

WESTMINSTER CITY COUNCIL**SCHOOLS' FORUM – 6TH JUNE 2022****REPORT BY THE ASSISTANT DIRECTOR, SPECIAL EDUCATIONAL NEEDS
AND EDUCATIONAL PSYCHOLOGY AND LEAD STRATEGIC FINANCE
MANAGER – BI-BOROUGH CHILDREN'S SERVICES****DFE SEND REVIEW: RIGHT SUPPORT, RIGHT PLACE, RIGHT TIME
CONSULTATION**

This report provides a summary of the proposals in the DfE SEND review and some initial thoughts for discussion in relation to the Council response to the Consultation. Feedback and views of Schools Forum are welcome.

FOR INFORMATION AND COMMENT**1. INTRODUCTION**

- 1.1 The Department for Education (DfE) consultation on the SEND and alternative provision system in England is now live; a 16 week consultation closing on 22nd July 2022.
- 1.2 The Review has identified three key challenges facing the SEND and AP system:
- Outcomes for children and young people with SEN or in alternative provision are poor
 - Navigating the SEND system and alternative provision is not a positive experience for children, young people and their families
 - Despite unprecedented investment, the system is not delivering value for money for children, young people and families

2 SUMMARY OF REVIEW

- 2.1 The Review sets out the DfE 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.
- 2.2 The DfE are proposing to do this by:
- creating a single, national SEND and alternative provision system
 - providing excellent provision from early years to adulthood
 - introducing a reformed and integrated role for alternative provision, for children who cannot attend mainstream school, whether for behavioural, health or other need reforming system roles, funding and accountability

- 2.3 The consultation questions are included at [Appendix A](#). To find out more about the SEND review and how to take part in the consultation visit sendreview.campaign.gov.uk

3 CHALLENGE 3: DESPITE UNPRECEDENTED INVESTMENT, THE SYSTEM IS NOT DELIVERING VALUE FOR MONEY FOR CHILDREN, YOUNG PEOPLE AND FAMILIES

- 3.1 The main points from this area are as follows:
- 3.2 Forecasts show total high needs spending continuing to increase year on year, with recent increases driven predominantly by an increase in the proportion of children and young people with an EHCP, over and above general population change. Whilst future funding will need to take account of the increasing prevalence of children and young people with the most complex needs, this needs to be balanced with targeting spending more at strengthening early intervention. Investment cannot continue to rise at the current rate, particularly since this is not matched by improved outcomes or experiences for children, young people and their families.
- 3.3 As more children and young people receive EHCPs and attend specialist settings, more financial resource and workforce capacity is pulled to the specialist end of the system, meaning that there is less available to deliver early intervention and effective, timely support in mainstream settings.
- 3.4 The DfE are clear that in an effective and sustainable SEND system that delivers great outcomes for children and young people, the vast majority of children and young people should be able to access the support they need to thrive without the need for an EHCP or a specialist or alternative provision place. This is because their needs would be identified promptly, and appropriate support would be put in place at the earliest opportunity before needs can escalate. Those children and young people who require an EHCP or specialist placement would be able to access it with minimal bureaucracy.
- 3.5 The DfE set out proposals for an inclusive system, starting with improved mainstream provision that is built on early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum, and prompt access to targeted support where it is needed. Alongside that, a strong specialist sector is needed that has a clear purpose to support those children and young people with more complex needs who require specialist or alternative provision.
- 3.6 The DfE identified the need to deliver greater national consistency in the support that should be made available, how it should be accessed and how it should be funded.

4 DFE NEXT STEPS

- 4.1 The DfE take the following steps:

- 4.2 increase 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
- 4.3 invest an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme, over the next three years, to support those local authorities with the biggest deficits - task the SEND and Alternative Provision Directorate within DfE to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards
- 4.4 support delivery through a £70 million SEND and Alternative Provision change programme to both test and refine key proposals and support local SEND systems across the country to manage local improvement
- 4.5 publish a national SEND and alternative provision delivery plan setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people
- 4.6 establish, for implementation of the national delivery plan, a new National SEND Delivery Board to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health and care to hold partners to account for the timely implementation of proposal

5 INITIAL THOUGHTS FOR WESTMINSTER COUNCIL RESPONSE TO FINANCIAL ELEMENTS OF THE CONSULTATION

- 5.1 Need to take account of the cost of workforce development in order to deliver proposals including cover costs for releasing staff to take part in training on an ongoing basis.
- 5.2 Pump priming as well as new ongoing funding is required for a number of the proposals.
- 5.3 Regarding any new provision the DfE funding needs to take account of pre opening start up costs re staff and adverts etc. This could be based on the fixed rates like new mainstream schools.
- 5.4 The market cost of the mandatory external mediation is of concern due to the limited market. The quality of the mediation is also key.
- 5.5 The proposed national framework, banding and price tariffs will need detailed preparation and consultation, as we know from our experience and discussion with other LAs that there are issues with the available tools and their sensitivities re allocating bands. The additional costs in London will need to be taken account of in any DfE funding allocations. A number of other LAs

bandings are based on mapping a single type of need to a single funding band whereas a system like the Education Banding Tool (EBT) is more complex and takes account of primary and other needs in allocating the band. Once set the band values should be reviewed.

- 5.6 We will propose that anyone over 18 should not be charged to the DSG but to adult social services unless taking accredited exams for employment eg if destination is adult social care / not economic independence. Clearly this would have a funding implication for Adult social services.
- 5.7 In relation to regional commissioning proposals the experience is that this has not worked regarding independent special placements and controlling costs.
- 5.8 We will propose that FE provision is managed regionally rather than allocated to the LA where the head office is sited. This would also work for Hospital education where the majority of children are not from the home borough.
- 5.9 It would make more sense if FE high needs funding was aligned with other funding in that their core funding should cover the first £6,000 (FE element 2). This could enable the development of a universal FE inclusion offer.
- 5.10 Concerns regarding the cost and transparency of the independent sector – if they receive funds from the public purse there should be same transparency.
- 5.11 The first £6,000 covered from schools budgets should be reviewed. The national standard calculation of notional SEN funding would be welcomed.
- 5.12 The cost of SEND procurement, contracting and commissioning should also be reviewed.
- 5.13 The DfE will need to ensure value for money and economies of scale are achieved with the proposed digitised and should lead this element of the proposed changes.
- 5.14 The DfE funding regulations will need to be amended so that they are clear that strengthening and targeting early intervention can be charged to the DSG.
- 5.15 The tailored list of settings for parents will need careful planning so that the more expensive independent sector placements do not increase if not required by the children's needs.
- 5.16 The current DSG deficit management plans are labour intensive to produce and revise and could be streamlined.
- 5.17 The national inclusion dashboards should include details so that it is clear on the number, the type of needs and where pupils are placed as well as identifying how inclusive schools are.
- 5.18 The proposals do not cover the place funding of special schools which have been £10,000 since 2013. This should be reviewed.

6 RECOMMENDATIONS

- 6.1 Schools Forum is asked to note the summary of the DfE SEND review and provide any comments to the issues identified for inclusion in the LAs response to the proposals.

Background paper:

SEND Review: Right support, right place, right time Government consultation on the SEND and alternative provision system in England [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/send-review-right-support-right-place-right-time)

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List of consultation questions

1. What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how the standards apply across education, health and care in a 0-25 system.
2. How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?
3. What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?
4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?
5. How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents confidence in the EHCP process?
6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.
7. Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people's education back on track? Please give a reason for your answer with examples, if possible.
8. What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?
9. To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?
Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why.
10. To what extent do you agree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the

role?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

11.To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

12.What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like traineeships?

13.To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

14.What needs to be in place in order to distribute existing funding more effectively to alternative provision schools, to ensure they have the financial stability required to deliver our vision for more early intervention and re-integration?

15.To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes, will improve the quality of alternative provision?
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

16.To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

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

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

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

20.What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

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

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