

## **SEND Review**

### **Right Support, Right Place, Right Time**

#### **Summary of the SEND Green Paper**

The SEND Green Paper was finally published on 30<sup>th</sup> March 2022. It is a consultation document that I encourage all of you to respond to. The consultation closes on 1<sup>st</sup> July 2022.

The SEND review sets out government's 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 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

The 104-page document contains 5 chapters of how the Government is proposing to improve the SEND system in England.

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

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

- A new national SEND and AP system setting nationally consistent standards from early years through to further education – consistent approach to 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.
- 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.
- The 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.
- This 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).
- 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.
- This 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.

- Introduction of 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.
- 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.
- The SEND Code of Practice will be updated to reflect the new standards.

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

- Legislation will 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
- These local partnerships 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.
- Following this need assessment, the local partnership will work with parents and carers to produce a local inclusion plan. This will 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.
- The DfE are also, proposing that the national system encourages more commissioning at a regional level especially in the case of further education or specialist provision for those with complex needs.
- The local SEND partnership will work alongside the 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.

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

- Introduction of statutory local multiagency panels to review and make recommendations of requests for EHC needs assessments, the needs assessments themselves and the consequent placement and funding decisions.
- The 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.
- Make recommendations to the local authority on whether 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 and digitise EHCPs to ensure consistent access to specialist provision**

- Introduction of standardised EHCP templates and processes
- The national standards will make clear the input required from different services, including health and social care, to contribute to an EHC needs assessment

- Standardisation of the annual review process for reviewing EHCPs, with new standards on documenting and celebrating progress achieved towards milestones and outcomes.
- Proposal to change the timescale for the issuing of draft plans following annual reviews.
- The EHCP process will be digitised 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.
- The new system will take full advantage of the potential of technology and will give a holistic picture of the child or young person
- 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.

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

- 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.
- Parents and carers will be supported to express an informed preference of a suitable placement by being provided with a tailored list of settings based on the local inclusion plan, that are appropriate to meet the child or young person's needs. This may include provision that is outside the local authority.
- Parents will continue to have the right to request a mainstream setting for their child, even when they are eligible for a specialist setting
- 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 propose to strengthen earlier redress through clear national standards and the introduction of mandatory mediation**

- There will be set standards for how complaints related to SEND processes and provision should be dealt with and who is responsible for resolving concerns.
- It will be a mandatory requirement for families and local authorities to engage in mediation prior to registering an appeal to the tribunal.
- Appeals to the tribunal should only then 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.

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

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

- 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.
- 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.
- Review of the Level 3 early years educator qualification and increase the number of SEND-qualified Level 3 practitioners in early years settings.

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

- Improvement in the availability of early support for families
- Investment made in Family Hubs in [75 local authorities](#)
- Expansion of the reach of the [Supporting Families Programme](#)
- Establish more than 10,000 additional respite places.
- Review the recommendations of the Independent Review of Children's Social Care when published

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

- The [School's White Paper](#) emphasises the Government's "Levelling Up" agenda and the very aspirational target of by 2030, 90% of primary school children will have achieved the expected standard in reading, writing and mathematics. This cannot be achieved without additional support for children and young people with additional needs both in mainstream and alternative provision.
- The School's White Paper also has a Parent Pledge to promise parents that wherever they live, and wherever they go to school, the school will provide evidence-based support if their child falls behind.
- Excellent teaching and improved identification of need in inclusive educational settings, will mean 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.
- Investment will be made in new research on SEND classroom-based practice, exploring options to build this evidence base with a range of partners, including the EEF.
- Continue to deliver a transformed professional development pathway for teachers, with high-quality training at every step of their career:
  - The mandatory Initial Teacher Training (ITT) core content framework
  - The Early Career Framework
  - Reformed suite of National Professional Qualifications
- Establishment of an Institute of Teaching which will become England's flagship teacher development provider
- 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.
- Introduction of a new Leadership SENCo NPQ to replace the NASENCo Award
- 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.
- Recommendation 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.
- The revised Code of Practice, we look to strengthen the relationship between the SEND governor and the SENCo.

### **We will improve timely access to specialist support**

- Steps are being taken to increase the capacity of the specialist workforce.
- 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.
- Ensure that the joint needs assessment and local inclusion plans support better joined-up workforce planning across education, health and care to enable schools and colleges to access specialist workforce on a targeted basis.
- Clarification on the strategic and operational functions of the Designated Clinical Officers (DCOs) and Designated Medical Officers (DMOs) role at both place based and Integrated Care System level. Proposal that a new role be entitled 'Designated Health Officer'.
- Proposal to revise the Code of Practice to strongly encourage the adoption of Designated Social Care Officers to deliver better join-up between social care and other partners, such as the Virtual School Head.
- Test the value of embedding multi-disciplinary teams of specialists in alternative provision.

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

- Investment of £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.
- As part of the new special and alternative provision free schools' wave, priority will be given to LAs in need of further specialist provision. Priority will be given to LAs who need to reduce their dedicated schools grant (DSG) deficits and where a new Free school will enable the local authority to provide more effective and efficient SEND provision.

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

- The School's White Paper is very clear about the benefits for schools, parents, carers and pupils of having a well-regulated trust-led system.
- Proposal that both types (specialist-only or mixed) 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.

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

- The new national standards will include standards for transition, providing consistent, timely, high-quality transition preparation for children and young people with SEND.
- Proposal 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 young person's needs and ensure the right support is in place from Day 1.
- Consideration will be given to how the proposed NPQ for SENCOs in schools could be aligned to support those with oversight of SEN provision in FE settings. The FE governance guide 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**

- Roll out improved careers guidance, including better information about the support that is available to them as they move into work.
- Additional Supported Internships over the next three years.
- Increased number of Traineeships are open to young people with SEND to support them into an apprenticeship or a quality job.
- Investment 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.
- Currently consulting on the review of post-16 qualifications at level 2 and below. The proposal is 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.
- 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.

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

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

- Develop an integrated SEND and alternative provision system with clear national standards.
- To deliver this, alternative provision schools will offer interventions and education across a continuum of support, rather than focusing exclusively on expensive long-term placements.
- Proposal to establish a new delivery model based on a three-tier system of support:
  - targeted support in mainstream schools
  - time-limited placements in alternative provision
  - transitional placements
- 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.

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

- Introduction of new statutory partnerships to address the lack of a clear strategy and plan for alternative provision. This bring 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.
- 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.
- Proposal 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.
- Expectation that 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 and local authorities will distribute full funding in line with the plan, in a way that gives alternative provision schools security.

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

- 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
- Work with the sector to develop and disseminate an understanding of effective alternative provision practice

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

- Development of a bespoke national alternative provision performance framework to ensure commissioners can identify good provision which will a new performance table for alternative provision schools.
- The performance framework will be based on five outcomes:
  - effective outreach support
  - improved attendance
  - reintegration
  - academic attainment, with a focus on English and maths
  - successful post-16 transition
- An expert working group will be established to assist and advise us in developing this framework.

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

- Carry out a review on 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.
- Strengthen protections for children and young people in unregistered alternative provision settings, so every placement is safe and has clear oversight.
- 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.

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

### **We will deliver clarity in roles and responsibilities**

- 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.
- This means that:
  - 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.
  - 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 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
- Voluntary community sector and private sector delivery partners will continue to play an important part of both national and local provision
- 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
- Local authorities will continue to be responsible for high needs budgets and lead local delivery, convening the new local SEND partnerships to develop the proposed local inclusion plans.
- The government will set the new national SEND standards, steward and regulate the system jointly across education, health and care.

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

- Proposal 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**

- Proposal to 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
- 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.
- The 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 DfE will monitor ongoing delivery against local inclusion plans and where delivery is not in line with the national standards, DfE will take action

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

- The DfE will work 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

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

- Proposal 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
- The DfE 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 help track:

- outcomes and experiences
- identification of need
- value for money
- Expand the 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
- Work with NHS England to introduce new innovative tools that will facilitate better data sharing across education and health partners

We propose to update performance metrics for education providers

- Proposal to update Compare School and College Performance (also known as performance tables) to support parents, young people and wider stakeholders to recognise schools and colleges that are doing well for children with SEND
- The Ofsted Education Inspection Framework (EIF) (2019) will continue to have a greater emphasis on how schools support children and young people with SEND to succeed

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

- 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. A new Local Area Joint Ofsted/CQC SEND inspection framework is due to launch in 2023

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

- 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.
- 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
- 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
- Proposal 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

#### **Early Years Funding**

- 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**

- Proposal 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 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
- The DfE are clear that some threshold should be retained but they 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

## **Chapter 6: Delivering change for children and families**

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

- The dedicated SEND and Alternative Provision Directorate within DfE will be responsible for overseeing the development of new national SEND standards
- Proposal 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

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

- The DfE will ensure delivery plans align with and take account of this wider context, in particular:
  - Recovery from the pandemic
  - The School's White Paper
  - The Independent Review of Children's Social Care
  - The implementation of Integrated Care Boards (ICBs)

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

- Determination to create the right conditions for lasting change that delivers on our shared aspirations for children and young people with SEND