and stakeholders to establish whether changes to the SEND Inclusion Fund or the current early years funding system more widely are needed, to support the proposed national framework for bands and tariffs and ensure funding arrangements remain appropriate and well-targeted to improve outcomes for all children and young people, including those with SEND.

### **Schools' notional SEN budgets**

34. The notional SEN budget is an amount within each mainstream school's overall budget that the school may set aside for its pupils with SEND. This amount is calculated by the school's local authority. We will move to standardise the calculation

of schools' notional SEN budgets in the context of full implementation of the direct National Funding Formula (NFF) for mainstream schools – in which DfE, rather than local authorities, will determine budget allocations for individual mainstream schools through a single, national formula. This will help to underpin our objective to equip all mainstream schools, wherever they are in the country, with the resources they need to provide high-quality support for children and young people with SEND in their settings.

35. In the short term, we will issue guidance to local authorities on how they should calculate their notional SEN budgets within their local funding formula to bring some consistency to what is currently a very variable approach taken by different local authorities. This will give schools more confidence in the funds that they are being provided with to help them support their pupils with SEND.
36. As part of the further consultations on the direct NFF, we will also consider options for calculating notional SEN budgets within the schools NFF. This will take into account the views expressed during the SEND Review and in the 2019 call for evidence, and an updated analysis of what schools should be able, and expected, to afford to spend on SEN support. In the context of the direct NFF, we will consult on options for how DfE, rather than individual local authorities, could determine notional SEN budgets for schools and agree how schools can demonstrate what they achieve with their budgets.
37. We are clear that there should continue to be a national expectation on how much of the additional costs of supporting pupils with SEN mainstream schools should meet from their formula funding, so that schools and local authorities can plan their budgets appropriately. While we are clear that some threshold should be retained, we will consider whether £6,000 per pupil, per year remains the right threshold beyond which schools can expect to draw down additional high needs funding. The appropriate threshold will be considered in context of the responsibilities that sit with mainstream schools under the new national standards, and we will consult before taking decisions on any changes to the level of the threshold.

## Chapter 6: Delivering change for children and families

### Summary

1. The proposals set out in this green paper represent our commitment to supporting children and young people with SEND and lay the foundation for improvement. We will set out a well-designed delivery programme with a clear roadmap for improvement that stabilises the system in the immediate term and delivers the necessary culture change to build an inclusive system in the longer term so that more children and young people are supported to thrive and succeed.
2. Following our consultation, we will work with partners to design a delivery plan that recognises the context of the ongoing response to and recovery from the pandemic, and that different settings and areas of the country are at different stages of readiness as we introduce change. The plan will align with wider reforms around levelling up, including policy set out in the recent Schools White Paper, as well as the forthcoming Independent Review of Children's Social Care and wider reforms to the delivery landscape across health and care.
3. We will have a strong focus on evidence-based delivery, using well-designed feedback loops and processes to identify and manage unintended consequences promptly. We will learn from best practice in the system. We have seen that the best performing SEND systems are those with a consistent focus on co-production. We will therefore embed co-production with children, young people, and their families at every level in our delivery planning.

#### We will:

- **take immediate steps to stabilise local SEND systems by investing an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme**, over the next three years, to support those local authorities with the biggest deficits
- **task the SEND and Alternative Provision Directorate within DfE** to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards
- support delivery through a **£70 million SEND and alternative provision change programme** to both test and refine key proposals and support local SEND systems across the country to manage local improvement
- **publish a national SEND and alternative provision delivery plan** setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people

- establish, for implementation of the national delivery plan, **a new National SEND Delivery Board** to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposals
4. We will support the system to secure immediate improvements. We are clear that there are changes all system leaders can make now to better support the system to deliver for children and young people with SEND. Through the Safety Valve programme, introduced in 2020-21, we have given local authorities with the highest percentage of dedicated school grant deficits an immediate opportunity to get on the front foot to resolve issues with the sustainability of their high needs budget. This programme has demonstrated just how quickly good leadership and genuine collaboration across education and finance can identify suitable and innovative solutions, for the benefit of children and young people with SEND. The recent Spending Review identified an additional £300 million over the next three years (2022-25) for the Safety Valve programme, and we recently wrote to a group of 20 local authorities, indicating that they would be invited to join the programme in 2022-23.
  5. In addition, we are also investing £85 million over three years in the Delivering Better Value in SEND (DBV) programme to support up to 55 local authorities to reform their high needs systems, addressing the underlying issues that lead to increased pressure, and putting them on a more sustainable footing. This will help to stabilise local authorities so that they are better able to support children and young people with SEND and prepare for change.

## **We propose to establish a National SEND Delivery Board**

6. The dedicated SEND and Alternative Provision Directorate within DfE will be responsible for overseeing the development of new national SEND standards. DfE and DHSC will work with relevant health and care bodies to align these with expectations for health and adult social care. The new national SEND standards will draw on the latest evidence, data and system expertise to ensure standards reflect best practice and are updated to reflect changing prevalence of need and available resource. This will ensure that expectations remain relevant and appropriate in delivering better outcomes for children and young people. The directorate will be aligned with DfE's new Regions Group which brings together functions that are currently distributed across the department into a single interface.
7. Alongside this, we propose to establish a National SEND Delivery Board that will bring together the relevant government departments with national delivery partners including parents, and representatives of local government, education, health and

care to hold partners to account for the timely development and improvement of the system.

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

## **We will align with wider reforms and changes to the delivery landscape**

8. We have heard frequently that the primary reason the high aspirations of the 2014 reforms have yet to be achieved is because insufficient attention was paid to implementation. Achieving the goals for children and young people set out in this green paper will require a concerted and careful focus on delivery by all in the system. This is a complex system, and it will be vital that all working in it understand the changes, their role in them, and how this will help meet the needs of children, young people and their families.
9. It will be crucial that changes to the SEND and alternative provision system are sensitive to the different starting points of local areas and especially sympathetic and accommodating of the fact that the system is recovering from the pandemic. Equally, these proposals are not made in isolation but in the context of complementary changes to the education, social care, and health systems. We therefore want to seize this unique opportunity to deliver system-wide change for children and young people but are clear-eyed about the delivery challenges this represents. We will pay careful attention to what local areas tell us is realistic and we are clear change will only work if it happens at a pace that local areas have capacity to deliver. We will ensure delivery plans align with and take account of this wider context, in particular:
  - The pandemic has disproportionately impacted children and young people with SEND and the system that supports them<sup>99</sup>. Plans are in place to support the system to **recover from the pandemic** to ensure those who need help receive high-quality and effective support and that all pupils, including those with SEND, are supported to make up lost learning. Guidance setting expectations was published in September 2021. We also provided additional funding for those who attend specialist settings (including special units in mainstream schools) in both the catch-up premium paid in the 2020/21 academic year and the recovery premium, as well as the school-led elements of the National Tutoring Programme. Implementation plans following the green paper consultation will be sensitive to this recovery context.
  - The **Schools White Paper** set out a vision of a school system in which every child and young person can fulfil their potential, supported by an



excellent teacher, high standards for all, and targeted support for those that need it. It amplifies and supports the proposals set out in this green paper, to ensure we support all children and young people through their journey to adulthood. The proposals in this green paper will build upon the ambitious vision for an effective education system that the Schools White Paper seeks to deliver.

- The **Independent Review of Children’s Social Care**, launched in March 2021, is taking a fundamental look at what is needed to make a real difference to the needs, experiences, and outcomes of those supported by children’s social care. Almost half of all children in need have SEN<sup>100</sup>. Together these reviews have the potential to transform the lives of some of the most vulnerable children and young people. The Care Review will set out its final recommendations in the spring and the government response will follow. We have taken into account the areas of focus identified in the Care Review Case for Change and considered this in our approach to this green paper. We will continue to ensure that any changes resulting from these reviews lead to a coherent system that has the best interests of families and vulnerable children at its heart.
- **Integrated Care Boards (ICBs)**, replacing Clinical Commissioning Groups, are being rolled out across the country, and will be in all parts of England subject to the passage of the Health and Care Bill. They aim to remove traditional divisions that caused too many people to experience disjointed care. They help to coordinate services across an area by forming partnerships between the organisations that meet health and care needs. Stronger integration between strategic partners such as physical and mental health services and between NHS and council services will help deliver better and more convenient services. The introduction of ICBs will help local areas to commission at scale, solve common issues together, share good practice and help deliver a consistent approach across larger areas to early identification and transition for children and young people with SEND.

## **We will deliver change for children and families**

10. We are determined to create the right conditions for lasting change that delivers on our shared aspirations for children and young people with SEND. We know this will require careful and collaborative planning and clear sequencing. It will also require extensive and continued engagement and communication to enable leadership of change at every level in the system. And most of all it requires genuine and continual co-production with parents from local to national-level to ensure we implement the

changes in line with our aspiration and as children, young people, and their families need.

11. We will support delivery through a £70 million SEND and alternative provision change programme to test and refine key proposals and support local SEND systems across the country to manage local improvement.

**Consultation 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?**

## Next Steps

12. The publication of this green paper marks the start of a 13 week consultation process, closing on 1 July 2022. Alongside this written consultation will be a series of events to gather additional views and contribute to the overall consultation. We know that engaging the sector, children, young people and parents to communicate and develop understanding of the proposals is a vital first step for successful implementation. As we do so, we will be clear that the time for change to start is now. There is a lot that local areas can begin to do to realise the vision of these changes; indeed, proposals build on practice that exists in some areas. We will therefore ask people not only to engage in shaping future plans but also to consider how they can make a difference today to support for children and young people with SEND.
13. Later this year, we will publish a national SEND delivery plan, setting out government's response to the consultation and how change will be implemented.

**Consultation Question 21: What support do local systems and delivery partners need to successfully transition and deliver the new national system?**

**Consultation Question 22: Is there anything else you would like to say about the proposals in the green paper?**

## List of consultation questions

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.
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?
3. What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?
4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?
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?
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.
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.
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?
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.

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

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

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

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

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?

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

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?

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

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

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

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

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

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?

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

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

## Glossary

**Academy:** A state-funded school in England that is directly funded by DfE, through the Education and Skills Funding Agency. Academies are self-governing and independent of local authority control.

**Alternative Provision:** Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education and support arranged by schools, including for pupils receiving targeted support in their mainstream school; pupils being directed by schools to off-site provision to improve their behaviour; and provision for pupils on a fixed period exclusion. When we reference state place-funded alternative provision, we mean alternative provision receiving £10,000 per place from a local authority or the Education and Skills Funding Agency, comprised of all Pupil Referral Units, alternative provision academies and alternative provision free schools.

**Annual review:** The review of an EHCP which the local authority must make as a minimum every 12 months.

**Care Quality Commission (CQC):** The independent regulator of health and social care in England, responsible for registering care providers, monitoring, inspecting and rating services, and taking action to protect people who use services.

**Child and Adolescent Mental Health Services (CAMHS) / Children and Young People's Mental Health Services (CYPMHS):** These services assess and treat children and young people with emotional, behavioural, or mental health difficulties. They range from basic pastoral care, such as identifying mental health problems, to specialist 'Tier 4' CAMHS, which provide in-patient care for those with more complex needs.

**Children in need:** A child in need is defined under the Children Act 1989 as a child who is unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired without the provision of children's social care services, or the child is disabled.

**Compulsory school age:** A child is of compulsory school age from the beginning of the term following their 5th birthday until the last Friday of June in the year in which they become 16, provided that their 16th birthday falls before the start of the next school year.

**Dedicated schools grant (DSG):** This grant is allocated on a financial year (April to March) basis to local authorities, and consists of four funding blocks: mainstream schools funding (often referred to as the schools block), funding for services the local authority provides to all schools (the central schools services block), high needs funding for children and young people with more complex needs (the high needs block), and the early years funding block.

**Disagreement resolution:** This is a statutory service commissioned by local authorities to provide a quick and non-adversarial way of resolving disagreements between parents or young people and bodies responsible for

providing education, whether the child or young person has an EHCP or not, or health and social care in relation to EHC assessments and plans. Disagreement resolution services can also be used in cases of disagreement between local authorities and health commissioning bodies during EHC needs assessments, the drawing up of EHCPs or the reviewing of those plans.

**Early help:** Early help means providing support as soon as a problem emerges, at any point in a child's life, from the foundation years through to the teenage years.

**Early Years Foundation Stage (EYFS):** The EYFS covers children from birth to age five. Many children attend an early education setting soon after their third birthday. The foundation stage continues until the end of the reception year and requires settings to deliver a broad early years curriculum across seven statutory areas of learning and development. It prepares children for learning in Year 1, when programmes of study for key stage 1 are taught.

**Early years provider:** A provider of early education places for children under five years of age. This includes schools, pre-schools, private nurseries and childminders.

**Education and Skills Funding Agency (ESFA):** An arm of DfE that manages the funding for learners between the ages of 3 and 19 years and for those with SEN or disabilities between the ages of 3 and 25. The ESFA allocates funding to 152 local authorities for maintained schools and voluntary aided schools. It is also responsible for funding and monitoring academies, University Technical Colleges, studio schools and free schools, as well as building maintenance programmes for schools and sixth-form colleges.

**Education, Health and Care Plan (EHCP):** An EHCP details the education, health and social care support that is to be provided to a child or young person who has SEN or a disability. It is drawn up by the local authority, with relevant partner agencies, after an EHC needs assessment of the child or young person has determined that an EHCP is necessary.

**First-tier Tribunal (Special Educational Needs and Disability):** An independent body which has jurisdiction under Section 51 of the Children and Families Act 2014 for determining appeals by parents and young people against local authority decisions on EHC needs assessments and EHCPs. The tribunal's decision is binding on both parties to the appeal. The tribunal also hears claims of disability discrimination under the Equality Act 2010.

**Free school:** A free school is a type of academy, which is free to attend, but is not controlled by the local authority. Free schools receive state funding via the Education and Skills Funding Agency. Parents, teachers, businesses or charities can submit an application to DfE to set up a free school.

**Further education (FE) college:** We define provision for all young people with SEND who are post 16 as FE. This includes colleges offering continuing education to young people over the compulsory school age of 16.

**Healthy Child Programme:** Healthy Child Programme runs from 28 weeks

pregnancy to 19/24 years of age. It provides universal, targeted and specialist interventions including screening, immunisation, health and development reviews, supplemented by advice around health, wellbeing and parenting for younger children and health advice for older children and young people.

**High needs funding/budget:** This funding is for children and young people aged 0 to 25 with complex needs, currently defined as those with SEND needing additional support costing more than £6,000 per annum, including the costs of special school and specialist college provision, and those requiring alternative provision. The majority of this funding is allocated to local authorities through their DSG (see above). We refer both to the national high needs budget, which DfE allocates, and to local authorities' high needs budgets.

**Integrated Care System (ICS):** New partnerships between the organisations that meet health and care needs across an area, to coordinate services and to plan in a way that improves population health and reduces inequalities between different groups. Subject to the passage of the Health and Care Bill, ICSs will be in all parts of England and will include the following statutory entities at system-level:

**Integrated Care Partnership (ICP):** The broad alliance of organisations and representatives concerned with improving care and the health and wellbeing of the population, jointly convened by local authorities and the NHS.

**Integrated Care Board (ICB):** Bringing the NHS together locally to improve population health and care. Clinical Commissioning Groups (CCGs) will be abolished.

**Independent school:** A school that is not maintained by a local authority and is registered under part 4 of the Education and Skills Act 2008. Section 347 of the Act sets out the conditions under which an independent school may be approved by the Secretary of State for Education as being suitable for the admission of children with EHCPs.

**Maintained school:** Schools in England that are maintained by a local authority – any community, foundation or voluntary school, community special or foundation special school.

**Mediation:** This is a statutory service commissioned by local authorities which is designed to help settle disagreements between parents or young people and local authorities over EHC needs assessments and plans and which parents and young people can use before deciding whether to appeal to the First-Tier Tribunal about decisions on assessment or the special educational element of a plan. Mediation can cover any one or all three elements of an EHCP and must be offered to the parent or young person when the final plan is issued.

**NHS England (NHSE):** NHS England is an independent body, at arm's length to the government and held to account through the NHS Mandate. Its main role is to improve health outcomes for people in England by providing national leadership for improving outcomes and driving up the quality of care; overseeing the operation of clinical commissioning groups; allocating resources to clinical



commissioning groups, and commissioning primary care and specialist services.

**Non-maintained special school:** Schools in England approved by the Secretary of State for Education under Section 342 of the Education Act 1996 as special schools which are not maintained by the state but charge fees on a non-profit-making basis. Most non-maintained special schools are run by major charities or charitable trusts.

**Ofsted:** Office for Standards in Education, Children's Services and Skills is a non-Ministerial government department established under the Education & Inspections Act 2006. It has responsibility for the inspection of schools, children's services, and local SEND provision in England.

**Parent:** Under Section 576 of the Education Act 1996, the term 'parent' includes any person who is not a parent of the child but has parental responsibility (see below) or who cares for him or her.

**Parent Carer Forum:** A Parent Carer Forum is a group of parents and carers of disabled children who work with local authorities, education, health and other providers to make sure the services they plan and deliver meet the needs of disabled children and families.

**Parental responsibility:** Parental responsibility is defined under Section 3 (1) of the Children Act 1989 as meaning all the duties, rights, powers, responsibilities, and authority which parents have with respect to their children and their children's property. Under Section 2 of the Children Act 1989, parental responsibility falls upon:

- All mothers and fathers who were married to each other at the time of the child's birth (including those who have since separated or divorced)
- Mothers who were not married to the father at the time of the child's birth, and
- Fathers who were not married to the mother at the time of the child's birth, but who have obtained parental responsibility either by agreement with the child's mother or through a court order

Under Section 12 of the Children Act 1989, where a court makes a residence order in favour of any person who is not the parent or guardian of the child, that person has parental responsibility for the child while the residence order remains in force.

Under Section 33 (3) of the Children Act 1989, while a care order is in force with respect to a child, the social services department designated by the order will have parental responsibility for that child, and will have the power (subject to certain provisions) to determine the extent to which a parent or guardian of the child may meet his or her parental responsibility for the child. The social services department cannot have parental responsibility for a child unless that child is the subject of a care order, except for very limited purposes where an emergency protection order is in force under Section 44 of the Children Act 1989.

**Pupil:** A child or young person enrolled at a school, pupil referral unit or state-funded nursery, or a child who is no longer enrolled but meets one of several exemptions (for example, permanent exclusion).

**Pupil Referral Unit (PRU):** Any school established and maintained by a local authority under Section 19 (2) of the Education Act 1996 which is specially organised to provide education for pupils who would otherwise not receive suitable education because of illness, exclusion or any other reason.

**SEND Local Offer:** Local authorities in England are required to set out in their Local Offer information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have EHCPs. Local authorities must consult locally on what provision the Local Offer should contain.

**Special Educational Needs (SEN), Special Educational Needs and Disability (SEND):** A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age or has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions. 'Special educational needs' and 'disability' have different definitions in law and guidance.

In England, the Equality Act 2010 defines a person as having a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. As such, some pupils have disabilities that meet the Equality Act's criteria because of the effect on their day-to-day activities, but which do not call for special educational provision; and some pupils have special educational needs because of learning difficulties that do not meet the Equality Act's disability criteria. However, there is a significant overlap between children with disabilities and children with special educational needs, hence the common use of terms such as "SEND" and "SEND system".

**Special Educational Needs Co-ordinator (SENCo):** A qualified teacher (or headteacher or deputy) in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. Other early years settings in group provision arrangements are expected to identify an individual to perform the role of SENCo and childminders are encouraged to do so, possibly sharing the role between them where they are registered with an agency.

**Special educational provision:** Special educational provision is educational or training provision that is different from, or additional to that normally made for others the same age in mainstream schools, maintained nursery schools, mainstream post-16 institutions or places at which relevant early years education is provided.

**Special school:** A school which is specifically organised to make special educational provision for pupils with SEN. Special schools maintained by the local

authority comprise community special schools and foundation special schools, and non-maintained special schools that are approved by the Secretary of State under Section 342 of the Education Act 1996.

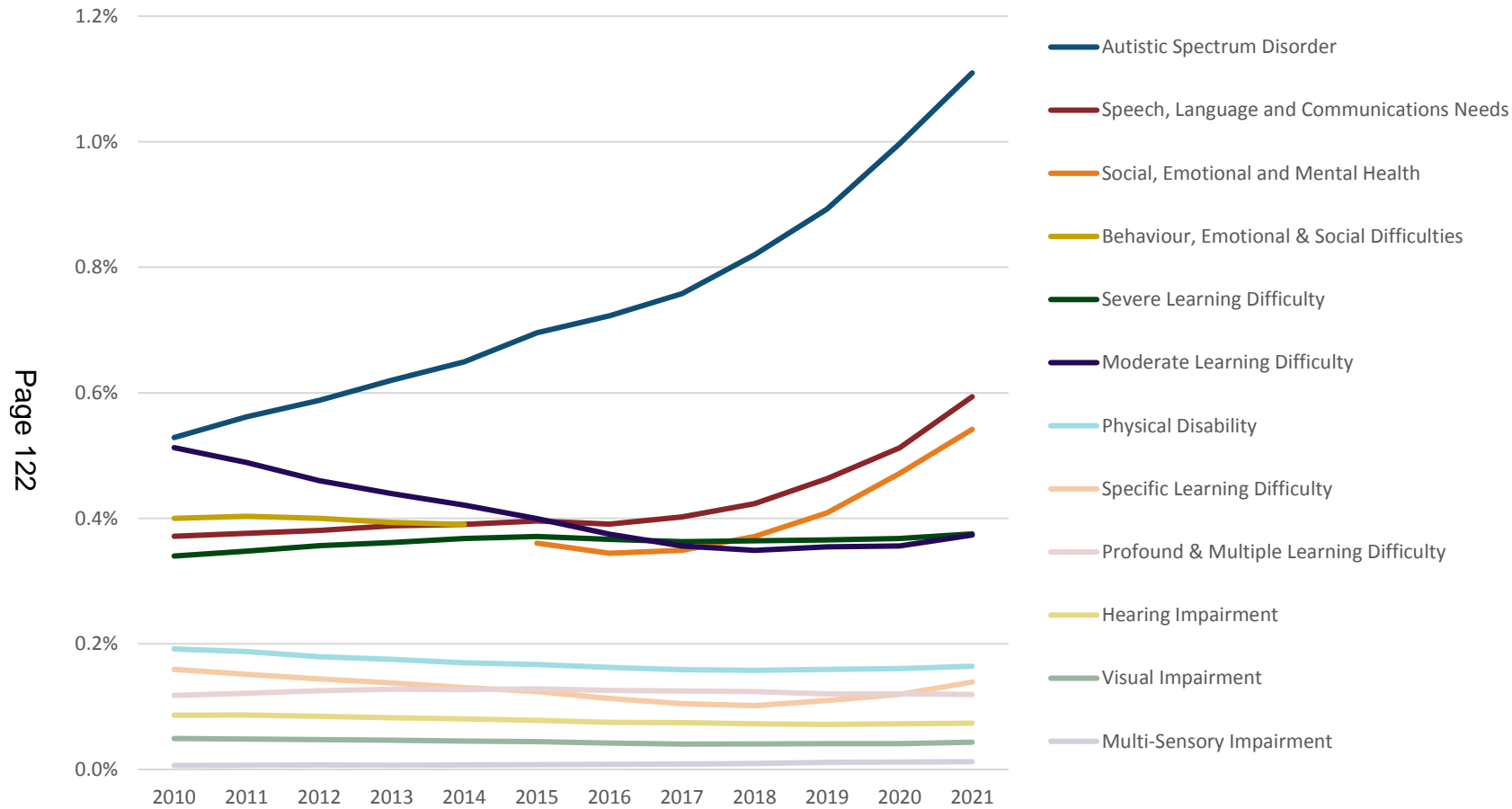
**Speech and language therapy:** Speech and language therapy is a health care profession, the role and aim of which is to enable children, young people and adults with speech, language and communication difficulties (and associated difficulties with eating and swallowing) to reach their maximum communication potential and achieve independence in all aspects of life.

**Virtual School Head (VSH):** The Virtual School Head (VSH) is an officer of a local authority who leads a virtual school team that tracks the progress of children looked after by the authority as if they attended a single school. The Children Act 1989 requires every local authority to appoint an officer who is an employee of that or another authority to discharge this duty.

**Young person:** A person over compulsory school age (the end of the academic year in which they turn 16) but under 25. From this point the right to make decisions about matters covered by Part 3 of the Children and Families Act 2014 applies to the young person directly, rather than to their parents. An individual becomes an adult at the age of 18.

## Annex: selected analysis and evidence

Figure 2: Proportion of pupils with an EHCP, by primary type of need, as at January of each year

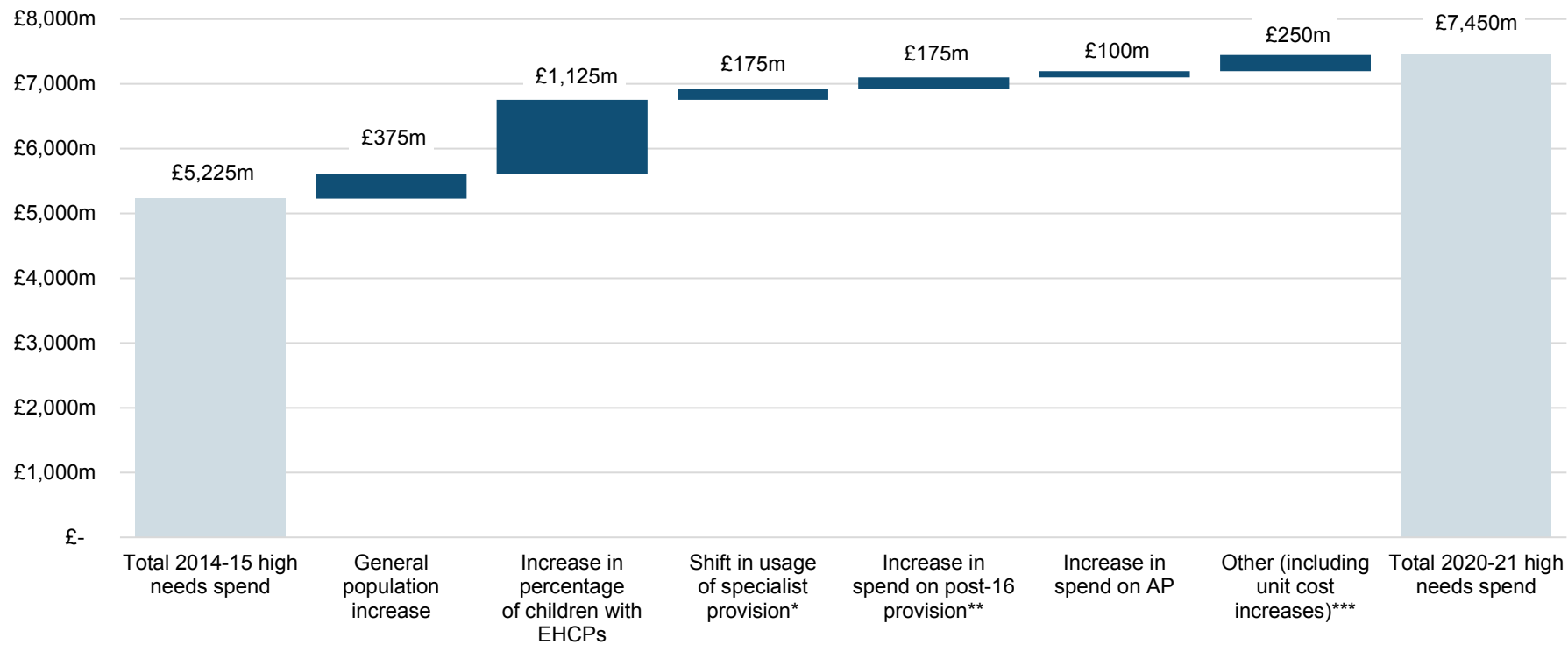


See note <sup>101</sup>

**Table 1: Proportion of pupils with an EHCP, by primary type of need, as at January of each year**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Autistic Spectrum Disorder	0.53%	0.56%	0.59%	0.62%	0.65%	0.70%	0.72%	0.76%	0.82%	0.89%	1.00%	1.11%
Speech, Language and Communications Needs	0.37%	0.38%	0.38%	0.39%	0.39%	0.40%	0.39%	0.40%	0.42%	0.46%	0.51%	0.59%
Behaviour, Emotional & Social Difficulties	0.40%	0.40%	0.40%	0.39%	0.39%							
Social, Emotional and Mental Health						0.36%	0.34%	0.35%	0.37%	0.41%	0.47%	0.54%
Severe Learning Difficulty	0.34%	0.35%	0.36%	0.36%	0.37%	0.37%	0.37%	0.36%	0.36%	0.37%	0.37%	0.38%
Moderate Learning Difficulty	0.51%	0.49%	0.46%	0.44%	0.42%	0.40%	0.37%	0.36%	0.35%	0.35%	0.36%	0.37%
Physical Disability	0.19%	0.19%	0.18%	0.18%	0.17%	0.17%	0.16%	0.16%	0.16%	0.16%	0.16%	0.16%
Specific Learning Difficulty	0.16%	0.15%	0.14%	0.14%	0.13%	0.12%	0.11%	0.10%	0.10%	0.11%	0.12%	0.14%
Profound & Multiple Learning Difficulty	0.12%	0.12%	0.13%	0.13%	0.13%	0.13%	0.13%	0.12%	0.12%	0.12%	0.12%	0.12%
Hearing Impairment	0.09%	0.09%	0.08%	0.08%	0.08%	0.08%	0.07%	0.07%	0.07%	0.07%	0.07%	0.07%
Visual Impairment	0.05%	0.05%	0.05%	0.05%	0.05%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%	0.04%
Multi-Sensory Impairment	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%	0.01%

**Figure 3: Change in high needs spend 2014-15 to 2020-21**



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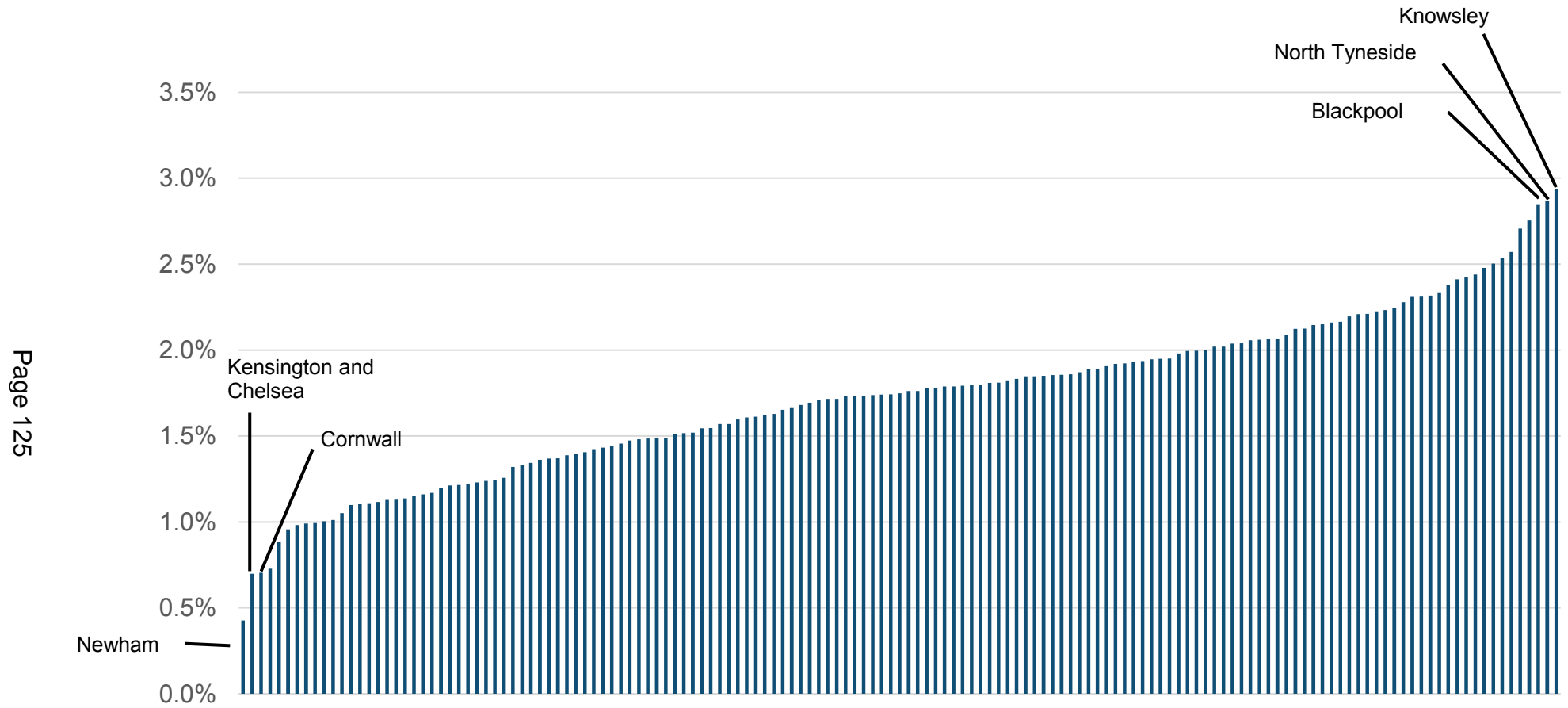
\*The shift in the usage of specialist provision has led to a net increase as a result of changes in proportions of needs met in different types of provision, of which most significant is the increase in the proportion of needs met in independent specialist settings (+£245m)

\*\*Post-16 refers to FE provision (including SPIs), and includes post-16 population growth and growth in 19-25 provision. Other post-16 provision is included in the other relevant categories. The 2014-15 baseline does not include funding for LDAs.

\*\*\*Other includes changes in average unit cost (including impacts of general inflation), therapies and other health related services, SEN support services, hospital education services, personal budgets, early years, funding targeted to mainstream schools for inclusion, SEN transport, carbon reduction commitment allowances for PRUs and income.

See note <sup>102</sup>

**Figure 4: Proportion of pupils with an EHCP and in a special school, by local authority, as at January 2021**



## Acknowledgements

We would like to thank all those who have contributed to and helped shape the Review. This includes the workforces across early years, schools, and further education settings, those working in health and care services, local government, voluntary and community sector organisations, system leaders, unions, our SEND Review Steering Group and Alternative Provision Steering Group and most importantly children, young people, parents and carers who have shared their experience of the current SEND system.

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Finally, thank you to the SEND Review team and officials in the Department for Education, alongside officials across the Department of Health and Social Care, Her Majesty's Treasury, the Department for Levelling Up, Housing and Communities, Ministry of Justice and the Department for Work and Pensions.

We are extremely grateful to everyone for their time, expertise, commitment and thoughtful support and challenge.

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- Charlotte Ramsden, President, Association of Directors of Children's Services
- Chris Russell, National Director, Education, Ofsted
- Christine Lenehan, Director, Council for Disabled Children
- David Bartram, Director, Prescient Education
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**Alternative Provision Stakeholder Group:**

- Cath Kitchen OBE, Chair of the National Association of Hospital and Home Teaching
- Christina Jones, CEO of River Tees MAT
- Emma Bradshaw OBE, Headteacher of The Limes College and Executive Principal of the Alternative Learning Trust
- Jenny Adamson, Head of the Saffron Valley Collegiate PRU
- Mark Vickers MBE. Chair of the National MAT CEO Network for Alternative Provision and SEND and CEO Olive Academies Trust
- Nic Brindle, CEO of the Youth Engagement Schools (YES) Trust
- Robert Gasson, Chief Executive, WAVE Multi-Academy Trust
- Sarah Dove, President of PRUsAP and CEO of Phoenix Education Consultancy
- Sharon Roscoe, CEO of the Education Partnership Trust
- Tim Morfin, Founder and CEO of Transforming Lives for Good

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- <sup>1</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>2</sup> Internal DfE analysis combining School Census, Alternative Provision Census, Pupil Referral Unit Census (as at January each year) for years 2009/10 to 2020/21. Coverage: Pupils in year 11/age 15 as at January 2021.
- <sup>3</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>4</sup> Special educational needs in England, Department for Education, 2021 , Special educational needs: analysis and summary of data sources, Department for Education, 2021
- <sup>5</sup> [Special educational needs in England, Department for Education, 2021](#). Note: In secondary schools, Moderate Learning Difficulties and Specific Learning Difficulties were nearly as common: 21% of pupils with SEN Support each.
- <sup>6</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>7</sup> [Special educational needs in England, Department for Education, 2021](#). Note: Autistic Spectrum Disorder was the most common in both primary and secondary phase.
- <sup>8</sup> [Special education needs in England, Department for Education, 2021](#)
- <sup>9</sup> [Education, health and care plans, Department for Education, January 2021](#). This covers all children and young people with an EHCP, not just pupils with an EHCP.
- <sup>10</sup> [Education provision: children under 5 years of age, Department for Education, 2021](#)  
The total population of 3- and 4-year-olds in receipt of funded early education also shrank over the same period.
- <sup>11</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>12</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>13</sup> High Needs Budget in 2022-23: [National funding formula tables for schools and high needs: 2022 to 2023, Department for Education, 2021](#), [Dedicated schools grant \(DSG\): 2022 to 2023, Department for Education, 2021](#).  
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- <sup>14</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#). Survey: 483 responses, 27% reported that their child's needs were 'mostly met' or 'completely met', and 5% did not know.
- <sup>15</sup> [School snapshot survey - support for pupils: summer 2019, Department for Education, 2020](#)
- <sup>16</sup> [The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills, Ofsted, 2021](#). Further reports have been published since, which can be accessed via [Find an inspection report, Ofsted, 2022](#).
- <sup>17</sup> The early years foundation stage framework sets the statutory standards for the development, learning and care of children from birth to age 5. This includes seventeen

early learning goals that children are expected to have attained by the end of reception year, which cover, for example, language and physical development.

<sup>18</sup> [Early years foundation stage profile results: 2018 to 2019, Department for Education, 2019](#)

<sup>19</sup> [National curriculum assessments at key stage 2, 2019 \(revised\), Department for Education, December 2019](#)

<sup>20</sup> [Key stage 4 performance, Department for Education, 2021](#)

<sup>21</sup> [Key stage 4 destination measures, Department for Education, 2021](#)

<sup>22</sup> [State-funded schools inspections and outcomes as at 31 August 2021: main findings. Ofsted, 2021](#)

<sup>23</sup> [Education, health and care plans, Department for Education, 2021](#)

<sup>24</sup> [Pupil absence in schools in England, Department for Education, 2020](#)

<sup>25</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>26</sup> [National curriculum assessments at key stage 2, 2019 \(revised\), Department for Education, December 2019](#)

<sup>27</sup> [Mental Health of Children and Young People in England 2017. NHS Digital, 2018.](#)

Please note that in some cases the special educational need is related to the mental health disorder itself.

<sup>28</sup> [Outcomes for pupils eligible for free school meals and identified with special educational needs, Department for Education, 2018](#)

<sup>29</sup> [Tackling child exploitation: resources pack, Local Government Association, 2021](#)

<sup>30</sup> [Tribunal Statistics Quarterly, July to September 2021, Ministry of Justice, 2021](#)

<sup>31</sup> [Section 251: 2020 to 2021, Department for Education, 2020](#)

<sup>32</sup> [Identifying pupils with special educational needs and disabilities, Education Policy Institute, 2021](#)

<sup>33</sup> [Supporting SEND, Ofsted, 2021](#)

<sup>34</sup> [SEND: old issues, new issues, next steps, Ofsted, 2021](#)

<sup>35</sup> High Needs Budget in 2022-23: [National funding formula tables for schools and high needs: 2022 to 2023, Department for Education, 2021](#), [Dedicated schools grant \(DSG\): 2022 to 2023, Department for Education, 2021](#).

High Needs Budget in 2021-22: [National funding formula tables for schools and high needs: 2021 to 2022, Department for Education, 2020](#).

High Needs Budget in 2019-20: [Teachers' pay grant: allocations for 2019 to 2020 financial year, Department for Education, 2019](#), [Teachers' pension grant: 2019 to 2020 allocations, Department for Education, 2020](#), [National funding formula tables for schools and high needs: 2019 to 2020, Department for Education, 2018](#), [Dedicated schools grant \(DSG\): 2019 to 2020, Department for Education, 2018](#)

<sup>36</sup> [LA and school expenditure, Financial Year 2020-21, Department for Education, 2021](#), and [LA and school expenditure, Financial Year 2019-20, Department for Education, 2021](#)

<sup>37</sup> [State-funded schools inspections and outcomes as at 31 August 2021: main findings. Ofsted, 2021](#)

<sup>38</sup> [Education, health and care plans, Department for Education, 2021](#)

<sup>39</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>40</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>41</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The](#)

[Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#), and [COVID-19 parent and pupil panel \(findings from August 2020 to July 2021\), Department for Education \(2021\)](#)

<sup>42</sup> [The Big Ask: The Big Answer, Office for Children's Commissioner, 2021](#)

<sup>43</sup> [Pupil absence in schools in England, Department for Education, 2020](#). This compares to an overall absence rate of 6.5% for pupils on SEN Support and 4.3% for pupils without SEN.

<sup>44</sup> [Permanent exclusions and suspensions in England, Department for Education, 2021](#)

<sup>45</sup> [Key stage 4 performance, Department for Education, 2021](#). Due to the COVID-19 pandemic, the summer exam series for the 2019/20 and 2020/21 academic years were cancelled, which meant that centre assessed grades were awarded to pupils. In 2020/21, this percentage had risen to 12.6%, an almost threefold increase from 2018/19.

<sup>46</sup> [Key stage 4 destination measures, Department for Education, 2021](#)

<sup>47</sup> [Schools, pupils and their characteristics, Department for Education, 2021](#)

<sup>48</sup> [Education, children's social care and offending, Department for Education and Ministry of Justice, 2022](#)

<sup>49</sup> [Seen and Heard: supporting vulnerable children in the youth justice system, Prison Reform Trust, 2010](#)

<sup>50</sup> [Outcomes for pupils eligible for free school meals and identified with special educational needs, Department for Education, 2018](#)

<sup>51</sup> [The Big Ask: The Big Answer, Office for Children's Commissioner, 2021](#)

<sup>52</sup> [Omnibus survey of pupils and their parents or carers: wave 6, Department for Education, Summer 2019](#)

<sup>53</sup> [COVID-19 Parent and Pupil Panel: July findings Report, Department for Education, 2021](#)

<sup>54</sup> [Special educational needs and disabilities, House of Commons Education Committee, 2019](#)

<sup>55</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#)

<sup>56</sup> [Tribunal Statistics Quarterly, July to September 2021, Ministry of Justice, 2021](#)

<sup>57</sup> Calculations derived from [LA and school expenditure, Department for Education, 2021](#), [Statements of SEN and EHC Plans: England 2021, Department for Education 2021](#) and [Schools, pupils and their characteristics, Department for Education, 2021](#).

The unit cost of £22,000 for state-funded special schools is calculated as: s251 outturn lines 1.2.1 + 1.2.2 (both for SEN/Special schools) divided by the number of pupils in this school type per the school census. This is added to the £10,000 per place funding. The unit cost of £54,000 for independent and non-maintained provision is calculated as: s251 outturn line 1.2.3 (for SEN/Special schools) plus £10,000 per non-maintained special school pupil, all divided by the number of pupils in non-maintained special schools and independent special schools per SEN2.

<sup>58</sup> Calculations derived from [LA and school expenditure, Department for Education, 2021](#), [Dedicated schools grant \(DSG\) 2020 to 2021, Department for Education, 2021](#), [Education, health and care plans, Department for Education, 2021](#) and (for populations)

[Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, Office for National Statistics, 2021.](#)

<sup>59</sup> [Identifying pupils with special educational needs and disabilities, Education Policy Institute, 2021](#)

<sup>60</sup> [Special education needs in England, Department for Education, 2021.](#) The City of London has been excluded owing to its unique situation.

<sup>61</sup> [Supporting SEND, Ofsted, 2021](#)

<sup>62</sup> [Special educational needs and parent confidence, Lamb Enquiry, 2009](#)

<sup>63</sup> [Research on funding for young people with special educational needs, Department for Education, 2015](#)

<sup>64</sup> [An inconsistent approach to SEND, findings from analysis of Education Health and Care Plans \(EHCP\) from two local authorities in England, Children's Commissioner, 2022](#)

<sup>65</sup> L, M and P v Devon County Council 2022 EWHC 493 (Admin)

<sup>66</sup> [Research into how local authorities are ensuring sufficient places and supporting vulnerable children, Department for Education, 2022](#)

<sup>67</sup> Except where the appeal is on placement only.

<sup>68</sup> [Special Educational Needs at Age 10 Assessed by Teachers: A Longitudinal Investigation of the Influence of Child, Family, Home Factors and Pre-school Education on the Identification of SEN, Yvonne Anders, Pam Sammons, Brenda Taggart, Kathy Sylva, Edgard Melhuish and Iram Siraj-Blatchford, British Educational Research Journal, 37:3, 421-441 2011](#)

<sup>69</sup> [#CountDisabledChildrenIn, Disabled Children's Partnership, 2022](#)

<sup>70</sup> [National curriculum assessments: key stage 2, 2019 \(revised\), Department for Education, 2019.](#) Compared to 74% of those with no identified SEN.

<sup>71</sup> [Special Educational Needs in Mainstream Schools: Evidence Review, Education Endowment Foundation, 2020](#)

<sup>72</sup> [School Snapshot Survey – support for pupils: Summer 2019, Department for Education, 2020](#)

<sup>73</sup> [National SENCO Workload Survey 2020: Time To Review 2018-2020, Bath Spa University and nasen, 2021.](#) The equivalent figure for children and young people on SEN Support is 14%.

<sup>74</sup> [Then There Was Silence, The Impact of the Pandemic on Disabled Children, Young People and their Families, Disabled Children's Partnership, 2021](#)

<sup>75</sup> [Autism Statistics Quarter 1 \(April to June\) 2019-20 to Quarter 1 \(April to June\) 2021-22, NHS Digital, 2021](#)

<sup>76</sup> [Then There Was Silence, The Impact of the Pandemic on Disabled Children, Young People and their Families, Disabled Children's Partnership, 2021](#)

<sup>77</sup> [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study, Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022](#)

<sup>78</sup> [Multi-million pound fund to train more educational psychologists in schools, Department for Education, 2019](#)

<sup>79</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>80</sup> [Get Information About Schools, Department for Education, 2022.](#) Data extracted on 18th March 2022.

- <sup>81</sup> [Further education and skills learners, Department for Education 2021](#)
- <sup>82</sup> [Outcomes for pupils eligible for free school meals and identified with special educational needs, Department for Education, 2018](#)
- <sup>83</sup> [Characteristics of young people who are long-term NEET, Department for Education, 2018](#)
- <sup>84</sup> [Apprenticeships and traineeships, Department for Education, 2021](#)
- <sup>85</sup> [Schools, pupils and their characteristics, Department for Education, 2021](#). As of January 2021, around 22,000 pupils (12,800 sole or main registration, 9,200 dual registration) were taught in 348 state place-funded AP schools (197 LA-run Pupil Referral Units and 151 AP academies and free schools - see [Schools, pupils and their characteristics, Department for Education, 2021](#)). There were also 32,000 pupils attending LA funded placements in non-state-place-funded settings (including further education colleges, independent AP schools and unregistered settings).
- <sup>86</sup> [Working paper: Using data in assessing the quality of AP schools, FFT Education Datalab, September 2021](#)
- <sup>87</sup> [Outcomes of children in need, including looked after children, Department for Education, 2019](#)
- <sup>88</sup> [Education, children's social care and offending, Department for Education and Ministry of Justice, 2022](#)
- <sup>89</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>90</sup> [Special educational needs in England, Department for Education, 2021](#)
- <sup>91</sup> [Alternative provision market analysis, Department for Education, 2018](#). In the 2017-18 financial year, the average cost of a full-time placement for one academic year in AP was £18,000. The place-led element of AP funding was around £10,000, with the remainder covered by top-up funding from the commissioner.
- <sup>92</sup> [Key stage 4 performance, Department for Education, 2021](#). Due to the COVID-19 pandemic, the summer exam series for the 2019/20 and 2020/21 academic years were cancelled, which meant that centre assessed grades were awarded to pupils. In 2020/21, this percentage had risen to 12.6%, an almost threefold increase from 2018/19.
- <sup>93</sup> [Alternative provision Market Analysis, Department for Education, 2018](#). In the 2017-18 financial year, the average cost of a full-time placement for one academic year in AP was £18,000. The place-led element of AP funding was around £10,000, with the remainder covered by top-up funding from the commissioner.
- <sup>94</sup> [Working paper: Using data in assessing the quality of AP schools, FFT Education Datalab, September 2021](#)
- <sup>95</sup> [Special educational needs and disabilities, House of Commons Education Committee, 2019](#)
- <sup>96</sup> [Support for pupils with special educational needs and disabilities in England, National Audit Office, 2019](#)
- <sup>97</sup> [Changes to the way the Department for Education \(DfE\) will operate from 1 April 2022 onwards, Department for Education, 2022](#)
- <sup>98</sup> Internal analysis undertaken by Ofsted.
- <sup>99</sup> [The impact of COVID 19 - A year in the life of families raising disabled and seriously ill young children and young people, Family Fund Trust, 2021](#), [The Impact of the COVID-19 Pandemic on the Education, Health and Social Care Provision for Children with Special Educational Needs and Disabilities \(SEND\): The Ask, Listen, Act Study](#), [Evidence briefing: Children with SEND, parent/carers and professionals' perceptions of](#)

[impact. Quantitative survey data., Emma Ashworth, Joanna Kirkby, Lucy Bray, Amel Alghrani, 2022, and COVID-19 parent and pupil panel \(findings from August 2020 to July 2021\), Department for Education \(2021\)](#)

<sup>100</sup> [Outcomes of children in need, including looked after children, Department for Education, 2020](#)

<sup>101</sup> [Special educational needs in England, Department for Education, 2021](#)

<sup>102</sup> Calculations derived from [LA and school expenditure, Department for Education, 2021](#), [Dedicated schools grant \(DSG\) 2020 to 2021, Department for Education, 2021](#), [Education, health and care plans, Department for Education, 2021](#) and (for populations) [Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, Office for National Statistics, 2021](#)

<sup>103</sup> [Special educational needs in England, Department for Education, 2021](#)

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**From: Sue Chandler, Cabinet Member for Integrated Children's Services**

**Sarah Hammond, Interim Corporate Director Children, Young people and Education**

**To: Cabinet – 21 July 2022**

**Subject: OFSTED INSPECTION OF CHILDREN'S SERVICES**

**Classification: Unrestricted**

**Past Pathway of report:** County Council – 14 July 2022, Children's, Young People and Education

**Future Pathway of report:** N/A

**Electoral Division: ALL**

**Summary:** The Ofsted inspection of Children's Services in Kent under the Inspecting Local Authority Children's services (ILACs) framework took place over a 3 week period in May 2022. Kent's last inspection in 2017 found Kent was providing "Good" services to children. This meant that any further inspection under the ILACS framework should have taken place over two weeks. In February 2022, Kent was informed by Ofsted that in accordance with a change in policy, when inspected, a full standard 3 week inspection would take place, taking into account special circumstances for "Good" authorities. The size of Kent qualified for such special circumstances and so Kent was subject to the most rigorous inspection framework involving seven Ofsted inspectors reviewing all aspects of the Council's statutory safeguarding, corporate parenting and family support functions. On 5th July 2022, Ofsted published their ILACs report rating Kent County Council 'Outstanding' for overall effectiveness in providing children's services.

**Recommendation(s):**

Cabinet is asked to NOTE the content of the report and the significant work of all the staff who contributed to this very positive outcome.

**1. Outcome of the Inspection**

- 1.1 On 5th July 2022, Ofsted published their ILACs report rating Kent County Council 'Outstanding' for overall effectiveness in providing children's services– the highest grade that can be awarded. The report is attached as appendix 1.
- 1.2 Within this overall rating, Ofsted graded KCC's children's services against three judgements:
  - I. The impact of leaders on social work practice with children and families – Outstanding

- II. The experiences and progress of children who need help and protection – Good
- III. The experiences and progress of children in care and care leavers – Outstanding

## **2. Summary of the Ofsted report, including quotes directly from the report**

*The impact of leaders on social work practice with children and families: - Outstanding*

- 2.1 Ofsted found that in the face of the pandemic and high numbers of unaccompanied minors, “support for vulnerable children in Kent improved over a sustained period of time. Social work practice is consistently good and often better, meaning children are well protected and cared for”.
- 2.2 “The politicians in Kent County Council are committed to championing the needs of children and this is backed by sound financial investment. Alongside the director of children’s services and his senior management team, the lead member for children’s services and the head of paid services keep themselves well appraised of key challenges and service issues, exercising appropriate oversight and scrutiny. Council departments and sectors work together to ensure all their services positively impact on children who need the council’s support”.
- 2.3 “The local authority provides appropriate steer and brings strong leadership to the local multi-agency safeguarding partnership”. “The focus on learning from serious incidents persisted and is clearly evidenced”.
- 2.4 “Leaders successfully secured a whole-county housing protocol across the 12 district councils. However, leaders accept that the individual response to children aged 16 and 17 who are facing homelessness is an area which requires further work”.
- 2.5 “Leaders across Kent County Council demonstrate they are ambitious parents to children in their care”. “The recently appointed chair brings genuine care and passion to the role and a new perspective which builds on the successes of the previous chair”.
- 2.6 “The council routinely seeks to learn from children through online surveys, complaints and other mechanisms to hear their views”. “The Children in Care Council is routinely consulted and children are assured their voices are listened to”.
- 2.7 “Senior leaders and managers have access to an extensive array of performance information and data reports” and “quality assurance activities effectively shape organisational change and refresh practice, policy and learning”. “There is a strong focus on and a commitment to workforce development”.
- 2.8 “Workforce pressures in Kent present extreme challenges for senior leaders and managers. Leaders accept caseloads are too high in parts of the service and are not sustainable”. They take steps to alleviate workload pressures. Support strategies include “redirecting non-case-holding staff, assistant social workers and early help practitioners to provide consistent support with social work tasks”.
- 2.9 “All staff who spoke to inspectors were rightly proud of the work they do and proud of the progress they make with children and families to improve their situations.

They speak highly and very positively about working in Kent, they 'love' working for Kent, and they feel supported by their colleagues and valued by managers. Most say they are provided with regular, reflective individual and case supervision, which helps them drive forward plans for children and explore the challenges and barriers which may prevent progress being made". Staff feel they have "excellent training and opportunities for further development and career progression. Many staff have worked for Kent for many years".

*The experiences and progress of children who need help and protection: – Good*

- 2.10 Workers from the Early Help and social work teams spend time getting to know the children they work with; they try to understand the difficulties they and their parents are facing to come up with a good plan to support them.
- 2.11 When families need help with the care of their children, or there are worries about the safety of a child, they get good help and support from children's social care services.
- 2.12 Workers are good at contacting family friends and other family members who are important to children to see if they can help to support children and their parents. This support often helps children to remain in their own family and be supported by people they already know.
- 2.13 Inspectors observed workers do their best for children. Children are regularly visited by their workers to see how they are and to talk about things that are important to them. Social workers work together with children's carers and others to ensure children feel safe and live in homes which meet their needs
- 2.14 Unaccompanied Asylum- Seeking Children are given somewhere to live, they are provided with good care and support to help them to settle in this country and to make good progress. Even when capacity is reached, Kent still has a strong focus on vulnerability of the young people.
- 2.15 Elective home education is a trend rising over time – appropriately robust measures are in place for contacting families who elect to home educate, providing support when needed and monitoring over time. When it is in the best interest of the child, they provide appropriate support and challenge to return children to school.
- 2.16 Although Ofsted did not identify any inadequate experiences of children's services or that required improvement during the inspection, individual responses to some children aged 16 and 17 who were potentially facing homelessness is an area which requires further work. This in addition to high social work caseloads which ultimately prevented Kent being awarded Outstanding for this category.

*The experiences and progress of children in care and care leavers – Outstanding*

- 2.17 Ofsted found that "children come into Kent County Council's care when this is the most appropriate plan for them. For most children, this happens in a planned and timely way. Children are supported to live in homes, including adoptive homes, with their brothers and sisters when this meets their wishes and is in their best

- interests". "Most children leave care in a positive and planned way, either through achieving permanence or returning home to live with their parent".
- 2.18 "Children's need for long-term stability and emotional security is well understood and embedded in the culture of children's social work teams. Children's long-term living arrangements are considered early and permanence planning arrangements keep permanence plans on track and enable children to understand they can stay and feel settled where they live".
- 2.19 "Review meeting records are addressed and written to the child. There is a strong commitment to ensuring review meetings are tailored individually to each child. Children spoke about being able to chair their review meetings, with feedback including this 'sometimes works well and sometimes doesn't work so well'. Children told inspectors their reviews and other meetings frequently take place at school during lesson time, which meant that they sometimes missed lessons they really like".
- 2.20 "Children are only placed in unregistered placements if the authority is not able to find appropriate placements which are registered to meet these children's complex needs. These arrangements are rightly considered as unlawful and highly monitored by senior leaders, with higher levels of visiting and support as efforts are made to promote and ensure registration or move children on".
- 2.21 "Disabled children and young people who are in the care of the local authority are provided with exceptional support from their social workers, whose care and commitment shines through their work".
- 2.22 "Kent routinely employs care experienced adults as young apprentices in the council's participation service. Several young people have successfully completed their apprenticeships and are now in employment with the service. The impact they have is a particular strength of the council".
- 2.23 Care Leavers:-Passionate and committed workers who know their young person, making a positive impact on other lives building relationships with their young person. Workers are invested in young people's success. UASC Care Leavers: great support with their immigration status, in terms of their application and ensure interpreters are involved. Support is tailored to their needs. Workers share the frustration around the immigration status of the young people
- 2.24 Fostering services:- Inspectors praised the approach used to support our foster carers, with mentoring, training, skills to foster and good incentives. This is a very respectful and empowering way to develop people's skills, leading to strong retention of carers and a high number of children placed within KCC placements.
- 2.25 Adoption partnership: Inspectors noted good governance, regular feedback and really positive progress in the establishment of the partnership. The service was assessed as being integrated, with more diversity, greater skills and knowledge, and a bigger pool of adopters now available.
- 2.26 Virtual School Kent:- Driven by sense of purpose, robust strategic relationships with SEN (special educational needs) service and with schools. Schools talk positively about the support they get from VSK.

### **3. Impact**

- 3.1 Kent County Council is one of only 20 Local Authorities from a cohort of 154 in England to acquire an “Outstanding” rating. This is a very significant achievement and places Kent County Council firmly within the upper fifth of high performing authorities. This achievement is the culmination of more than 10 years’ work, which has taken our Children’s Services from Inadequate in 2010 to Outstanding in 2022. The impact for the safety and wellbeing of Kent’s children is very significant and provides a substantial platform from which the Council and the CYPE Directorate can now respond to other existing challenges and new Government ambitions for Children and Young People moving forward.
- 3.2 The Council should be proud of the work of all the staff who contributed to this very positive outcome.

### **4. Next Steps**

- 4.1 There are two specific areas of development in relation to Social Work caseloads and children aged 16 and 17 who are facing homelessness which will be taken forward. An action plan will be produced by November 2022, although work has already begun in addressing both areas with over 60 newly qualified social workers joining the council over the next two months.
- 4.2 Whilst delighted with the outcome of the May Inspection, Children’s Services will continue to strive for improvement, consolidating areas of strong practice to ensure all children in Kent consistently benefit from high quality social care and early help support when it is required.

### **5. Recommendations:**

- 9.1 Cabinet is asked to NOTE the content of the report and the significant work of all the staff who contributed to this very positive outcome.

### **10. Background Documents**

None

### **11. Contact details**

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# Inspection of Kent County Council children's services

**Inspection dates:** 9 to 20 May 2022

**Lead inspector:** Margaret Burke, Her Majesty's Inspector

<b>Judgement</b>	<b>Grade</b>
The impact of leaders on social work practice with children and families	Outstanding
The experiences and progress of children who need help and protection	Good
The experiences and progress of children in care and care leavers	Outstanding
Overall effectiveness	Outstanding

Children are at the centre of Kent County Council's culture and practice. This has enabled more of its children to benefit from services which are of a consistently good standard, resulting in positive outcomes for them and their families. Outstanding practice is evident for children in care and care experienced young people as they clearly benefit from the support they receive and make good progress.

Senior leaders have taken effective action in the areas identified at the last inspection in 2017. Progress is evident in all the areas identified for improvement, but further work is required to strengthen the response to homeless young people aged 16 and 17 years. Senior leaders have also taken the required steps to make improvements in the areas identified at the focused visit in 2019, strengthening the responses to children at the 'front door' of their services and ensuring children are quickly directed to the most appropriate services. More recent challenges relate to high social work caseloads in some frontline teams. Steps are being taken to manage and reduce the negative impact of this rise on Kent's children and their families and on the staff who work closely with them.

The work to improve services continued throughout the COVID-19 pandemic. Leaders successfully managed additional pressures, adjusting services effectively to ensure they continued to serve children and their families. Staff have been supported to manage the impact of the pandemic on them personally and to continue to manage changes to their working practices.

Kent children's services have had to respond to the unparalleled numbers of unaccompanied asylum-seeking children arriving in the county. The management of this additional workload has resulted in senior leaders contributing significantly to the national response while also continuing to manage local services effectively across a large county council with 12 districts. At times, the local and national demands have been challenging to balance. Senior leaders and frontline staff have responded well to these exceptional pressures on service delivery. As a result, the unaccompanied asylum-seeking children Kent County Council takes responsibility for are well cared for and services for all vulnerable children in Kent have continued to improve.

### **What needs to improve?**

- The practice of conducting visits to children during school hours, resulting in them missing lessons.
- Manageable caseloads and workload support for social workers and their managers.
- The response and the quality of assessment of need for young people aged 16 and 17 years who present as homeless.

### **The experiences and progress of children who need help and protection: good**

1. Children and their families have access to a good range of early help support services. Early help practitioners base their work on the development of purposeful relationships and creative direct work to gain a sound understanding of the child's voice, wishes and feelings within their family network. Most families are swiftly supported through strength-based interventions to build resilience and make changes to improve their children's and family's experiences. Effective communication with other professionals ensures children's progress is reviewed, and support is refined to best meet their needs. As intervention concludes, a structured framework of moving forward plans provides families with guidance and information to continue to help themselves. When progress is not evident or circumstances change, the interface between early help and statutory social work services is clear and work is appropriately transferred between services to ensure a prompt response.
2. The response to requests for help from children's social care is effective. Children's needs and concerns about their welfare are identified and responded to swiftly by practitioners in the front door and the out-of-hours services. Thresholds are appropriately applied, and there is evidence of thorough management oversight and guidance at this stage, leading to timely and effective follow-up action for the vast majority of children. The work in the front door of services is supported by strong and supportive practitioner relationships within the team and with partners including health, education and police. These positively inform initial decision-making and the management of risk of harm.
3. When there are concerns about risk of harm to children, these are urgently responded to by the multi-agency network, with thorough exploration of



immediate risk and concerns. This leads to children being promptly and appropriately safeguarded. Children are seen and spoken to, and appropriate steps are taken to gain parental consent and to ensure parents are kept updated.

4. Since the last inspection, leaders have successfully secured the agreement of all 12 district councils for a whole-county housing protocol for homeless 16- and 17-year-olds. Despite considerable progress in this area, there are still some children aged 16 and 17 facing homelessness who do not receive a timely or effective response. The assessment of their circumstances does not routinely explore or take into consideration all their needs and circumstances to ensure that appropriate support is provided at the earliest opportunity.
5. Social workers undertake a range of assessments to understand the needs and experiences of children and their families and to help inform plans to positively progress change in their situation. Assessments are informative and dynamic, with good consideration of historical information, need and risk. They are helpfully explicit in highlighting worries, concerns and strengths. While children's individual identity needs are described in their assessments, more is needed to ensure they are explored sufficiently and lead to tangible actions to meet these needs within their plans. Plans for children are regularly reviewed and updated to reflect changes and progress. These then inform and guide meaningful multi-agency work with families. Stronger examples of plans seen were written directly to children, with clarity about goals; weaker plans mostly related to child in need arrangements, and did not explore all needs identified by the assessment and lacked clarity regarding action. While system sign-off by managers indicates their oversight of records, managers' comments, guidance and steer are not always evident on these forms.
6. The work of the children and families social work teams is generally of good quality. Children make progress and their situations improve through sensitive, intensive and focused work with families. Families are helped to identify support and make the changes needed to meet their children's needs. Social workers demonstrate strong engagement with children and their families, persisting even when working with parents in challenging situations.
7. There is generally good consideration of the work that needs to be done and the progress that needs to be achieved during the pre-proceedings stages of the Public Law Outline and in the Family Drug and Alcohol Court. In both, families receive intensive support to enable them to provide ongoing care for their children. Social workers also actively consider all viable options. Family group conferencing is regularly used to support purposeful planning and consideration of help from wider family and friends' networks. If children's circumstances do not improve within set timeframes and children are unable to remain at home, there is full exploration of family members who are willing and able to provide care.
8. Most children are seen regularly by social workers or support workers. Their workers show personal warmth and use a wide range of direct-work tools to assist and support children, including those who are very young, to express

their views. Parents who spoke to inspectors were unanimously positive about their engagement with social workers and the support they receive.

9. Many social workers in the children's social work teams, disabled children, and young people's teams, including some workers in their Assessed and Supported Year in Employment (ASYE), currently have high caseloads. Some social workers indicated that their workload is manageable and most say they are well supported by their line managers and teams. Social workers acknowledged that high caseloads impacted on their ability to carry out some of the additional tasks they would like to do with families and to sustain and maintain up-to-date children's case records. For most children, the higher caseloads carried by their social workers have not had a direct negative impact on their experiences. However, it is fully acknowledged by leaders that high levels of complex and demanding case work are not sustainable for social workers and their managers. Workers generally receive regular supervision, which supports them and their work. While management oversight of frontline practice and decision-making is stronger and more consistent in work where there is evidence of significant concern and risk, it is not regular or effective enough to oversee all case work and avoid drift in plans for a small number of children.
10. Social workers have a good understanding of domestic abuse, substance misuse and poor mental health, recognising the risk, harm and the possible impact on children. Appropriate and timely action is taken to protect children in these families. The impact of long-term neglect and trauma on children's development is well understood and workers make good use of the multi-agency network, referring families to specialist services that work effectively with victims and perpetrators to keep children safe.
11. Appropriate steps are taken to ensure that children in private fostering arrangements are safeguarded effectively. The impact of COVID-19 has resulted in reduced numbers of children in these arrangements, and the range of private fostering awareness-raising activity continues. Clear arrangements for notification, backed by specialist advice and support, ensure that private fostering assessments include all the required safeguarding checks and keep children's welfare at their core. Children are visited in line with requirements, permanence is considered throughout and these arrangements are routinely reviewed within timescale.
12. When children go missing, most receive a clear and timely response. Following their return, children are offered an opportunity to talk to either their own social worker or a worker from the adolescent or early help team, when the reason for going missing is explored and support offered. For a small number of these children, not enough professional curiosity is shown in these discussions, and they are not thorough enough in the consideration of risks and influences.
13. By working in partnership with leading academics and authorities since the last inspection, Kent County Council has made considerable improvements to responses, services and support to children at risk of contextualised harm. Children who are identified as being at risk of contextualised harm are well supported by the adolescent team and county-wide services, who are

responsive in times of crisis, offering flexible opening times, including working at evenings and weekends. The adolescent team workers fully consider risks and influences for these children, enabling them and others to better manage risk and minimise harm while supporting the child and their family. The range of support on offer is tailored to children's needs, and might include telephone support, direct work with young people or outreach. For some children, it simply involves taking them to school. The response has enabled children to be supported earlier, thereby avoiding further harm and resulting in improved outcomes for many.

14. Appropriately robust measures are in place for making contact with families who elect to home educate, providing support when needed and monitoring over time. When it is in the best interests of the child, they provide appropriate support and challenge to return children to school.
15. The number of pupils identified as not in full-time education in Kent is higher than the national average. This partly reflects the thorough approach taken, with a deliberate decision made to keep children's names on records, rechecking whether they are still out of education when all avenues have been exhausted. Officers have clear and suitably rigorous approaches to securing appropriate education for those who need it.

### **The experiences and progress of children in care and care leavers: outstanding**

16. Children come into Kent County Council's care when this is the most appropriate plan for them. For most children, this happens in a planned and timely way. Children are supported to live in homes, including adoptive homes, with their brothers and sisters when this meets their wishes and is in their best interests.
17. Clear processes and systems support the referral and coordination of unaccompanied asylum-seeking children transferring into the care of Kent County Council. Vulnerable children are identified and urgent concerns prioritised in collaboration with the Home Office, increasing safety and reducing risk for these children. Following referral to Kent, newly arrived unaccompanied asylum-seeking children are provided with support in line with their individual needs and accommodated in a timely way. Oversight of referrals, need and risks for this group of children, to ensure safety, child-focused services and placement planning, is successfully coordinated at both an operational and strategic management level.
18. Children's need for long-term stability and emotional security is well understood and embedded in the culture of children's social work teams. Children's long-term living arrangements are considered early and permanence planning arrangements, which are reviewed regularly by the professional network surrounding the child, keep permanence plans on track and enable children to understand that they can stay and feel settled where they live.

19. Social workers get to know the children they support and form positive relationships with them. They see children regularly and talk with them about things that are important to them. Social workers are persistent in maintaining relationships with children who live in homes outside the Kent County Council area. Independent reviewing officers (IROs) also maintain effective oversight of children out of area and monitor their progress, in addition to chairing their reviews.
20. Good attention is given to the cultural and identity needs of children in care, and these are thoughtfully and sensitively addressed. Social workers know how important family time is to children in care and skilfully plan ways in which arrangements can be promoted and managed safely in line with children's wishes, creating enduring support networks and family links.
21. Children's review meetings explore children's holistic needs and how being in care meets these needs. IROs lead high-quality reviews which, with their robust oversight and scrutiny of children's plans, actively prevent drift and delay. Review meeting records are addressed and written to the child. There is a strong commitment to ensuring that review meetings are tailored individually to each child. Children spoke about being able to chair their review meetings, with feedback including that this 'sometimes works well and sometimes doesn't work so well'. Children told inspectors that their reviews and other meetings frequently take place at school during lesson time, which meant that they sometimes missed lessons they really like.
22. When a child may need to move to a new home, their individual needs are well understood, enabling suitable well-matched placements to be identified for them to move to. Children are extremely well supported by their social workers through periods of transition and placement moves to ensure they secure the most well-matched long-term home. When possible, children are age-appropriately involved in assessing the suitability of their new carers.
23. Family group conferences provide the backbone to Kent's commitment to exploring homes for children within their extended family and friend networks. This enables social workers to find suitable homes, and for some children avoids the need to come into the authority's care. Kent's work with its connected carers is a strong area of practice, with thoughtful and sensitive assessments undertaken with those offering their homes to children. Fully assessed connected carers retain the same status and support given to other foster carers. Ongoing support, fees and allowances continue for carers on staying together plans when they secure special guardianship orders, enabling many children to exit care and secure permanence and security in familiar environments.
24. Adoption is appropriately considered if this is the right plan for children. Children are sensitively prepared and supported on their journey to adoption. Adopters are very positive about their training, preparation and support for them and their children. A small number of children have experienced delay in being supported with life-story work, but the quality of the life-story work when undertaken is of a high standard.

25. There is regular senior management scrutiny and oversight of those children and young people with complex needs who are placed in unregistered or unregulated settings.
26. Children are only placed in unregistered placements if the authority has not been able to find appropriate placements which are registered to meet these children's complex needs. These arrangements are rightly considered as unlawful and highly monitored by senior leaders, with higher levels of visiting and support as efforts are made to promote and ensure registration or move children on.
27. The vast majority of children in care we spoke to say that they feel safe where they live. Most children in care live in homes where they are supported to do well. Kent has higher than national numbers of children in its own provision, many of them in the care of experienced and long-standing foster carers. Positive experiences and progress are evident for many of Kent's children in care. Many children gain stability and feel part of their carer's family, re-engage in education and now have trusted support.
28. Foster carers are universally positive about their support, including from children's social workers. This also includes working with the virtual school, which is supportive, responsive and helpful in signposting carers towards enrichment activities that match children's interests and needs.
29. Disabled children and young people who are in the care of the local authority are provided with exceptional support from their social workers, whose care and commitment shines through their work. Children are supported to remain in contact with their family even when they do not live with them. Written notes of visits show lovely rich communication with children using a wide range of styles, including some as basic as touch and reading facial expressions. This communication helps build strong trusting relationships. Children's needs are championed to ensure that they get the best care and support.
30. Most children leave care in a positive and planned way, either through achieving permanence or returning home to live with their parent. Decisions regarding children being placed with parents are made following a full assessment, when this is the best option for the child. These children are seen regularly by their social workers. Arrangements are kept under review to ensure that they continue to meet children's needs and to consider the discharge of the care order.
31. Children's health needs, including up-to-date dentist and optician appointments, are well considered, despite delays caused by the pandemic. Children are supported to enjoy interests and encouraged to take up hobbies. Children told us they would like more sensitivity shown in language used, particularly at school, or in relation to anything that might show that they are in care, such as wearing a council lanyard on visits out with them and in meetings at school during school hours.
32. Virtual school leaders are driven by a sense of purpose and ambition for children in care in Kent. They are the first virtual school to be awarded the

National Nurturing Schools programme award, which recognises practice that is central to their work. They are supported by a well-considered infrastructure of workers that helps to provide consistency across the county. Their work to offer training and support to schools around relevant issues such as trauma is a particular strength. Schools are positive about the high quality of support they and their pupils receive from the virtual school.

33. Personal education plans are fit for purpose, although leaders recognise where they could be more explicit, for example in capturing the voice of the child and the foster carers. Through strong support, most pupils are on track to achieve appropriate academic outcomes.
34. Care experienced young people receive ongoing and regular support that helps them to make progress. Personal advisers (PAs) invest time in building relationships with the young people they support. PAs know the young people they work with well, and for many young people these supportive relationships are maintained until they reach the age of 25. The Lifelong Links service is used by young people to make contact or safely re-engage with extended family members and other significant people they have lost contact with, to develop these relationships and build networks that will extend beyond their time in care.
35. PAs demonstrate a good understanding of the importance of cultural identity and responding to young people's individual needs. They recognise the importance for many young people, including unaccompanied asylum-seeking children, of living in communities which reflect their faith, culture and language, and respond positively to these needs.
36. Trusted and reliable relationships are at the core of the support provided to care leavers. Care experienced young people are supported to be proud of their achievements and to celebrate their passions and hobbies. PAs are passionate and speak with sensitivity about the challenges some care experienced young people have faced and how they have overcome these.
37. Pathway plans contain the young person's voice and demonstrate their involvement in creating their plans. A strength-based focus draws out positive elements and strengths for young people, as their needs are identified and are pulled together into a relevant plan of support.
38. Skilfully tailored packages of support help redress the impact of early trauma and limited educational opportunities. This support enables care experienced young people to continue to develop their skills and confidence and to access work and education opportunities. Performance data confirms Kent has higher numbers of care experienced young people than other areas who have successfully gained entry to college, university degree courses or employment, despite sometimes significant gaps in their educational history.
39. Most young people are living in appropriate accommodation, including staying put arrangements. There are various accommodation options available, which range from shared accommodation or supported lodgings to housing from a core group of providers. However, the quality of these placements varies. When

it is known that a young person's accommodation no longer meets their needs, they are supported to find alternatives. There are still recognised challenges in some districts which prevent care experienced young people from having timely access to public housing post-18. The authority continues to seek ways to address this.

40. Care experienced young people continue to be supported after the age of 21 by PAs who provide an invaluable degree of emotional and practical support. This includes ongoing support to unaccompanied asylum-seeking young people, those who are parents and need additional support, and young people who have additional vulnerabilities and health needs. Care experienced young people in custody are also supported well and have regular contact and visits from PAs.
41. Kent routinely employs care experienced adults as young apprentices in the council's participation service. Several young people have successfully completed their apprenticeships and are now in employment with the service. The impact they have is a particular strength of the council.

### **The impact of leaders on social work practice with children and families: outstanding**

42. Despite the significant challenges created by the pandemic and the exceptional circumstances created by the need to safeguard and care for high numbers of unaccompanied asylum-seeking children, support for vulnerable children in Kent has improved over a sustained period of time. Social work practice is consistently good and often better, meaning children are well protected and cared for.
43. The politicians in Kent County Council are committed to championing the needs of children, including vulnerable children, and this is backed by sound financial investment. Alongside the director of children's services and his senior management team, the lead member for children's services and the head of paid services keep themselves well appraised of key challenges and service issues, exercising appropriate oversight and scrutiny. The council promotes corporate problem-solving and shared responsibility for its services. Council departments and sectors work together to ensure all their services positively impact on children who need the council's support.
44. Strategic and operational partnership working across the county council is a strength. Effective strategic plans form the foundations for practice and multi-agency working. Clear lines of accountability and effective governance arrangements track the operational impact services make for children. These arrangements include ongoing negotiations with strategic partners and government departments in order to continue to secure the best arrangements for Kent's children. This is well evidenced through Kent's negotiations with the Home Office to promote appropriate arrangements for unaccompanied asylum-seeking children in its area.

45. The local authority provides appropriate steer and has brought strong leadership to the local multi-agency safeguarding partnership, although there have been some recent challenges with consistency of membership and business support. Despite these challenges, the focus on learning from serious incidents has persisted and is clearly evidenced. For example, the recent work on non-accidental injuries in babies under one has led to service improvements and practice changes to ensure the safety of these children. Tackling child exploitation and child sexual exploitation is also high on the partnership's agenda. Services have been developed through partnership work with the University of Bedfordshire and peer reviews, leading to the development of an extensive multi-agency safeguarding response. Senior leaders, managers and partners track progress and outcomes for exploited children, and robust multi-agency frameworks underpin practice.
46. Leaders have successfully secured a whole-county housing protocol across the 12 district councils. However, leaders accept that the individual response to children aged 16 and 17 who are facing homelessness is an area which requires further work.
47. Leaders across Kent County Council demonstrate that they are ambitious parents to children in their care. The corporate parenting role is well embedded within the council. The recently appointed chair brings genuine care and passion to the role and a new perspective which builds on the successes of the previous chair. The pandemic did not deter the council from celebrating the successes of its children in care as it continued virtually with its annual awards ceremony to celebrate their achievements. Surprised and delighted children received unexpected visitors at their door with gifts, with photos and video taken to capture these moments and provide invaluable memories.
48. Children's participation is well promoted within the council. The council routinely seeks to learn from children through online surveys, complaints and other mechanisms to hear their views. Five distinct children and young people's groups cover different age ranges and include a group for foster and adopter family birth children, and together make up an active Children in Care Council. The Children in Care Council is routinely consulted and children are assured that their voices are listened to. Participation and engagement are supported by the very active, creative and vibrant participation team. Their reach is extensive, influencing local, regional and national agendas. The use of challenge cards has successfully led to corporate changes, generated by children and care experienced young adults.
49. Senior leaders and managers have access to an extensive array of performance information and data reports. These reporting frameworks are well established, and regularly scrutinised and tracked. They provide leaders, managers and workers with a comprehensive overview and insight into all aspects of work and performance across children's services.
50. Senior leaders use well-established quality assurance activities effectively to shape organisational change and refresh practice, policy and learning. The views of children and families are regularly sought, with over a third of service



users now responding to these processes. Staff use the opportunity to reflect on their practice, using appreciative inquiries to further understand the impact of their work with children, staff and within the organisation. While quality assurance processes are embedded and are a strength, they continue to evolve. Leaders have recognised the need for further fine tuning to provide additional practice challenge and to ensure that practice information and performance data correlate and provide consistent messages.

51. There is a strong focus on and a commitment to workforce development. Kent has a practice framework and culture which is based on shared values and behaviours. This is implicit in its workforce and learning events and is embedded and well understood by practitioners across the workforce. Through the academy, mandatory e-learning and a range of organised internal and external training events, staff and external partners have access to information, training and tools to strengthen them in their work to support children and their families. Area learning events and the child outcome analysis programme are among the range of organised activities which provide senior leaders with opportunities to hear staff give their views on issues that affect them in their work. Views which are heard are reflected, when appropriate, in future learning and service development.
52. Workforce pressures in Kent present extreme challenges for senior leaders and managers. Leaders accept that caseloads are too high in parts of the service and are not sustainable. Senior leaders report that caseloads began to rise in December 2021. They have taken and continue to take steps to alleviate workload pressures. In January 2022, leaders commissioned a review to help to better understand social work caseloads and distribution across the authority. This led, in April 2022, to an additional £1.4 million a year being allocated to increase the number of social work posts. The whole council has extended support and agreed special arrangements for children's services to exercise greater flexibility in sourcing locum staff. Additional peripatetic agency social work teams have recently been recruited to support work in key districts under the most pressure. Other support strategies have included redirecting non-case-holding staff, assistant social workers and early help practitioners to provide consistent support with social work tasks, including visits to children. Leaders are monitoring the impact on children and the welfare of and workforce pressures on their staff, and managers are adjusting their responses to ensure they are all well supported.
53. All staff who spoke to inspectors, including those with higher caseloads, were rightly proud of the work they do and proud of the progress they make with children and families to improve their situations. They speak highly and very positively about working in Kent, they 'love' working for Kent, and they feel supported by their colleagues and valued by managers. Most say they are provided with regular, reflective individual and case supervision, which helps them drive forward plans for children and explore the challenges and barriers which may prevent progress being made. Staff, including those in their ASYE, feel they have excellent training and opportunities for further development and career progression. Many staff have worked for Kent for many years.

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**From:** Shellina Prendergast, Cabinet Member for Education and Skills

Sarah Hammond, Interim Corporate Director for Children, Young People and Education

**To:** Cabinet – 21 July 2022

**Subject:** Update on the 16-19 review and future plans

**Classification:** Unrestricted

**Electoral Division:** All

**Summary:**

This paper will:

- Provide a background for the 16-19 Review
- Update on the activities of the review.
- Summarise the content of the completed review.
- Give information on next steps.

Kent County Council's [KCC's] 2021-25 Commissioning Plan for Education Provision in Kent required its Children, Young People & Education Directorate to lead a review of 16-19 education within Kent.

The overall aim of the Review was to improve the options and life chances of Kent's young people by enhancing the education, skills, and training opportunities available to them. To achieve this, it sought to develop a deeper and shared understanding of the issues facing both young people and providers.

The Review was therefore delivered in collaboration with providers from across the sector, and with the involvement of young people, their parents, and key stakeholders.

The process was overseen, guided and supported by Steering and Working Groups with representation from across the sector and from stakeholders and providers.

Work commenced in summer 2020 and the report, Pathways for All, was published in April 2022.

**Recommendation:**

Cabinet is asked to note the report and future plans.

**1. Introduction**

1.1 The purpose of this report is to provide members with an update on the 16-19 review it will:

- Provide a background for the review
- Update on the activities of the review.
- Summarise the content of the completed review.
- Give information on next steps.

## **2. Background – Context and factors impacting on the sector**

2.1 KCC has a statutory duty to ensure that there are sufficient, high -quality educational places available for the 16-19 age group and must take the strategic lead to ensure that young people can participate in 16-19 education and training in the way that best suits their aspirations and abilities. As in other areas, the 16-19 education sector in Kent is diverse, with a number of providers all of which have their own organisational priorities. A review was commissioned to gain a deeper understanding of the current picture and to make recommendations for change and improvement. Alongside this local action, there is also a strong Government policy focus on 16-19, which is leading to considerable change in the sector. This combination of nationally and locally driven change, requires clear leadership to ensure that the opportunities to better meet the needs of Kent's young people are maximised during this time of transition. This section of the report provides an over-view of the complex range of factors which impact on the 16-19 landscape.

### 2.2 Raising of the Participation Age (RPA):

Government legislated to raise the participation age (RPA) so that young people are required to continue in education, employment or training until the age of 18. These duties came into effect for 16-year-olds in September 2013 and for 17-year-olds in September 2015. These RPA duties are set out in Schedule 2, para 4 of the Apprenticeships, Skills, Children and Learning Act 2009 and S10 and 12 of the Education and Schools Act 2008. In order to meet these duties, LAs are required to:

- Promote the effective participation in education or training of all 16- and 17-year-olds resident in their area;
- Make arrangements (an effective tracking system) to identify young people resident in their area who are not participating;
- Provide strategic leadership to ensure support is available which encourages, enables and assists the participation of young people in education, training and employment;
- Liaise with education providers to identify children under the age of 16 who are at risk of not participating post-16 and provide intensive support to remedy the situation. This is important in relation to children with SEND;
- Offer a suitable place to every young person who reaches the age of 16 or 17, by the end of September, to continue in education or training the following year.

### 2.3 Statutory Duties of the LA

Sufficiency:

- Ensure that sufficient primary, secondary and further education is available to meet the needs of their population (Section 13, Education Act 1996);
- Ensure that LA education functions are exercised with a view to promoting high standards, ensuring fair access to opportunity for education and learning and promote the fulfilment of learning potential;
- Secure that sufficient schools for providing primary and secondary education are available for their area (Section 14, Education Act 1996).

## 2.4 Fragmentation of the Sector

Due to a lack of overall co-ordination, there has been a high level of fragmentation in the sector. Institutions work to ensure they perform well against their own accountability measures, but this does not necessarily lead to a coherent system that meets the needs of all young people. There is also competition between education providers for learners and resources. The consequence of this is that there are large gaps opening up in the offer for young people and a lack of meaningful pathways for many of them to progress through education and beyond.

## 2.5 Wider policy/legislation

### *I. Qualification reforms*

The government has announced that it wishes to simplify post 16 qualifications and ensure they provide good quality progression into education or employment. A review of “Level 3 qualifications” (broadly equivalent to A levels) has taken place and the recommendations are that the qualifications of choice for 16–19-year-olds should be A levels or the new T levels (Technical-Levels are new 2-year courses which are taken after GCSEs and are broadly equivalent in size to 3 A Levels. Launched in September 2020, these courses have been developed in collaboration with employers) with some specialist qualifications where a subject is not covered by these two routes. Many qualifications that do not meet these criteria, such as BTECs, will be defunded from 2024. Many of our 6<sup>th</sup> forms currently rely on these qualifications which places them and their students at risk.

There is a cohort of students who pass their GCSEs but without strong enough grades to be successful at A levels. These students have often been directed towards the qualifications which are now likely to be defunded. In the future this means that there is likely to be a group of young people without a good progression route post 16.

Colleges are investing heavily in the new T levels but most schools will not be able to offer them due to logistical challenges.

These issues mean that dramatic change will be needed in the post 16 system in Kent. Particularly, many of our small non-selective 6<sup>th</sup> forms will have to find a new way of working if they are to be sustainable over time.

A government review of qualifications below level 2 is currently taking place and officers will be considering the implications for the sector when this is published.

### *II. Skills for Jobs White Paper*

This predominantly focuses on making further education more relevant to the needs of employers and ensuring that careers education helps young people navigate the rapidly changing system.

### *III. Levelling up White Paper*

The paper sets out several educational initiatives but they are largely region specific. Some national initiatives may impact on Kent.

#### *IV. Apprenticeships*

There has been an increased focus on higher and degree level apprenticeships. Nationally we have seen a huge range of different apprenticeship standards being created to match the demand from employers across all sectors. This has had a major impact on Kent.

#### *V. Schools White Paper*

With the stated aim of improving outcomes for all, the need for a range of post 16 pathways is even more important.

- 2.6 In response to these complexities, KCC commissioned the 16-19 review to ensure that the system provided the best possible outcomes for Kent's young people.

### **3. The local 16-19 Review**

- 3.1 Kent County Council's [KCC's] 2021-25 Commissioning Plan for Education Provision in Kent required its Children, Young People & Education Directorate to lead a review of 16-19 education within Kent.
- 3.2 The vision for the Review was that it should improve the options and life chances of young people in Kent by:
- Providing better education, skills and training opportunities for all Kent's young people
  - Enabling KCC to develop a clear understanding of the issues and the barriers to participation and progression
  - Allowing KCC to understand, support and provide direction to the sector in the county.
- 3.3 Specifically, the purpose of the Review was to:
- Hold a mirror up to 16-19 education in Kent by developing a deeper understanding of the sector
  - Identify key far-reaching and systemic issues, and particular areas of under achievement or need in the post-16 sector
  - Identify, explore and understand good practice in the sector to encourage its wider take-up
  - Identify the gaps, issues and barriers that need to be, and can reasonably be, addressed by the sector
  - Be a platform for KCC and its key partners to develop strategic leadership in the Kent post-16 system
  - Provide advocacy for young people in the 16-19 sector
  - Develop a sector-wide collaborative approach to driving success in the post-16 system

- Ensure that young people in post-16 education and training in Kent are well prepared to deal with the challenges caused by Covid-19.

### 3.4 A collaborative approach

No one organisation has the responsibility, authority or resources to transform the 16-19 sector in Kent and this can only be achieved by working collaboratively. From the start, the review aimed to encourage the collaboration necessary to drive forward improvement the sector. This was reflected in the way the review was carried out. The Review was led by a steering group made up of representatives from across the sector; a very wide range of organisations and individuals were consulted; and the report was not issued until the sector had a chance to comment on draft versions. As we move into the next phase, this collaborative approach will continue to make best use of the resources and goodwill in the sector.

## 4. Process of the review

- 4.1 The review aimed to ensure that the experiences of all students were considered. The following groups of young people were identified, and research covered all groups.

<i>Strand</i>	<i>Descriptor</i>
1	Learners holding a full Level 2 and seeking to follow an academic pathway
2	Learners holding a full Level 2, and seeking to follow a fully or partly technical or vocational pathway
3	Learners not yet holding a full level 2, but with the potential and a level of engagement with learning that will enable them to do so
4	Learners not holding a full level 2 whose additional difficulties (including a lack of engagement with education) mean that they may need additional support if they are to reach their potential.

- 4.2 The review took place mostly during Covid and therefore had to be modified accordingly. The following stages took place.

1.	Exploration and informal consultation. Identification of key partners.	Spring 2020
2.	Data identification and collation leading to the identification of key themes, issues and questions for the focus groups	Summer 2020
3	Convene Steering group and appointment of external expert support	Winter 2020
4.	Design and test research process, accommodating Covid	Spring/Summer 20/20
5.	Interviews, focus group discussions and wider qualitative research and soft consultation	Autumn/Winter 2021
6.	Collating and writing up the full review's findings	Spring 2022
7.	Publication and promotion of findings	April 2022

### 4.3 Fieldwork

48 provider institutions interviewed. This was spread across all districts and learning provider types and represents about 25% of the sector. There were generally two, one and a half to two-hour interviews per school or organisation to understand the perspective of pre and post 16 staff.

21 Key leaders and sector partner interviews from representative bodies such as KCC, youth support agencies amongst others.

30 young peoples' focus groups from across a range of 22 learning providers. Engagement Officers from the Education People facilitated the groups asking young people to express their opinions on the same issues explored with staff plus anything else they felt was relevant.

## 5. Summary of the review

5.1 The review set out to cover both all student groups and the full breath of the young person's journey through the sector. This determined the following areas of focus for all the fieldwork.

- The offer
- Location, access and structure
- Equal opportunities
- Pre-Year 12 decision making
- Transition into post-16 provision
- Delivery
- Outcomes
- Post-Year 13 decision making and transition
- Future viability of provision
- Collaboration
- The impact of Covid-19

### 5.2 Key Findings

From all the fieldwork and quantitative analysis of data, 11 significant issues were identified. There is a rich analysis of these key issues and any subsidiary issues in the review report.

In summary, the issues fall into:

- Lack of aspiration, particularly among disadvantaged students
- Uneven support for transition at 16+ and 18+
- Costs of travel affect learner choice
- Shortage of resources
- Small sixth forms restrict choice and opportunities
- Concern about level of support for pupils with mental health issues
- Threats to Applied General Qualifications and International Baccalaureate Careers Programme in sixth forms arising from Level 3 reforms
- Careers Education independent Advice Guidance only partially effective and not covering all options
- Polarised provision plus little collaboration plus pupil inertia (that is to say, pupils being unwilling to leave their present schools at 16+ even when it would improve their chances to do so) equals missed opportunities



- Provision below Level 2 needs bolstering, with better identification of pathways to higher level study
- Apprenticeship shortages for 16–19-year-olds – more general difficulties gaining employer support

### 5.3 From these issues, there are eight Principal Recommendations

1. Improve outcomes through establishing a comprehensive benchmarking programme and promoting the adoption of a life skills curriculum
2. Raise young people's aspirations through promoting a model Careers Education, Information, Advice and Guidance (CEIAG) curriculum and ensuring all young people are supported to consider a range of options
3. Develop a comprehensive local offer, implemented via collaboration, to widen what is available and enable young people to exercise their choice
4. Enhance provision below Level 2 by putting provision on a more stable footing, addressing the issue of young people Not in Employment, Education and Training (NEET) and providing for progression
5. Improve early support for students with mental health issues to promote well-being and remove a barrier to achievement and progression
6. Improve access to post-16 provision by prioritising travel support to those who most need it to and by lobbying government to support post -16 travel
7. Learn from lockdown to improve support for remote learning and retain more young people in some form of learning
8. Establish a Strategic Board to take these recommendations forward and provide strategic oversight of provision.

## 6. Proposed Way Forward

### 6.1 Collaboration

The review was carried out as a collaborative piece of work with the 16-19 sector in Kent. This needs to continue so that solutions to the issues are jointly developed and owned by the sector as no one organisation can bring about the changes need to improve outcomes for young people.

### 6.2 Strategic Board

As there is no one organisation overseeing the sector, a board is needed to prioritise activity, cascade recommendations/information out to partner organisations, lobby relevant national and local bodies, and ensure the ongoing relevance of activities. The board will have an independent chair. It will make recommendations to the sector and KCC to shape policy and activity across the county. It will not have decision/enforcement powers.

### 6.3 Action Plan

A detailed action plan will be developed addressing all the issues and recommendations. This will be the responsibility of the Strategic Board.

#### 6.4 Resources

It is planned that responding to the review's recommendations can commence via utilizing current KCC and TEP resources. The collaborative approach to supporting the sector will encourage in kind contributions from the sector. Further to the development of the Action Plan, there may be other resources that are needed for KCC to deliver against its statutory duties to lead the sector as well as for delivering against the other review recommendations.

#### 6.5 Governance

The 14-24 Learning, Employment and Skills Strategy, 2017-2020, is out of date but is still KCCs key policy document for the sector. The Review provides updated intelligence about the sector and indicates a way forward that builds on the now outdated policy document. Consideration of the policy will be given as the Review's next steps are taken and cross referencing will be undertaken.

6.6 Feedback to CYPE Cabinet will be via the Director of Education and Cabinet Members as appropriate.

### 7. Conclusion

7.1 The Review has set a challenging agenda for improving the provision available to 16–19-year-olds in Kent; there is much to do. However, the Steering Group has been heartened by the commitment from all parties involved in the Review to ensure that effective pathways to future progress and attainment are identified and made available to all Kent's young people, and that they are supported to achieve their aspirations and potential. The recommendations identified in the 16-19 Review, as they are implemented, will go a long way towards achieving this goal.

### 8. Recommendations

<b>8.1 Recommendation:</b> Cabinet is asked to note the contents of the report.
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#### Background Documents:

Appendix 1: "Pathways for All": Executive Summary



# Pathways For All Summary

Review of education  
and training provision  
for young people aged  
16-19 in Kent

# Foreword

We are pleased to introduce this Report into our major Review of 16-19 provision within the county of Kent.

As we begin to emerge from a period of considerable pandemic-related turbulence, Kent remains committed to improving the options and life chances of all young people. Our young people have been particularly hard hit and, as they embark on their post-16 study and employment, we want to ensure they are as well-prepared as possible to survive and thrive in the world.

Kent's 16-19 education system is diverse and complex. It includes selective, non-selective and special schools, colleges, apprenticeships and independent training providers. The offer includes the new T-Levels alongside the standard range of qualifications, and we are a world leader in delivering the International Baccalaureate. This wide offer and the range of providers creates both challenges and opportunities.

Nationally, this is a time of change. Qualification reforms will affect the way education is delivered. A skills white paper increases the role of employers in Further Education. A new education white paper aims to improve quality in schools. At the same time, there has been a gradual erosion of the co-ordination of post-16 education.

Kent County Council values education and there is strong political commitment to driving improvement. In support of this, we asked the whole 16-19 sector – grammar, high schools and special schools, further education colleges; apprenticeship and other providers, pupils and students, parents, KCC and other strategic and operational partners – to engage in developing and delivering this Review. We are extremely grateful for the positive response and for all the valuable contributions our colleagues have made. The thoroughness of the process gives the Council confidence that the findings and recommendations contained in this Report identify the issues we need to address and provide appropriate ways for us to respond.

This Report makes clear that we need to:

- Make a concerted effort to improve the outcomes for young people from our post-16 provision
- Raise young people's aspirations through more effective careers education, information, advice and guidance
- Ensure that those who influence young people are informed about the options available to them, and more understanding and supportive of the choices young people make
- Enable a wider range of provision to be locally accessible
- Improve provision below Level 2 and provide good pathways into further learning at higher levels
- Support young people's mental health
- Take the opportunity to learn lessons from the pandemic.

However, Kent is a diverse county. One size will not fit all, and no organisation has the statutory powers or resources to produce the necessary changes on its own. It is only by working together that we will make progress. Collaboration, locally and cross-county, must therefore be at the heart of what we do.

With this in mind, our first step is to establish a Strategic Post-16 Board to take the Report's recommendations and other necessary actions forward and provide overall direction to post-16 provision in the County. This collaborative, sector-driven approach depends on your contribution. We will therefore be asking representative groups and other key partners for their active participation on the Board and involvement in next steps.

We look forward to working in partnership with you all in implementing the recommendations of this valuable Report.

**Roger Gough**

Leader, Kent County Council

**Shellina Prendergast**

Cabinet Member for Education and Skills

# Executive Summary

## 1. Introduction

Kent County Council's [KCC's] 2021-25 Commissioning Plan for Education Provision in Kent requires its Children, Young People & Education Directorate to lead a review of post-16 education within Kent<sup>1</sup>. The vision for the Review was that it should improve the options and life chances of young people in Kent by:

- Providing better education, skills and training opportunities for all Kent's young people
- Enabling KCC to develop a clear understanding of the issues and the barriers to participation and progression
- Allowing KCC to understand, support and provide direction to the post-16 sector in the county.

Specifically, the purpose of the Review is to:

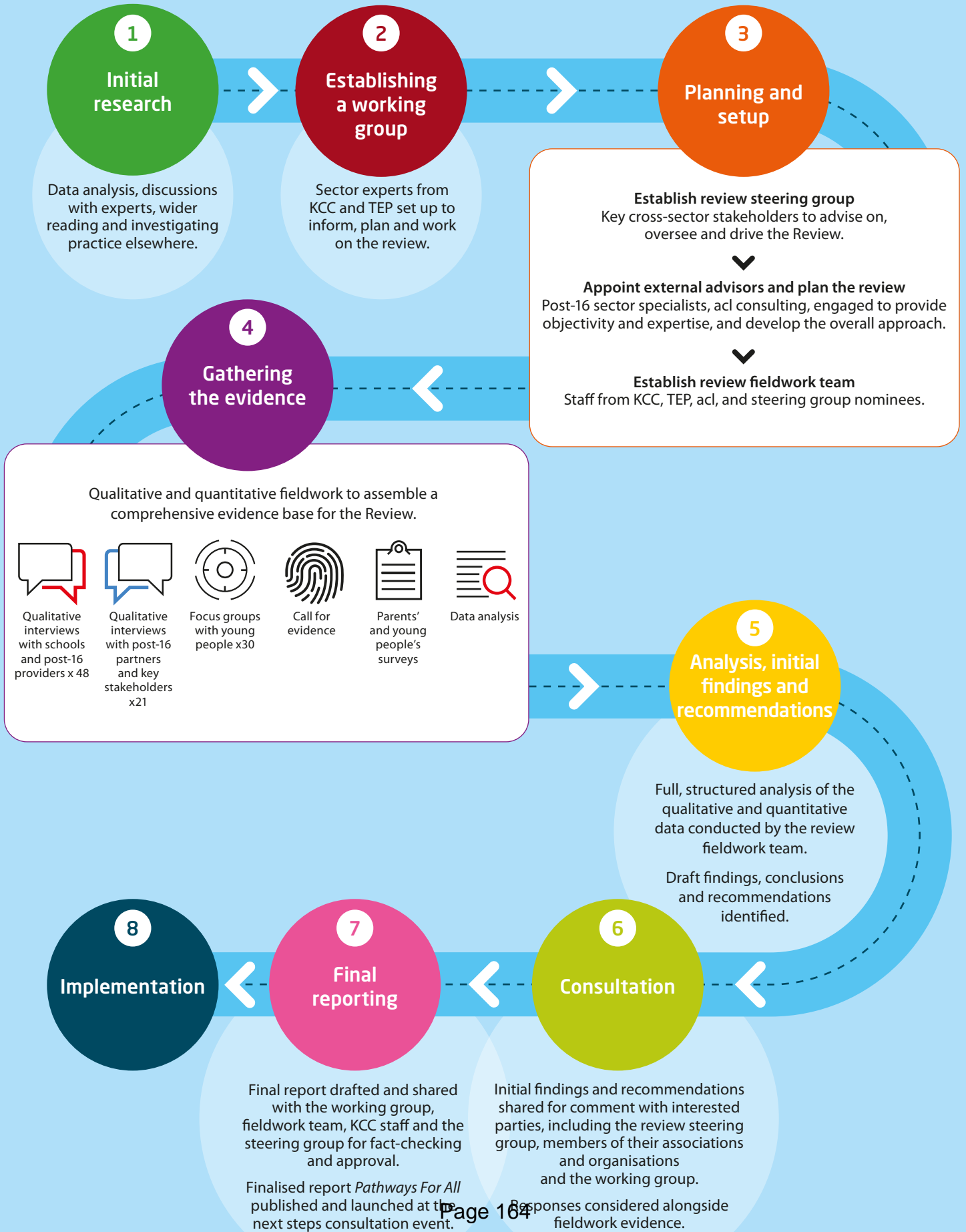
- Hold a mirror up to 16-19 education in Kent by developing a deeper understanding of the sector

- Identify key far-reaching and systemic issues, and particular areas of under achievement or need in the post-16 sector
- Identify, explore and understand good practice in the sector to encourage its wider take-up
- Identify the gaps, issues and barriers that need to be, and can reasonably be, addressed by the sector
- Be a platform for KCC and its key partners to develop strategic leadership in the Kent post-16 system
- Provide advocacy for young people in the 16-19 sector
- Develop a sector-wide collaborative approach to driving success in the post-16 system
- Ensure that young people in post-16 education and training in Kent are well prepared to deal with the challenges caused by Covid-19.



1. See <https://democracy.kent.gov.uk/documents/s101472/Kent%20Commissioning%20Plan.pdf>, paragraph 3.9, page 11.

The 16-19 Review: process



## 2. Approach

The Review was overseen by a Review Steering Group, comprising provider representatives and others with an interest in post-16 provision in the County. A Review Working Group drawn from colleagues directly involved in post-16 delivery in KCC and The Education People [TEP] provided valuable additional operational input. An external expert (acl consulting) was appointed to add objectivity, insight and rigour.

The Review was carried out, largely during calendar year 2021, by a research team drawn from KCC, TEP, acl, and Steering Group member-proposed secondees. It included:

- A detailed analysis of local and national data on KS5 outcomes (supported by the Analytics team in KCC Strategic Commissioning)
- Fieldwork interviews with 16-19 providers across Kent, plus pre-16 providers (48 providers equalling 25% of the sector) and 21 other stakeholders and key players
- 30 small focus groups with young people across 22 providers
- Contributions from other interested parties following a widely-publicised call for evidence
- Online surveys of parents and young people
- A soft consultation on the emerging findings was held during autumn 2021. This report was finalised in early 2022.

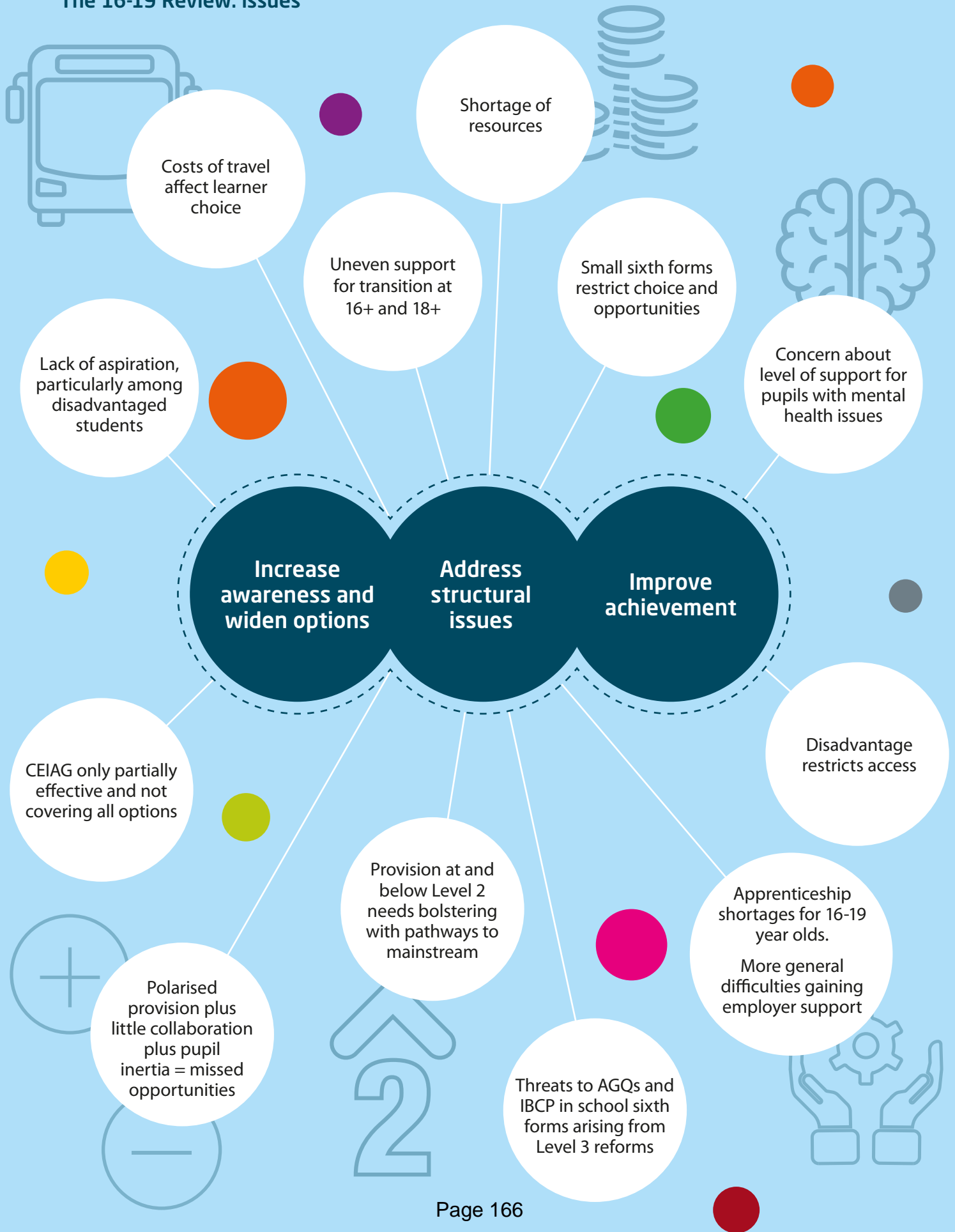


### Structuring the data

To structure the data collection, fieldwork interview schedules were designed around a notional 'journey' taken by a young person before and during their time in 16-19 education. These interviews covered:

- The post-16 offer
- Location, access to, and structure of the current 16-19 offer
- Equal opportunities
- Pre-Year 12 decision-making
- Transition into post-16 provision
- Delivery of post-16 provision
- Outcomes from post-16 provision
- Post-Year 13 decision-making and transition on from post-16 provision
- Future viability of provision
- Collaboration between post-16 providers
- The impact of Covid-19.

### The 16-19 Review: issues





### 3. Principal findings

This Section sets out the principal findings from the fieldwork following the structure outlined in Section 2.

For full details of the findings, please refer to Section 3 in the main Report.

#### The offer

The key points regarding the offer made to young people relate to:

- ‘Pupil inertia’ – the marked tendency for young people to remain at their current school and transfer into its sixth form at 16, rather than fully consider other choices
- Level 3 qualifications reform
- Alternative 16-19 provision.

Pupil inertia means that:

- Kent schools effectively continue to represent different systems (high school, grammar school) post-16, as they have done pre-16
- Many pupils’ choice at 16+ is constrained by what their school offers, in terms of qualifications (principally A levels, Advanced General Qualifications [AGQs] and the International Baccalaureate Diploma and Career-related programmes [IBDP and IBCP]) and individual subjects
- Where pupil inertia is widespread, other provision (particularly general further education colleges [GFECs]) becomes the default destination for those who have concluded, or been advised, they are not academically able enough to transfer to their school’s sixth form.

Pupil inertia would matter less if providers collaborated to broaden the curriculum available locally. Evidence suggests there is very little of this collaboration currently taking place.

Regarding the Level 3 reforms (i.e. the roll out of T Levels and the related withdrawal of Education & Skills Funding Agency [ESFA] funding for the equivalent AGQs) non-selective schools in particular are increasingly concerned about the risks to their post-16 offer:

- Specifically – to the future of the qualifications they currently run (principally the IBCP and BTECs)
- More generally – will their remaining post-16 provision be viable in a ‘post-qualifications reform’ world?

The qualifications reforms, as currently proposed, risk non-work-based 16-19 provision becoming more polarised. Grammar schools might specialise in academic study, while GFECs and work-based providers focus more on T Levels and other technical/vocational subjects; and high school sixth forms’ role becomes less defined. In this scenario, a valuable progression route into higher levels of learning for many of Kent’s young people may be lost.

Historically, Kent has had quite a wide range of provision for vulnerable learners for whom school sixth form or college is not appropriate. Since 2018/19, this has largely collapsed, making it extremely difficult to retain or attract young people whose needs were not met in pre-16 education. This creates significant knock-on implications for those at risk of finding themselves not in education, employment or training [NEET].

Details of the Review’s major recommendations to address these issues are in the following sub-sections of this Executive Summary:

- **4.2 Raising young people’s aspirations through better careers education, information, advice and guidance [CEIAG]**
- **4.3 Implementing an area offer of 16+ provision**
- **4.4 Improving provision below Level 2.**

Related subsidiary recommendations are in Section 5 of the main report (paragraphs numbered 5.1).

### Location, access, and structure

Since the Learning and Skills Council [LSC] closed in 2010, there has been no one central controlling or coordinating function with responsibility for post-16 provision<sup>2</sup>. This means that what is on offer and where depends on individual providers' decisions. While all areas of Kent currently have fairly straightforward access to A levels, other 16+ provision is more patchy.

There are two broad approaches to addressing this issue:

- Attempting to resolve 'gaps' through local collaboration, building on the (few) existing examples in the county
- Minimising travel, and providing financial support where possible if it is unavoidable.

Travel and the associated costs affects many young people's choice of post-16 destination, and may dissuade some from taking part in education or training entirely. This is despite KCC's support (which is generous compared to many local authorities [LAs]) and bursary funds from individual providers.

KCC's scope to address market failures in the provision of transport (e.g. by subsidising non-commercial routes or services) is restricted both by government funding and by operators' cost and other pressures that threaten route and service viability.

Details of the Review's major recommendations that address these issues are in the following sub-sections of this Executive Summary:

- **4.3 Implementing an area offer of 16+ provision**
- **4.4 Improving [access to] provision below Level 2**
- **4.6 Improving access to provision**
- **4.7 Learning from lockdown – in particular by creating opportunities for more blended approaches to learning.**

### Equal opportunities

Although the fieldwork raised few equal opportunities concerns directly, others nevertheless arise.

Students from socially disadvantaged backgrounds may not have access to the full range of post-16 opportunities available, and be discouraged from taking advantage of those that are. The main factors are pressures to work, and transport costs (as above); there may also be a lack of awareness.

Students with additional needs may find it difficult to access appropriate post-16 provision due to a shortfall in programmes at Level 2 and below, within both GFECs and 'alternative' 16-19 providers.

It has also been suggested that placements for these students – particularly those with an education and health care plan [EHCP] – place too much emphasis on securing provision that meets their educational and other needs, rather than their aspirations for a future career or lifestyle.

There is insufficient capacity to provide English for Speakers of Other Languages [ESOL] programmes. This lack of capacity disadvantages learners who are not proficient in spoken and written English

Details of the Review's major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.1 Improving outcomes**
- **4.2 Raising young people's aspirations through better CEIAG**
- **4.4 Improving provision below Level 2.**

Subsidiary recommendations concerning the aspirations of young people with a special educational need and/or disability [SEND] and ESOL provision are in Section 5 of the main report (paragraphs numbered 5.3)<sup>3</sup>.

2. It is important to note that the LSC did not have responsibility for schools-based post-16 provision, which remained with local authorities at that time. Since the *Academies Act 2010*, the number of secondary schools for which local authorities have responsibility has reduced considerably – across all phases, only 203 schools nationally were academies in 2010; by 2021-22 almost four-in-five secondary schools had become academies.

3. This Review has taken into account where relevant, but has been careful not to overlap with, the implementation of the Council's *Written Statement of Action on SEND following the Ofsted SEND Inspection of 2018*.

### Pre-Year 12 decision-making

The review found that a hierarchy of post-16 options effectively exists in Kent:

- Schools-based routes are preferred to all other options
- Grammar schools are preferred to high schools
- There is no clear distinction drawn between technical/vocational routes ‘followed at a GFEC’ and ‘in the work-place’, generally via an apprenticeship.

This hierarchy has an impact on young people’s choices at 16, particularly as the fieldwork highlighted concerns about the lack of access to impartial CEIAG which would inform a young person’s choice of options. There were a number of dimensions to this.

For pre-Year 12 students, there are linked concerns around schools keeping ‘their own’ students post-16, enabled by the lack of CEIAG on the full range of options available. Within these general concerns, the lack of information on employment and the jobs market, and in particular about apprenticeships, were regularly raised.

The lack of good CEIAG in schools meant young people were overly reliant on and influenced by the opinions of parents, non-CEIAG specialist teaching staff, peers, friends and family when deciding where to go post-16.

Determining what to do next is even more challenging for young people who are electively home educated (EHE), in the youth justice system, or ‘non-permanently’ excluded from school, since they have little or no access to CEIAG.

Young people also need to be confident in their ability to choose pathways outside school. Staff need to assure them a decision to do so is equally ‘valid’ and encourage those around them to support their stated preference.

All providers (including GFECs and work-based providers) need access to young people in schools in order to be able to give them the information they need to make their choices. Young people need

careers-related input early and throughout their time at school, highlighting opportunities, raising aspirations and explaining what they need to do to realise them. (None of this exceeds the requirements of the Provider Access Duty, statutory guidance relating to CEIAG, and the Gatsby Benchmarks for Good Career Guidance.)

Details of the Review’s major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.1 Improving outcomes**
- **4.2 Raising young people’s aspirations through better CEIAG**
- **4.3 Implementing an area offer of 16+ provision**
- **4.5 Further supporting the mental health of learners.**

In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.4).

### Transition into post-16 provision

Covid-19 has had a significant impact on the support available for young people making the transition from pre- to post-16 learning.

Where their school has a sixth form, and they achieve the necessary grades, most young people will stay on post-16 in their existing school, and the transition process generally works well.

In contrast, the transition from a school to anywhere other than its own sixth form, and in particular into work, was often felt to be poorly supported. Young people and their prospective post-16 providers were largely left to ‘make the best of it’.

Nevertheless, most providers reported relatively few cases of young people becoming so dissatisfied with their choice that they switch provider or become NEET. Where this does happen, young people need support early in the Autumn Term to transfer to, and hopefully remain in, a more suitable alternative: a later decision may be difficult to accommodate.

Details of the Review’s major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.1 Improving outcomes**
- **4.2 Raising young people’s aspirations through better CEIAG**
- **4.3 Implementing an area offer of 16+ provision**
- **4.4 Improving provision below Level 2**
- **4.5 Further supporting the mental health of learners**
- **4.7 Learning from lockdown.**

In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.5).

### Delivery

The major focus of the fieldwork here was on the factors directly affecting the delivery of Kent’s 16-19 offer; the availability of resources and the mental health of young people were regularly highlighted.

Despite recent increases in the base rate and other elements of the funding model, the Institute for Fiscal Studies [IFS] calculates that between 2010-11 and 2020-21 there was a real terms reduction in income per student of 15% for GFECs and 28% for school sixth forms. As a result, post-16 provision is being constrained by limits on investment in buildings, equipment and/or staff.

It is also proving increasingly difficult to find employers willing to deliver work-related elements of young people’s learning programmes. The Covid pandemic has had an immediate and detrimental impact on apprenticeships.

For alternative 16-19 providers, resourcing-related issues are further complicated by their young people’s more complex needs. For those receiving ESFA funding, the lagged funding model and more general contractual uncertainties have made it difficult to plan provision and recruit staff.

Student mental health issues and the lack of resources to address them have become ubiquitous concerns for schools and colleges (less so for young people on apprenticeships).

Details of the Review’s major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.1 Improving outcomes**
- **4.5 Further supporting the mental health of learners.**

In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.6).

### Outcomes

Both quantitative data (from national and local statistics) and qualitative data (from interviews) were used to assess outcomes from 16-19 study.

The quantitative data indicates, inter alia, that at 18:

- In Kent, progression to ‘positive’ destinations (higher or further education, apprenticeships, and employment) at the end of Key Stage 5 is in line with, or better than, national averages for those with a Level 3 or Level 2 qualification
- Kent is less successful in terms of progression to positive destinations for those not yet qualified at Level 2
- Kent students from (broadly) non-disadvantaged backgrounds seem to achieve at and progress from Key Stage 5 as well as their peers elsewhere in the country: those from disadvantaged backgrounds do not.

In particular ...

- The gap between progression rates to the most selective higher education institutions [HEIs] for disadvantaged and non-disadvantaged students appears to be wider in Kent than nationally

- There is a relatively small gap nationally between progression to all HEIs by disadvantaged and non-disadvantaged students (46% to 51%)<sup>4</sup>. In every Kent district, the gap is greater than this – and in some cases, substantially.

Overall, young people from disadvantaged backgrounds appear to make even less progress than their non-disadvantaged peers when the data for Kent is compared to the national average: this raises questions about their access to grammar schools.

Qualitative findings from the fieldwork interviews suggest that:

- Young people can lack the necessary aspiration and ambition to realise their full potential – they do not ‘believe in themselves’
- ‘Basic’ jobs (those without much training or progression potential) are relatively easy to find in Kent. Many students are attracted to them (or even encouraged to take them up) by the prospect of earning money now, rather than investing for their future
- Young people who feel A levels and higher education are not for them may become demotivated if they are not aware of possible alternatives
- Those considering higher education often looked only at institutions in Kent.

Details of the Review’s major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.1 Improving outcomes**
- **4.2 Raising young people’s aspirations through better CEIAG**
- **4.3 Implementing an area offer of 16+ provision**
- **4.4 Improving provision below Level 2.**

In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.7).

### Post-Year 13 decision making and transition

The fieldwork found that most work-based and alternative 16-19 providers have a strong focus on transitional support. Providers often described a structured process, beginning in the final year of the young person’s current programme, to identify their intended next step and put the necessary support in place. During the pandemic, providers worked with employers to identify ways of keeping young people engaged, and ideally progressing, in their workplaces.

Work-based and alternative 16-19 providers in particular leave their doors open to their leavers after they have moved on. Some actively check on their progress and provide further support where it would be helpful.

Similarly, GFECs emphasise positive outcomes and destinations, allocating staff from early in a student’s study programme to ensure the post-18 transition runs smoothly. This includes working with non-completers, and with students after they have technically left.

For schools, approximately half the cohort progresses to higher education after Key Stage 5. There is a range of support for those wishing to pursue this route.

For those progressing to destinations other than higher education, feedback suggests that the availability and quality of support and information on these options was less satisfactory.

Students at both selective and non-selective schools were concerned that progression to HE seemed to be ‘the only valued route’, with little information available on alternatives. But within the current cohort, there is growing interest in post-Year 13 apprenticeships, and a desire for more information on the wider apprenticeship offer, particularly the options for progression at higher (post-Level 3) levels.

Schools offer post-transition support, but this seems to be less frequently and proactively than is the case for work-based and alternative 16-19 providers and GFECs.

4. These statistics refer specifically to destinations of students that remain in education to the end of Key Stage 5. Fewer disadvantaged than non-disadvantaged students do so, therefore the overall cohort participation in HE is lower than the figures quoted.

The role of influencers (principally parents and friends) on decisions about what to do next is also a factor. Where it was mentioned, it was mainly in a negative (options limiting) way, rather than an encouragement to ‘try to ...’.

Details of the Review’s major recommendations that address these issues will be found in sub-section 4.2 of this Executive Summary (**4.2 Raising young people’s aspirations through better CEIAG**). In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.8).

### Future viability of provision

As well as reviewing Kent’s existing 16+ education and training provision, the Review also considered its viability and how it may need to change in the future.

Many Kent sixth forms are small. Government regulations state that any new academy sixth form should have a minimum of 200 students: eight of Kent’s 32 grammar school and 38 of its 55 high school sixth forms do not meet this criterion.

There is no compelling evidence that students in smaller sixth forms do less well in terms of ‘added value’ between their GCSE grades and their concluding Level 3 ‘score’. However, the more limited provision is a cause for concern, especially since it appears that young people tend to choose their post-16 options based on what is available in their current school’s sixth form. There are also revenue and capital costs associated with every small class.

A substantial proportion of the programmes on offer are AGQs – principally BTECs, which may also form part of the IBCP. At the time of writing (Spring 2022), the government intends progressively to withdraw funding for many AGQs as the related T Levels are introduced. This will effectively make it impossible for providers to continue offering these qualifications.

Kent’s GFECs are large enough and have the necessary employer links across a range of provision to make T Levels a viable proposition; most if not all of its school sixth forms – mainly high schools – currently offering BTECs are not. If AGQs are non-funded, perhaps half of these sixth forms could become unviable. Qualifications reform at Level 3 is therefore a direct threat to them. What happens to a significant proportion of young people currently opting for AGQs at 16 is equally unclear.

For work-based options, the number of young people starting an apprenticeship at 16 has fallen as more stay on at school or enter college. Yet the number and range of employment choices for young people is greater now than 18 months ago. What the new ‘steady state’ position will be remains to be seen: there is a continuing and probably increasing shortage of apprenticeships for progression at the higher levels.

Details of the Review’s major recommendations that address these issues will be found in sub-section 4.3 of this Executive Summary (**4.3 Implementing an area offer of 16+ provision**). In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.9).

### Collaboration

Making progress on many of this Review’s recommendations will depend on effective collaboration between 16-19 providers in Kent.

There are examples of such collaboration, particularly within a multi academy trust (MAT), but also between non-MAT schools and GFECs, work-based and alternative providers. These generally cover the post-16 offer, but also exist in other areas (e.g. work to address NEET issues; staff recruitment, training, and development; IAG-related networks; post-18 progression options, including work with HEIs).

Whether through pressures in the system, or a need to collaborate to address an identified shared issue, there is a willingness to contemplate more collaborative working.

However, a number of barriers remain:

- Practicalities – distance, transport and travel time between providers, and other logistical issues; timetabling; resources; and responsibility for the young person, specifically ownership of the provision’s overall adequacy and quality (including under Ofsted inspection)
- The geography and structure of education in Kent
- Competition between providers, though this is not as pervasive a concern as might be assumed
- The evolving context at both local and national level, which can prevent new and undermine existing arrangements, especially for smaller providers in general, and alternative 16-19 providers in particular.

Details of the Review’s major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.3 Implementing an area offer of 16+ provision**
- **4.4 Improving provision below Level 2.**

In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.10).

### The impact of Covid-19

The Review began during the summer term of 2020; fieldwork continued until the end of the summer term of 2021. Throughout this period, young people’s learning, work experience and progression were seriously disrupted by the Covid-19 pandemic. There is every indication that disruption will continue in 2021-22.

While more young people in Kent achieving higher results is clearly welcome, interviewees were concerned about grade inflation. In particular, they worried it would encourage (or enable) young people to pursue schools-based post-16 options that, under normal circumstances, might not have been open to them. As a result they may not cope.

There were also concerns about fewer work-based opportunities in the short- to medium-term. Sectors popular with young people considering

apprenticeships were particularly badly affected by the pandemic and may take longer to recover.

While relatively few young people had their apprenticeship terminated during the pandemic, many were furloughed or worked from home. At best, their experience will have been dramatically different, and their progress significantly slowed. At worst, their employment may have ceased after the return to work, with the chances of continuing their programme elsewhere also likely to be severely reduced.

The potential negative impact of grade inflation and a lack of work-based opportunities has been further complicated by:

- Difficulties in seeing what was available elsewhere: virtual visits can only show so much
- A general sense that in uncertain circumstances it was better to ‘stick with what you know’.

Overall, there is concern that for whatever reason some young people will have made the ‘wrong’ post-16 choice. Although fewer became NEET after their GCSE results in September, more may find themselves unable to cope and/or drop out at a later date, in which case the problem is being postponed rather than prevented.

The pandemic has required providers to consider new ways of working. Many work-based and alternative 16-19 providers and GFECs have moved substantially towards more ‘blended’ learning; schools much less so.

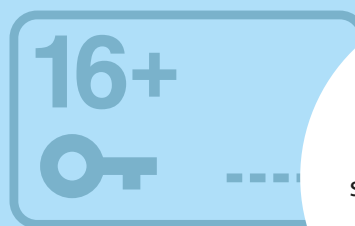
There is a concern that these more blended approaches will be seen as a temporary aberration: this is potentially a missed opportunity. Not all young people were happy in school pre-Covid: a schools-led offer delivered in a different way may be worth retaining and developing, particularly with EHE on the increase.

Details of the Review’s major recommendations that address these issues will be found in the following sub-sections of this Executive Summary:

- **4.3 Implementing an area offer of 16+ provision**
- **4.4 Improving provision below Level 2.**

In addition, related subsidiary recommendations will be found in Section 5 of the main report (paragraphs numbered 5.11).

The 16-19 Review: recommendations



**4.1 Improve outcomes through:**

- Establishing a comprehensive benchmarking programme
- Promoting the adoption of a life skills curriculum

**4.6 Improve Access to post-16 provision:**

- Prioritise travel support to those who most need it to:
- Lobby government to support post -16 travel.

**4.4 Enhance provision below Level 2:**

- Put provision on a more stable footing
- Address the NEET issue
- Provide for progression

**4.5 Improve early support for students with mental health issues to:**

- Promote well-being
- Remove a barrier to achievement and progression

**4.2 Raise young people's aspirations through:**

- promoting a model CEIAG curriculum.
- Ensuring all young people are supported to consider a range of options

**4.7 Learn from lockdown to:**

- Improve support for remote learning
- Retain more young people in some form of learning



**4.3 Develop a comprehensive local offer, implemented via collaboration, to:**

- Widen what is available
- Enable young people to exercise their choice





## 4. Principal recommendations

This report makes eight principal recommendations:

- **4.1** *Make a concerted effort to improve outcomes from 16+ provision*
- **4.2** *In parallel, raise young people's aspirations through more effective CEIAG. Once raised, these aspirations need to be actively supported, including by those with an influence over what young people decide to do post-16. By proxy this means ensuring those who influence young people are themselves properly informed*
- **4.3** *Develop an 'area offer' to support the current network of sixth forms, many of them very small by national standards. This should cover all providers (specifically including GFECs, other organisations providing vocational learning and alternative 16-19 providers) and will require collaboration between all concerned.*
- **4.4** *Improve the provision available below Level 2*
- **4.5** *Take further steps to support young people's mental health*
- **4.6** *Improve and enable access to provision*
- **4.7** *Take the opportunity to learn lessons from the Covid-19 lockdowns, and not simply assume everything should or will return to 'normal'*
- **4.8** *Create a 16+ Strategic Leadership Board to ensure all involved parties collaborate to deliver these recommendations, and to oversee the sector's future strategic development.*

These recommendations are explored in more detail in the following paragraphs. For a fuller description of what each recommendation would involve, and a summary of relevant practice that might be built upon, please refer to the corresponding paragraphs of Section 4 of the report (for example paragraphs numbered 4.1:1 and following in the main report for recommendation 4.1).

### 4.1 Improving outcomes

Clearly, all provision should be designed to give young people the best possible outcomes, in terms of attainment, progression, destinations and life skills.

Therefore, the Review proposes:

- Establishing a comprehensive benchmarking programme. This will allow individual providers to compare their outcomes with those of their peers, both within Kent and with Kent's 'statistical neighbours', using the wealth of data routinely collected at County and national level
- Encouraging schools and other providers to adopt a life skills curriculum (either new or existing), to give young people the skills they need to achieve their goals post-16 and post-18.

### 4.2 Raising young people's aspiration through better CEIAG

For various reasons, CEIAG is not always fully effective. This means some young people are not aware of their full range of post-16 opportunities and cannot fully consider the alternatives open to them. They may then end up with the 'wrong' provision and miss out on greater benefits they could have gained elsewhere.

It is therefore proposed to:

- Develop a model CEIAG curriculum, customisable by all pre-16 and post-16 settings, to address observed gaps
- Actively encourage young people to consider their full range of post-16 options, including those outside their current school or immediate geographical area
- Support young people to achieve in post-16 employment or further education, and in their subsequent progress into work or higher education.

In addition, specific strategies should also be developed for:

- Parents, to ensure they have at least a working knowledge of the full range of post-16 destinations and what they can lead to, and that they understand that ‘staying in school’ is not the only option
- Teachers (including but not limited to those with CEIAG responsibilities), to ensure they are familiar with destinations other than school sixth forms and the progression opportunities these provide, and can support young people who wish to consider options beyond their pre-16 school.

### 4.3 Implementing an ‘area offer’ of 16+ provision

A strong, varied post-16 offer for young people in Kent requires a comprehensive, effective range of provision to be locally available to all.

Kent must therefore find ways to increase the ‘virtual’ size of sixth forms and address the impact of Level 3 reforms (even if delayed): this must involve genuine, practical collaboration between neighbouring sixth forms and other providers, amounting to an ‘area offer’.

‘Mixed programmes’ combining A levels and vocational qualifications have proved highly attractive, particularly to high school students. This flexibility needs to be retained and, through closer work with GFECs, improved wherever possible.

It is therefore suggested there is a need to:

- Set out, and consult upon, what the comprehensive local post-16 ‘area offer’ should include as a minimum
- Encourage schools with sixth forms, local GFEC(s) and work-based and other learning providers to construct their own ‘area offer’. This should combine academic (A level) and vocational programmes to replace qualifications set to be discontinued
- Encourage the strong collaboration required to deliver this offer, based on specific local circumstances and needs
- Progressively review all collaborations to ensure they are delivering strong, effective and truly comprehensive area offers
- Continue to lobby Government to moderate the impact of vocational qualification reforms, and ensure adequate provision at Level 3 for those whose Level 2 attainment does not allow progression to T or A levels.

### 4.4 Improving provision below Level 2

Ways must be found to support further growth and development in provision below Level 2 to stem – and indeed reverse – the current decline. In particular, programmes offered by alternative 16-19 providers need to be put on a stable footing, with guaranteed long-term formula funding, rather than relying (as at present) on short-term funding from multiple sources.

It is therefore recommended that KCC:

- Identifies how ESFA can support developments in this area by guaranteeing funding
- Lobbies ESFA to extend the programmes it can fund if the current range is insufficient, particularly by supporting work-based and alternative providers
- Investigates options for an ‘umbrella’ administrative organisation that would enable more providers to offer programmes for this group of young people: this has worked well elsewhere in the country
- Supports new providers wishing to enter the market, whether as part of an ‘umbrella’ group or in their own right, and lobbies ESFA to facilitate this
- Encourages GFECs in particular to continue offering a range of qualifications at Entry Levels and Level 1, and to develop return pathways for young people attending other providers, recognising that not all young people are immediately ready for a college environment at 16+
- Supports all providers in developing progression routes for successful completers into further vocational or other learning or employment.

#### 4.5 Further supporting learners' mental health

The fieldwork for this project raised consistent and increasing concerns about young people's mental health and the impact on their learning, particularly in non-work-based provision. The two priorities are:

- Identifying and providing appropriate support for young people with mental health issues, including those not in mainstream settings
- Reviewing and modifying teaching styles to reflect a student population where mental health issues are increasingly common.

It is therefore suggested there is a need to:

- Identify and share the best evidence-based teaching practice that supports learning in a mental health-friendly way for all students
- Draw up and implement a clear, county-wide framework for emotional wellbeing approaches and services, supported by staff development as required, to identify mental health concerns early, then intervene and support young people appropriately
- Support better two-way communication to ensure Education colleagues are aware of the full range of support available, and NHS and other services understand the extent of mental health issues within the 16-19 sector
- Ensure providers can offer 'frontline' mental health support to individual young people where appropriate and proportionate
- Consider further investment in a 'second line' support service where within-institution support (however enhanced) may be insufficient but a referral to NHS children and young people's mental health services may not be entirely necessary.

#### 4.6 Improving access to provision

In a large, partly rural, county like Kent some young people will have to travel a reasonable distance to their chosen provision. Those who choose to 'commute' incur time and financial costs; in practice, this restricts the range of options open to many.

With providers' and KCC's budgets for support increasingly tight, there is a need to:

- Prioritise support for those whose choice of post-16 destination depends on financial assistance with travel
- Ensure student travel arrangements are designed around the local collaborative 'area offer' recommended above, including travel between providers where required and for vocational education more widely
- Continue to lobby Government to support travel for post-16 education, training and employment as it does to school pre-16.

#### 4.7 Learning from lockdown

The pandemic and its associated lockdowns obliged providers to consider new ways of working, including 'blended learning' and other technology-based approaches that might have taken far longer to introduce incrementally. Some young people, especially the harder-to-reach, have found these arrangements particularly helpful. There is a danger that providers will rush to return to pre-pandemic delivery modes, and that lessons learnt and opportunities created will rapidly be lost.

It is proposed to:

- Identify lessons from lockdown while the knowledge is still fresh in people's minds
- Develop a minimum standard of requirements for home-based learning, including software, hardware and broadband access, to guide 16+ providers and their students when implementing blended learning approaches

- Agree circumstances in which students might be given a 'right to request' remote or more blended learning (e.g. illness, challenging personal circumstances), establish protocols to encourage students to make appropriate requests, and ensure that they will be appropriately supported
- Track students' use of remote learning to see whether blended learning does in fact meet the needs and address the issues identified, without compromising young people's mental health and confidence. If it does, how might it be developed further; if not, how it can be adapted to provide a workable solution?

#### 4.8 Improving strategic leadership at 16+

Responsibility for post-16 provision is fragmented across a number of organisations and agencies. There are a number of local coordinating groups and initiatives, but no one forum or facilitating team that can raise issues, work collaboratively and make real progress for the entire system.

It is proposed that:

- A 16+ Strategic Board be formed. This will take forward the recommendations of this current review, then have strategic oversight of coordinating and developing 16+ provision throughout Kent
- This Board will have a small secretariat, headed by a principal officer, with funding to promote its activities and ensure work streams are owned and taken forward.

Setting up 'sub-area Boards' for different regions of the county may also be useful to support taking the work forward at a local level.



# Conclusion

## A major review - and a major opportunity

As the scale and scope of this Summary makes clear, KCC's Review of 16-19 provision has been a huge undertaking. The Steering Group is extremely grateful to all who contributed.

The picture that has emerged is complex. There is a significant range of provision on offer in Kent, from an equally diverse range of providers – very few (and arguably none) within the Council's direct sphere of control. The Review has also taken place in the context of further planned major changes, particularly to the post-16 vocational landscape: though possibly postponed, these seem unlikely to be abandoned entirely.

Nevertheless, the Review indicates a shared view of many of the issues that need to be addressed. There is a clear willingness to look afresh at post-16 provision and collaborate on improving the offer, and in this way to deliver on the Kent Pledge ("Making Kent a county that works for all children") for all 16-19 year olds.

Few, if any, of the Review's recommendations can be introduced by fiat. Even if this were possible, it would be neither desirable, nor in the spirit of the Review. Implementing the Report's recommendations will require discussion, persuasion and negotiation, and even then actions that may be challenging to implement or maintain.

Yet within such a collaborative framework, all the Report's recommendations can be implemented. Individually and collectively, they will make a significant difference to the life chances of Kent's young people. This Report therefore represents a major opportunity for step change in 16-19 provision in the county. We commend it to all interested parties.

### Further information

This Summary and the full Report, which provides a full analysis of the Review findings and further details about the recommendations as well as some examples of relevant practice that show how parts of the county are responding to various issues raised by the Review, can be accessed electronically at <https://www.kelsi.org.uk/kent-16-to-19-review>

For further information, please contact Kent County Council's Education Lead Adviser, **Michelle Stanley**, via email at [kent16-19review@kent.gov.uk](mailto:kent16-19review@kent.gov.uk)





From: Sue Chandler, Cabinet Member – Integrated Children’s Services  
 Shellina Prendergast, Cabinet Member – Education and Skills  
 Sarah Hammond, Interim Corporate Director – Children, Young People and Education

To: **Cabinet – 21 July 2022**

Subject: **Reconnect: Kent Children and Young People Programme - Delivery Beyond August 2022**

Classification: **Unrestricted**

**Past Pathway of report:** Previous reports to Cabinet 15<sup>th</sup> March and 24<sup>th</sup> June 2021, leading to decision 21/00035 and decision: 21/00044.

**Future Pathway of report:** None

**Electoral Division:** All

**Summary:**

The Cabinet decisions regarding Reconnect (21/00035 and 21/00042) envisaged that the programme would run until 31st August 2022. This paper proposes that delivery of some activity be extend within the current financial year, to be completed by 31 March 2023.

**Recommendation(s):**

Cabinet is asked to agree to:

- i. commissioning and delivery of activity within the Reconnect: Kent Children and Young People Programme can continue until 31 March 2023; and
- ii. further work be undertaken considering the potential for a successor brand to Reconnect to support capacity building in the VCS linked to the vision of Reconnect.

**1. Background**

- 1.1 The County Council recognises that the Covid-19 pandemic has affected substantially the lives of all Kent residents. All Members have been united in expressing their concern about the particular impact on young people, who saw every aspect of their life and development affected. In March 2021 Cabinet approved the creation of the Reconnect: Kent Children and Young People Programme, with its aims and objectives being approved in June 2021, together with approval of its £10m budget.
- 1.2 The urgency to mitigate the negative impacts of the pandemic on the County’s children and young people was captured by its agreed end date of 31<sup>st</sup> August 2022. Accordingly, the programme has focused on working with hundreds of organisations, clubs, partners and individuals to secure delivery of a wide range of support, activities, and new opportunities for children and young people.

- 1.3 As we move towards the anticipated end date, it is important to review whether the original decision, which was made in good faith in an uncertain international context, should be implemented or adjusted.

## **2. Current Context**

- 2.1 The local, national and international position is much different from that of March and June last year. Covid restrictions have eased, but the supply and cost of food, energy and goods, the availability of labour to fill vacancies, and the war in Ukraine continue to impact on children and families, and the capacity of the organisations working with Reconnect to support them. The path out of the pandemic during 2021/22 was not quick or certain, with new variants like Omicron affecting both children and young people and those seeking to support them.
- 2.2 Reconnect was established to be a County Council led, community-based programme. It has delivered, and continues to deliver, a wide variety of support and opportunities for children and young people, thanks to the overwhelming response from clubs and organisations, large and small, across the County. The feedback from individual children and families received by the providing organisations is truly heart-warming and demonstrates the difference these organisations are making. It is a symbiotic relationship, with organisations being supported by Reconnect, while supporting Reconnect as a brand, a call to arms.
- 2.3 In accordance with the Cabinet decisions, Reconnect has focused on securing delivery of support and activity by 31 August 2022. As we near this end point it is worth reviewing this decision. The context surrounding this is:
- I. Budget – the programme (at the time of writing) has £1.4m of uncommitted funding.
  - II. Capacity – providers (commissioned services, the VCS, schools) are all reporting they are at capacity, struggling to recruit further staff, and continuing to experience staff absences. We are receiving requests to allow providers to delay delivery until the autumn.
  - III. Timescales – it is increasingly implausible to commission further activity for summer 2022, and thus use the uncommitted funds in a prudent and effective way to support C&YP.
  - IV. Reconnect’s Partnership Board has proposed uncommitted funding be used to continue to deliver activity until 31 March 2023.

## **3. Needs**

- 3.1 The five Reconnect themes provide a sensible framework to consider support needed post 31 August to ensure the impacts of the pandemic on C&YP are mitigated as quickly as possible.

### **I. Learning Missed:**

All indications are that pupils who are regularly attending school are, in the main, confident that their schools are addressing the learning they have



missed, and that if they have issues, they can speak with school staff. Schools have additional resources via catch up premium and access to tuition to continue to meet the needs of the majority. The ongoing external aspects of learning missed that would benefit from financial support and extending beyond 31 August are:

- Increased capacity focused on non-attendance and re-engagement.
- School readiness and language development.

## **II. Health and happiness:**

Since January 2022 we have seen an increase in the demand for counselling and mentoring support, with KCHFT reporting a 12% increase in demand every 3-4 months for counselling services, and the mentoring capacity commissioned by Reconnect being utilised before the end of contract periods. DfE (January 2022) found half of secondary school staff felt pupil mental health was their biggest challenge, with wellbeing needing to be prioritised before academic interventions could be effective. We have commissioned further capacity, as much as we can currently find, to address current needs and tackle waiting lists. However, the support need will continue post 31<sup>st</sup> August.

## **III. Economic wellbeing:**

This summer pupils will take exams. While there have been adjustments to curriculum coverage and greater guidance about the likely areas covered by exam questions, there remain some uncertainties regarding how well pupils will perform and how those most affected by the pandemic will not be disadvantaged. The delivery of, and accessibility of, independent advice and guidance to pupils has been impacted, which may mean a greater number of YP have not selected appropriate post-16 pathways, with the resultant dropout in the autumn term. We are beginning to receive reports that year 11 refugee children are not able to find suitable post-16 provision, because of the entry requirements of the sector. The availability of alternative curriculum provision at this point will be critical to prevent NEETs.

## **IV. Sport, activities and the outdoors:**

Physical health remains an area of focus, but from a Reconnect perspective the needs post 31<sup>st</sup> August are less funding related. There has been good work, for example the current leisure centre offers and a lot of the activity funded through Reconnect Locality Grants supported this theme.

## **V. Friends, family and community:**

The activities in this theme have promoted opportunities for C&YP to spend time with friends and family and engage in a range of activities. An area of ongoing focus is opportunities for C&YP with disabilities, including short breaks. This group was disproportionately affected during the lockdown periods, and the vulnerability of many restricted their opportunities for much longer, placing significant pressures on families. There continues to be a role

for Reconnect to provide additional support to refugee communities in the County.

**4. Options**

1. Do nothing - Reconnect ends as planned. Surplus funding is returned to the Covid reserve. Existing services to flex to meet the additional demands having had the advantages of time and the mitigation of Reconnect to ensure they are well placed to do so.
2. Commissioning and delivery continue post 31<sup>st</sup> August – this option continues to keep Reconnect’s resources focused on delivery of the summer programme, before being diverted to further commissioning. Delivery would need to be extended to “by” 31 March 2023 at the latest. Focus areas for commissioning may include:

<b>Area of Commission</b>	<b>Pass to (existing service area)</b>
School attendance support	PIAS
School readiness and language development	Education
Mentoring/counselling	Strategic Commissioning (Children’s), and Open Access
Provision for NEETs/refugees post-16	Strategic Commissioning (Children’s) and Education
Disabled children – including short breaks	Strategic Commissioning (Children’s) and Children with Disabilities Service

**5. Capacity building – VCS, including Reconnect Brand and Invicta Youth Forum**

5.1 It is welcomed that some providers have expressed the view that having the Reconnect brand to work within has been helpful. It has provided a clear statement of what people are collectively trying to achieve, made it easier to explain what they are doing and the context, and has helped drive greater collaboration between providers. The vision of Reconnect was “an enhanced and networked approach to creating opportunities for children and young people in their communities. Organisations and communities will thrive, joined around the shared value of generating meaningful impact and sustainable change for children and young people”. The comments indicate Reconnect has achieved some, if not all of this vision. Some providers have suggested a brand, such as Reconnect, should continue, so as to provide the clarity of purpose and explanation to support ongoing collaboration.

5.2 The County Council’s Civil Society Strategy indicates our commitment to supporting the VCS to grow and develop. Reconnect has been seeking to do this, for example commissioning Kent Community Foundation to run bid writing training, and TEP to deliver safeguarding training. These are small,

but effective contributions. We are currently looking to provide resource packs to small independent youth clubs, typically run by local volunteers with contributions covering hall hire but little more. It is highly cost effective to make these small but important gestures of support to sustain local organisations and ensure they continue delivering effectively and safely.

- 5.3 The suggestion that Reconnect has provided a banner that has galvanised providers behind a single cause should not be overlooked. The Civil Society Strategy found 40% of organisations had worked more with third-party organisations during the pandemic and wanted to continue to do so. The question is whether a successor brand to Reconnect, such as “Connect: Kent Children and Young People” could continue to encourage providers to work together, and what might this look like? Its aims and mission would be different, but it would be a logical progression. A new brand, while requiring building, would signify a change in mission and avoid public expectation that free offers provided by Reconnect will continue to be available.
- 5.4 Similarly, the concept of the County leading or supporting a County-wide Youth Forum has been raised. Virtual working has made it easier to convene such forums, potentially making them more effective and impactful than when such forums were held face to face. There are significant resources in the VCS which are locked within individual organisations. The better sharing of resources would unlock a significant expansion in opportunities for C&YP across Kent.
- 5.5 If Reconnect continues until 31 March, these issues could be further explored. Some Reconnect funding could be used to provide a capacity building fund.

## **6. Financial Implications**

- 6.1 Currently the majority of staff dedicated to Reconnect have contracts which finish on 31 August 2022. Some, but not all, contracts would need to be extended in order to provide the capacity required to deliver the final commissions. The costs can be covered within the existing budget.

## **7. Monitoring and Evaluation**

- 7.1 The recommendation is to continue to evaluate the impact of Reconnect following 31 August 2022. Final monitoring and evaluation returns are due in September 2022 and should be provided by the majority of funding recipients. The proposal to extend the delivery date has two impacts. The first is a small number of funding recipients have requested to be able to deliver aspects of their work in the autumn term. These aspects may fall outside of formal evaluation. The second is new commissions. It is anticipated that these will be few in number and are likely to be more of something previously commissioned, meaning evaluation of impact already exists. It is proposed to report the impact of Reconnect as planned to both Cabinet and Scrutiny Committees in December 2022.

**8. Legal Implications**

8.1 The are no fresh legal implications arising from the proposed extension of the delivery date of Reconnect.

**9. Equalities Implications**

9.1 An equalities impact assessment was completed for the programme. There is nothing obvious from the proposal to extend the delivery date which suggests this needs to be revisited.

**10. Recommendations:**

**Cabinet is asked to agree to:**

- i. commissioning and delivery of activity within the Reconnect: Kent Children and Young People Programme can continue until 31 March 2023; and
- ii. further work be undertaken considering the potential for a successor brand to Reconnect to support capacity building in the VCS linked to the vision of Reconnect.

**11. Background Documents**

**Lead Officer:**

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# KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

## DECISION TO BE TAKEN BY:

Cabinet

## DECISION NO:

To be allocated by  
Democratic Services

**For publication** [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

## Key decision: YES

Key decision criteria. The decision will:

- a) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
- b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
  - the adoption or significant amendment of major strategies or frameworks;
  - significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

## Subject Matter / Title of Decision

Reconnect: Kent Children and Young People Programme - Delivery Beyond August 2022

## Decision:

Cabinet, agree to:

- i) commissioning and delivery of activity within the Reconnect: Kent Children and Young People Programme can continue until 31 March 2023; and
- ii) further work be undertaken considering the potential for a successor brand to Reconnect to support capacity building in the VCS linked to the vision of Reconnect.

## 1. Reason(s) for decision:

1.1 The County Council recognises that the Covid-19 pandemic has affected substantially the lives of all Kent residents. All Members have been united in expressing their concern about the particular impact on young people, who saw every aspect of their life and development affected. In March 2021 Cabinet approved the creation of the Reconnect: Kent Children and Young People Programme, with its aims and objectives being approved in June 2021, together with approval of its £10m budget.

1.2 The urgency to mitigate the negative impacts of the pandemic on the County's children and young people was captured by its agreed end date of 31st August 2022. Accordingly, the programme has focused on working with hundreds of organisations, clubs, partners and individuals to secure delivery of a wide range of support, activities, and new opportunities for children and young people.

1.3 As we move towards the anticipated end date, it is important to review whether the original decision, which was made in good faith in an uncertain international context, should be implemented or adjusted.

## 2. Current Context

2.1 The local, national and international position is much different from that of March and June last year. Covid restrictions have eased, but the supply and cost of food, energy and goods, the

availability of labour to fill vacancies, and the war in Ukraine continue to impact on children and families, and the capacity of the organisations working with Reconnect to support them. The path out of the pandemic during 2021/22 was not quick or certain, with new variants like Omicron affecting both children and young people and those seeking to support them.

2.2 Reconnect was established to be a County Council led, community-based programme. It has delivered, and continues to deliver, a wide variety of support and opportunities for children and young people, thanks to the overwhelming response from clubs and organisations, large and small, across the County. The feedback received by the providing organisations from individual children and families is truly heart-warming and demonstrates the difference these organisations are making. It is a symbiotic relationship, with organisations being supported by Reconnect, while supporting Reconnect as a brand, a call to arms.

2.3 In accordance with the Cabinet decisions, Reconnect has focused on securing delivery of support and activity by 31 August 2022. As we near this end point it is worth reviewing this decision. The context surrounding this is:

- I. Budget – the programme (at the time of writing) has £1.4m of uncommitted funding.
- II. Capacity – providers (commissioned services, the VCS, schools) are all reporting they are at capacity, struggling to recruit further staff, and continuing to experience staff absences. We are receiving requests to allow providers to delay delivery until the autumn.
- III. Timescales – it is increasingly implausible to commission further activity for summer 2022, and thus use the uncommitted funds in a prudent and effective way to support C&YP.
- IV. Reconnect’s Partnership Board has proposed uncommitted funding be used to continue to deliver activity until 31 March 2023.

## **2. Preferred Option**

2.1 Commissioning and delivery continue post 31st August – this option continues to keep Reconnect’s resources focused on delivery of the summer programme, before being diverted to further commissioning. Delivery would need to be extended to “by” 31 March 2023 at the latest.

## **3. Collaboration**

3.1 It is welcomed that some providers have expressed the view that having the Reconnect brand to work within has been helpful. It has provided a clear statement of what people are collectively trying to achieve, made it easier to explain what they are doing and the context, and has helped drive greater collaboration between providers. The vision of Reconnect was “an enhanced and networked approach to creating opportunities for children and young people in their communities. Organisations and communities will thrive, joined around the shared value of generating meaningful impact and sustainable change for children and young people”. The comments indicate Reconnect has achieved some, if not all of this vision. Some providers have suggested a brand, such as Reconnect, should continue, so as to provide the clarity of purpose and explanation to support ongoing collaboration.

## **4. Equalities Assessment**

4.1 An equalities impact assessment was completed for the programme. There is nothing obvious from the proposal to extend the delivery date which suggests this needs to be revisited.

## **5. Financial Implications**

5.1 Currently the majority of staff dedicated to Reconnect have contracts which finish on 31 August 2022. Some, but not all, contracts would need to be extended in order to provide the capacity required to deliver the final commissions. The costs can be covered within the existing budget.

**Cabinet Committee recommendations and other consultation:**

Members of the Children, Young People and Education Cabinet Committee have been regularly updated on the progress of Reconnect through the verbal updates of the Cabinet Members.

**Any alternatives considered and rejected:**

Reconnect ends as planned and surplus funding is returned to the Covid reserve. Existing services to flex to meet the additional demands having had the advantages of time and the mitigation of Reconnect to ensure they are well placed to do so.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:** None

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signed

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date

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