

## **LANCASHIRE SCHOOLS FORUM**

**Date of meeting 5 July 2022**

### **Item No 8**

**Title: Recommendations of the High Needs Block Working Group**

**Appendix A refers**

#### **Executive Summary**

On 14 June 2022, the High Needs Block Working Group considered a number of reports, including:

- 2021/22 Schools Budget Outturn Report;
- School Balances and Clawback 2021/22;
- Schools Forum Annual Report 2021/22;
- Schools Supplementary Grant 2022 to 2023;
- SEND Review Green Paper: Right Support, Right Place, Right Time;
- HNB Commissioned Place Process 2023/24.

A summary of the information presented, and the Working Group's recommendations are provided in this report.

#### **Recommendations**

**The Forum is asked to:**

- a) Note the report from the High Needs Block Working Group held on 14 June 2022;**
- b) Ratify the Working Group's recommendations.**

## **Background**

On 14 June 2022, the High Needs Block Working Group considered a number of reports. A summary of the information presented, and the Working Group's recommendations are provided below:

### **1. 2021/22 Schools Budget Outturn Report**

This report provided the Working Groups with details of the 2021/22 Schools Budget final financial outturn position, in relation to each funding block. A copy of the full report presented to the working group is provided as an appendix to the Schools Block summary report.

The Overall Schools Budget outturn position for 2021/22 showed an underspend of circa £8.4m.

Further details were provided in connection with each funding block and members concentrated on the High Needs Block position. It was noted that the outturn position for the 2021/22 High Needs Block (HNB) revealed a circa £6.5m underspend. Some key highlights included:

#### *Maintained Schools*

Actual costs on all elements of maintained schools HNB expenditure, including mainstream schools, special schools and PRUs were above the budgeted figure. The most significant variance related to mainstream schools and represented a circa 33% growth in funding compared to the budget. Special Schools grew by over 5% and Alternative Provision by 11%.

#### *Further Education - Post 16*

The Further Education - Post 16 budget had a growth of £1.3m or circa 19%.

#### *Commissioned Services*

The commissioned services expenditure ended the year with an overspend of over £2.1m. As per established practice, a more detailed breakdown of the HNB expenditure against the agreed budget lines was provided. Of particular interest to the Forum on the commissioned services breakdown was the £3.2m overspend on the Out-county budget. This overspend figure is reduced from 2020/21 and strategies are being deployed to enhance maintained provision within the county, through the AP Strategy, SEN Units and increased special school capacity, but this will take time to feed through into the budget position.

#### *High Needs Growth*

When the 2021/22 Schools Budget was being set, provision was made for HNB growth, which was forecast at circa £18m for the year. This provision was utilised in year to offset the increased expenditure of circa £12m across HNB school budget lines and within commissioned services, allowing the overall HNB budget to end the year with a circa £6.5m surplus.

It was noted that the level of in year HNB growth has been running at very roughly £10m+ (circa 10% of HNB budget) for a number of years and the budget has only managed to generate a surplus in 2021/22 thanks to significant increases in the level of DSG HNB allocation. The levels of DSG increases are expected to reduce in future years (early indications are 5% in 2023/24, then 3% subsequently), which are likely to again place considerable pressure on high needs funding and reserves.

Members queried some key issues impacting on the HNB budget, including the closure of Wennington Hall school, and welcomed the progress being made in the developments of SEN units in mainstream schools. It was also noted that the number of EHCPs in Lancashire was now in line with the national average, and had been so for a number of years, after historically being higher.

#### **The Working Group:**

- a) **Noted the report and the 2021/22 Schools Budget final financial outturn position.**

## **2. School Balances and Clawback 2021/22**

This report set out the year end position of schools' delegated budgets at 31 March 2022. A copy of the full report presented to the working group is provided as an appendix to the Schools Block summary report.

The final outturn position against schools delegated budgets at 31 March 2022 was an underspend of £5.173m. This meant that school balances had increased by £5.173m in 2021/22, to a total of £95.325m.

Further details were provided and members concentrated on the High Needs Block schools. Some key highlights included:

- Aggregate balances had increased in both special schools and PRU during 2021/22;
- 3 special schools ended the year with deficit budgets;
- In total 21 schools were in deficit at March 2022, the lowest number since March 2015.

It was noted that the year end position did include grant funding from DfE that was allocated on an academic year basis and analysis provided by schools about their year end position at 31 March 2022 indicated that circa £28m of total balances are classed as 'committed'.

### *School Balances and Clawback Policy 2022/23*

Whilst clawback has been suspended on year end balances at March 2020, 2021 and 2022, the guideline balance policy remained unchanged, as follows:

- 12% of Consistent Financial Reporting (CFR) income for all phases of maintained school
- A £60,000 minimum balance threshold will be applied.

The group were asked to consider the school balances and clawback policy to be applied at 31 March 2023. A number of schools balances and clawback options are available to the Forum for 2022/23, which included:

- a) Reintroduce a clawback policy in 2022/23, as per previous arrangements set out below, or with amended rates:
  - A clawback rate of 50% is to be applied to any balance above guideline in the first year a school exceeds the guideline (after adjusting for exemptions)
  - A clawback rate of 100% is to be applied to any balance in excess of guideline where the guideline has been breached for two or more consecutive years (after adjusting for exemptions)

(Note: As clawback was suspended in 2021/22, no school would be subject to the 100% clawback rate in 2022/23).

- b) Suspend the application of clawback at March 2023 due to the continued uncertainties around school funding , including the significant Covid catch up funding in the system that operates on an academic year basis, and due to the substantial cost pressures facing schools over the coming months and years, with inflation at a 40 year high and rising;
- c) Other suggestions that members may have e.g., Raising the threshold percentage from the current 12%.

#### *Clawback Exemption Request 2022/23*

Members also considered an exemption from clawback for a Lancashire secondary school that has been saving funding towards a sports hall. .

#### *Schools Budget Reserves 2021/22*

The 31 March 2022 position on Schools Budget Reserves was also considered, and it was noted that the total of all schools reserves was £126.872m, an increase of circa £16m.

Members considered questions posed around the School Teaching and Support Staff Supply Reimbursement Scheme reserve, which ended the year with an underspend of circa £0.4m, leaving an outturn position of circa £2.3m. The overall in year position includes a surplus on the teacher scheme of just under £0.6m, which was offset by a circa £0.2m deficit on the support staff scheme.

The Forum had previously agreed that any year end balance above £1.25m should be redistributed to scheme members. The working group considered if £1.25m remained an appropriate maximum level for the reserve or if it should increase to say £1.5m.

Members discussed key issues highlighted in the report and made a number of recommendations.

A nursery school representative indicated that the plans of some maintained nursery schools to utilise spare space within their establishments in order to generate additional income had been put on hold following contact from Asset Management colleagues. Officers agreed to investigate this further.

#### **The Working Group:**

- a) **Noted the report;**
- b) **Noted the overall position on school balances at 31 March 2022, including the individual school level information provided in the report;**
- c) **Recommended that clawback of revenue balances above the guideline figure should be reinstated at 31 March 2023, at previous levels:**
  - **A clawback rate of 50% is to be applied to any balance above guideline in the first year a school exceeds the guideline (after adjusting for exemptions);**

- A clawback rate of 100% is to be applied to any balance in excess of guideline where the guideline has been breached for two or more consecutive years (after adjusting for exemptions);  
(Note: As clawback was suspended in 2021/22, no school would be subject to the 100% clawback rate in 2022/23).
- d) Recommended that the minimum balance threshold of £60,000 be increased, to offer greater protection for small schools;
- e) Supported a clawback exemption applying to a Lancashire secondary school saving towards a sports hall project;
- f) Noted the underspend on the supply scheme budget at 31 March 2022 and recommended that the level of scheme reserve be increased to £1.5m and any funding in excess of this at March 2022 be reimbursed to scheme members, on the basis of contribution levels to the teaching staff scheme only;
- g) Requested that officers investigate the reasons for nursery schools plans to utilise spare space within their establishments in order to generate additional income being put on hold.

*In connection with recommendation d) above, officers are recommending that the minimum balance threshold be increased to £75,000 for 2022/23, which will rebase the value to a level broadly equivalent to that when the threshold was last increased.*

### **3. Schools Forum Annual Report 2021/22**

Each year the Schools Forum publishes an annual report setting out items of business in which the Forum has been involved

A draft report for 2021/2022 was presented for consideration, and the HNB issues were highlighted.

#### **The Working Group:**

- a) Noted the report;
- b) Recommend to the Schools Forum that the 2021/22 Annual Report be approved for publication, subject to the correction of a typographical error on page 5.

*A copy of the updated version of the 2021/22 Annual Report is provided as an appendix to the Schools Block summary support.*

### **4. Schools Supplementary Grant 2022 to 2023**

Previous reports to the working groups and to Schools Forum have provided information on the Schools Supplementary Grant.

Following discussions at the last working group, the Schools Forum agreed some final adjustments to the Lancashire High Needs Supplementary Grant allocation methodology, which will be calculated in two parts:

- Health and Social Care Levy (Increased NI contribution in 2022/23 for social care)
- Wider Cost Pressures

Subsequent to the March 2022 Forum meeting, the DfE have confirmed that local authorities and academies will receive their payments for 2022/23 in two tranches.

Payments will be made in May/June 2022 to cover April 2022 to August 2022, and in October/November 2022 to cover September 2022 to March 2023.

The Forum have agreed that the High Needs Supplementary payments will be made on the same basis as for mainstream schools, so these payments will be actioned in two tranches, as set out above.

It was noted that payments for the grants had now been processed and would be on June oracle information. For the final calculation using the May 21 data, the overall rate for the WPN payments has reduced to £625.97 from the initial £630.69 as first forecasted.

Information suggested that supplementary grant funding would be included in the DSG grant for 2023/24.

### **The Working Group:**

#### **a) Note the report.**

## **5. SEND Review Green Paper: Right Support, Right Place, Right Time**

At the end of March 2022, the DfE published the SEND Review Green Paper: Right Support, Right Place, Right Time.

The consultation set out the government's proposals for a SEND system and seeks views.

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 green paper is consulting on a number of proposals to deliver greater national consistency in the support that should be made available, how it should be accessed and how it should be funded. Proposals include:

- A single national SEND and alternative provision system
- Excellent provision from early years to adulthood
- A reformed and integrated role for alternative provision
- System roles, accountabilities and funding reform
- Delivering change for children and families

The county council has been considering the Green Paper proposals, and through the Lancashire SEND Partnership, has been engaging with partners, including schools, to help shape a possible response.

Following a number of consultation events, the proposed timeline for agreeing a response is set out below

- Collate feedback and draft Lancashire SEND Partnership response for Partnership Board review - 6 June
- Sign off by Partnership Board - 19 June
- Share Consultation Partnership response - 24 June
- Consultation closes 22 July

Once the response has been shared on 24 June, it was proposed that this would be presented to the Schools Forum on 5 July to agree a forum response, with any amendments to be agreed via the urgent business procedure if necessary.

It was confirmed that the draft response would be shared with schools via the schools portal, along with an encouragement for schools to respond.

Officers explained that the complexity of the proposals meant that it had taken considerable time to develop a draft response to the consultation to the point that it could be shared with schools and the forum.

Members also discussed the link to the white paper proposals and possible timescales for implementing green paper.

#### **The Working Group:**

- a) Noted the report;**
- b) Supported the processed process for agreeing a Schools Forum response to the Green Paper consultation.**

***Subsequent to the meeting, a copy of the draft Green Paper response agreed by the Lancashire SEN partnership has been shared and is attached at Appendix A. This draft will form the basis of a Schools Forum response subject to any amendments to be agreed by the Forum.***

#### **6. HNB Commissioned Place Process 2023/24**

As part of the process agreed with the Schools Forum in 2020, an early notification was introduced to provide special schools and PRUs with an indicative number of places that the LA would expect to commission at each school, which would be incorporated in the school budget for the following financial year.

These arrangements had been amended in 2021, and the LA had again been reflecting on the process ahead of the 2023/24 place commissioning and a significant concern related to the availability of summer term census data to enable special school calculations to be produced and issued before the end of the summer term 2022.

The LA was therefore proposing to amend the place commission process for 2023/24, so that the correspondence to special schools will be delayed to the autumn term 2022. This should not cause a significant issue for the schools, as most special schools are full and commissioned place are largely stable. Special schools will also be able anticipate their

commissioned number, as it is based on the figures each school includes in the May 2022 census.

In addition, the additional place top up funding arrangements will continue to operate in 2023/24, where the actual number of pupils at each redetermination is greater than the number of places commissioned on the budget forecast, so a continued safety mechanism remains built into the system.

No changes are proposed to the PRU process, with correspondence on indicative place numbers for 2023/24 being circulated in autumn term 2022, to include input from the service to refine the commissioned places, and the continuation of the additional place top up funding arrangements as a continued safety mechanism.

**The Working Group:**

- a) Noted the report;**
- b) Supported the revised commissioned place process for 2023/24.**



## **Lancashire SEND Partnership – Response to the Government Green Paper SEND Review: Right support, right place, right time**

### **Introduction**

On 29 March the Government published the SEND Review: Right support, right place, right time, a consultation on the special educational needs and disabilities (SEND) and alternative provision system in England. The consultation sets out proposed reforms to the SEND and alternative provision (AP) system that seek to address three key challenges:

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

The **Lancashire SEND Partnership** held two events in May 2022 to discuss the proposals and respond to the consultation questions. The events were attended by professionals from education, health and care and by parents and carers. This paper provides a summary of these discussions.

*Members of the Lancashire SEND Partnership Board have also contributed to the following Lancashire SEND Partnership response.*

We are encouraging all our partners to submit individual responses to the consultation. We hope you find the information included here helpful in forming your own thoughts around the proposals.

**The consultation closes on 22 July 11.45pm. [SEND review: right support, right place, right time - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time)**

## **Chapter 1: the case for change (page 18)**

The Green Paper sets out the findings of the SEND review, which are summarised as:

- Children and young people with SEND and those in alternative provision have consistently poorer outcomes than their peers.
- Experiences of the SEND and alternative provision system are negative.
- The SEND and alternative provision system is financially unsustainable.
- There is too much inconsistency across the SEND system in how and where needs are assessed and met.
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## **Chapter 2: a single national SEND and alternative provision system (page 26)**

The Green Paper proposes:

- 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.
- reviewing and updating the SEND Code of Practice to ensure it reflects the new national standards to promote nationally consistent systems, processes, and provision.
- 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.
- introducing a standardised and digitised EHCP process and template to minimise bureaucracy and deliver consistency.
- supporting 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.
- streamlining the redress process, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

**Q1: 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.**

Agreed that nationally consistent standards with clear responsibility and accountability should be in place across education, health and care. This should provide guidance related to reasonable adjustments and how greater consistency across authorities can be achieved.

Standards should focus on preparing for adulthood outcomes rather than attainment measures.

Minimum standards for training and development and assessment should be in place across all agencies.

The Local Offer should outline standards and appropriate support, this should include available resources for settings and schools.

We noted that some flexibility will be needed in the system to reflect available provision and differing levels of need.

**Q2: 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?**

Standardise SEND Partnership membership, responsibility and accountability at a national level. Partnerships should include SENDCOs and CYP with direct experience of the SEND system. It is also important to ensure the full geography of local areas is represented.

To be effective SEND partnerships must have the ability to hold partners to account to deliver on shared areas of work to support the needs of children and young people.

The Lancashire SEND Partnership Board is already well established and will continue to develop.

**Q 3: What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?**

- Agree minimum standards of provision across local authorities.
- Implement nationally consistent, transparent assessments across services.
- Ensure comprehensive information of available services is on Local Offer websites.
- Understand and address the barriers for young people and providers related to further education.
- Share responsibility and accountability for young people across local authorities.
- Facilitate regional commissioning groups to ensure a one commissioning approach with aligned planning cycles.

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

- Consideration should be given to raising EHCP thresholds to ensure plans are better focused and co-produced, this may include decisions to offer a support plan short of EHCP.
- Guidance - clarity required on expected content, length and coproduction expectations
- Stronger requirements under Preparing for Adulthood
- Distinct areas to detail the child or young person's strengths and difficulties
- Ability for information to link across systems so families only need to share their journey once

**Q5: 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?**

Parents and local authorities should both have opportunity to propose placements linked to the child or young person's needs as outlined in their EHCP. Parents need to be confident that the right professionals are involved, know their child and are advocating for their needs.

To support this it is important to ensure a full list of available placements is maintained, up to date and easily accessible for all to review. Full placement lists should provide key placement information and be presented consistently across authorities.

Reasonable communication parameters should be agreed so parents understand what to expect by when.

**Q6: To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?**

Agree with notion of resolving issues prior to tribunal. Ensuring decision makers attend mediation will be essential to resolving disputes.

Noted that changes to the appeal process may result in EHCP timescales not being met and staffing levels not at capacity to support process.

**Q7: 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?**

The tribunal process is effective; however families report that it is time consuming and stressful and often impacts upon children and young people's transition. Change to the process is welcomed.

### Chapter 3: excellent provision from early years to adulthood (page 37)

The Green paper proposes:

- 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.
- Consulting 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.
- Commissioning 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.
- Improving 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.
- Funding 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.
- Investing £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
- Setting 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.
- Investing £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

#### **Q8: 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?**

Early identification and early intervention through the two year old check and the use of one standard document available as a virtual form should be available in advance of the two year check.

Improvements should ensure processes are joined up so children do not fall between gaps and all feedback is shared with appropriate teams. Further engagement between HV and nurseries to support this process would be welcomed. Provision of face to face support for families and clear guidance on how to approach families who don't engage.

#### **Q9: To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?**

We agree that quality training is important for all SENCOs. It is important that the emphasis on SEND being Everyone's Business is maintained and all teachers understand their responsibility, not just the school SENCO. The SENCO is a critical role and requires additional support and protected time.

**Q10: 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?**

There is a set time frame for doing the qualification. We see the training as necessary within the time frame however suggest gaining some experience before undertaking the training is beneficial.

**Q11: 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.**

Lots of mainstream provision already has specialist provision due to rising numbers and a model linking levels of support/provision within trusts for children to move through would be welcomed.

It will be important for all settings to be aware of what is available. Having expertise on hand for support may result in children staying in school with support coming to them.

**Q12: 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?**

- Extend internship programmes to support more young people, and provide a greater variety of activity that can be accessed by a greater variety of young people
- Engage employers, providers and government with the 'SEND is Everyone's Business' way of thinking to increase awareness of SEND conditions and increase understanding of simple reasonable adjustments that can be put in place.
- Establish/extend quotas for large companies to employ young people with SEND, including local authorities who should lead by example by employing more young people with SEND.
- Provide young people with guidance through the transition process with wraparound support about what to expect from employment and how to get into employment, including life skills and informal education.
- Support employers to look beyond qualifications to what other skills someone with SEND can offer a workplace.
- Support colleges to deliver flexible provision to meet individual needs particularly those achieving at entry level and to link this in with employers' needs.

## Chapter 4: a reformed and integrated role for alternative provision (page 56)

The Green Paper proposes:

- making 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.
- giving 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.
- building 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.
- developing a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations.
- delivering greater oversight and transparency of pupil movements including placements into and out of alternative provision.
- launching a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice

### **Q13: 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?**

Support for schools to adapt their own settings to support children and reduce exclusions by having facilities in place ie provision of intensive support / development of sensory rooms.

Agree that the vision is very positive and we support the intention to ensure as many children as possible stay in or return to mainstream education as soon as possible.

More alternative provision settings are required as current capacity is not sufficient. Lengthy lead times to access support can result in negative perceptions.

To support this vision better quality support is needed in mainstream schools, more early interventions, guidelines around expected levels of targeted support and time limits on provision.

Agree that sustainable funding is required to support planning and delivery.

### **Q 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 reintegration?**

Consideration on how potential deficits in health funding around CAMHS, Positive Behaviour Support, ASD specialist roles, training for children with complex health needs will be addressed.

Developing more localised provision is a priority and will require increased funding to develop alternative provision within mainstream settings.

Flexible funding is needed to enable different types of alternative provision to be supported.

Ability to pool resources across schools, in terms of expertise and funding.



Improve the management of exclusions by removing perverse incentives that enable exclusions to be used as a tool to secure support.

Development of further SEND units, providing shared facilities for local children within a mainstream setting.

**Q15: 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?**

Agreed with the outcomes, unclear how these can be practically delivered. Academic attainment may be challenging at mainstream school and meeting needs is more important. Suggested exclusions be added to the five outcomes and performance measures related to pupil movements should be tracked.

**Q16: 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?**

A clear framework for all is needed to support consistency and equal opportunities/access. This should include thresholds across schools, expected levels of communication and managed moves guidance.



## Chapter 5: system roles, accountabilities, and funding reform (page 65)

The Green Paper proposes:

- 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
- equipping 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
- providing statutory guidance to Integrated Care Boards (ICBs) to set out clearly how statutory responsibilities for SEND should be discharged
- introducing 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
- introducing 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
- 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

### **Q17: What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these**

A greater emphasis should be given to child focused, outcome based measurements, with less emphasis on academic measures.

A measure on how well/easily families have navigated the SEND system, ie have practitioners been involved at the right time and are families receiving the information and guidance they need.

Noted that national health data is not available, but this should be collected and agreement reached on what data is required from health long-term.

Improvements to data sharing between different sectors is needed.

### **Q18: How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?**

Basic level funding provided for SEN - Additional funding provided after the EHCP (E1, E2, E3, E4). Any changes in funding needs to reflect the complexities of the SEND.

Improved communication and information across the banding systems so families can understand their position.

Funding support must address all the child or young person's needs across services and include co-commissioning.

## Chapter 6: delivering change for children and families (page 74)

The Green paper proposes:

- taking 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.
- tasking 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.
- supporting 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.
- publishing 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.
- establishing, 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.

### **Q19: How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?**

We share the view that co-production drives service improvement.

It is important to work together at a national level as well as locally ie National SEND Delivery Board should work in partnership with NHSE.

Clear accountability and governance in place to manage improvements and address risks. Provision of clear robust guidance and expectations of all partners.

Local engagement, a key representative from the NSD board to be involved in local partnership developments.

### **Q20: What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?**

#### **Enablers**

- Further consultation events ahead of finalising White Paper to evidence commitment to co-production and partnership working
- Shared accountability between professionals and families. Clear responsibilities outlined for all partners with families effectively engaged.
- Clear guidance on staffing caseloads to enable professionals the time to provide the right support at right time
- Regular clear communication regarding changes
- Availability of provision/support

## Barriers

- Finance – additional funding is required to address deficit whilst proposals are being implemented.
- Staffing capacity across all partners – currently impacts timeliness of support and can result in poor relationships with families.
- Transition process, large scale change to deliver across stretched services. Staffing resource and finance required for training and implementation of proposals.
- Health is a key partner within SEND however it is not included within the review. What are the proposals for ensuring Health and associated processes are joined up as part these proposals?
- Ensuring join up across services- many partners involved and different information held for each. Challenge will be ensuring cohesion and commitment across partners.
- Conflicting policy strands relating to the ambitions for children and young people with SEND.

### **Q21: What support do local systems and delivery partners need to successfully transition and deliver the new national system?**

- Additional funding to implement proposals whilst supporting ongoing demand which continues to rise within the sector.
- Clear guidance regarding national standardisation, expectations, and time frames.
- Further support needed with funding and long-term planning. No budget for SEND within Health.
- Staff training required to support the withdrawal of SEND support at the right time.
- SEND awareness training for all new recruits to services within the SEND partnership.
- Allocated time for SENCOS to disseminate training and information.
- Waiting lists to be given ratings of need.

### **Q22: Is there anything else you would like to say about the proposals in the green paper?**

- Further Education gets a mention but where is Higher Education?
- Term 'most appropriate local setting' is used. Without criteria this might cause issues because it comes down to who decides and what we define as 'appropriate' (p38)
- Investment is often not enough and is not matched in health which is problematic when health is required to deliver; 'timely and effectively access and support'.
- Feels like it's going to get harder for children and young people who require specialist provision to access the provision that meets their needs.
- Lack of a long view.
- Severe lack of therapists that children and young people need regularly – can we not find easier ways in for mature apprenticeship course approach to attract wider groups of people who can support the CYP
- The positioning of the review process, sometimes it needs to be reflective of the SEND needs rather than timetable, to strengthen the review process, stop it being a paperwork exercise.

- Sensory difficulties which are hard to manage in schools, there needs to be a specialist facility which will help these children, really helps being in the right environment however there isn't the choice
- Education is priority in paper and health services are rarely discussed or invested in
- We are concerned that a focus on outcomes in mainstream settings may be detrimental to children and young people with SEND.
- Annual health care plans are reviewed annually, care can change in between those times and plans become outdated and not reflective of needs. The pace of change is not always reflected in the plans. A mechanism is required to reflect need rather than the timetable of reviews. Inspectors refer to 'assessment of need' which is not reflected in practice.

DRAFT