



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 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. 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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