



SEND Review Green Paper

Cambridgeshire Suggested Response

[The Green Paper consultation](#) will close on 22nd July 2022.

Written with support from <https://www.specialneedsjungle.com/> and [NASEN](#).

Chapter 2 questions: a single national SEND and alternative provision system

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.

What does this mean?

The DfE want to create National Standards for SEND to improve the lives of disabled children and young people. What do you think there should be standards for?

- ? What national standards should there be for identifying SEND in Early Years, in school years, in further education, and in higher education?
- ? What assessments should be carried out to ensure the right provision is put in place?
- ? How long should a child have to wait before a suspected SEND is assessed?
- ? How long should a child be making no, or little progress at ADPR before a school must step up to a higher level of support or apply for an EHC needs assessment?
- ? What national standards should there be ensure schools understand what should normally be available for SEND learners without EHCPs, including reasonable adjustments?
- ? If these were legal standards for SEN Support, how would they be monitored?

Suggested response

We agree that the system needs a consistent national definition of SEND with a minimum standard of services available to all families. This should be linked to time targets for delivery and a set of reasonable adjustments that can be expected in order to manage expectations.

We support the notion that there should be standardised processes and welcomes the ideal that there will be clarity in settings, particularly mainstream settings about what should be ordinarily available.

Equally, we welcome the notion that standards for co-production and transitions should be consistent, and would like further clarity about how this will be implemented and on what timeline?

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?

What does this mean?

There will be legislation to introduce new 'local SEND partnerships', to be led by local authorities, to assess the overall needs of children and young people with SEND in their area and plan the range of types of provision required. Local SEND partnerships, are "intended to bring 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".

- ? **Do we need standards for SEND across education, health and care for 0-25 year olds?**
- ? **What national standards should there be for identifying SEND in Early Years, in school years?**
- ? **What national standards should there be ensure schools understand what should normally be available for SEND learners without EHCPs, including reasonable adjustments?**
- ? **What national standards should there be to decide when a child needs an EHC needs assessment?**

Suggested response

The proposal to set up Local SEND partnerships that are supported by robust legislation and will include partners from all aspects of the EHCP process is a positive step. Clear guidance and statutory framework must be in place to ensure all partners provide services in line with the agreed national standards.

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

What does this mean?

The needs of every disabled child and young person can't always be met by SEND provision in their immediate local area – and for some young people this is particularly relevant as they get older. Low incidence means significant disabilities that only affect a small number of children, but may cost a lot of money for provision. Many require very specialised care and some areas may not have the right support within local authority provision or its boundaries.

- ? **How can LAs avoid the need for utilising very expensive specialist provision elsewhere in the country?**

Suggested response

The ability for LA's to work together strategically to meet the needs of interconnecting communities and for national standards to remove the discrepancies created by authority borders would hugely transform the outcomes for young people who need the most specialist provision.

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

What does this mean?

The DfE have listened to everyone from parents to the SEND Tribunal in calling for a standard Education, Health and Care Plan that is truly portable between areas. Digitising will also mean the end of massive environmentally-unfriendly bundles of paperwork. It will also make life easier for children's hospitals and specialist schools and colleges who may deal with dozens of LAs, each with their own EHC plan format.

- ? **The Green Paper says a national template “will place greater focus on the support that is being put in place”. Do you agree?**
- ? **Would a standard, digital plan help or hinder:**
- ? **Would a digitised plan enable a more positive and up-to-date plan where parents and practitioners can make notes for changes to be considered at the next review, or notes on how a specific element of support is working. How would this make for a better annual review process?**
- ? **Would a requirement for funding prior to the allocation of an EHCP better support inclusion for those children identified with need during the first years at primary school.**

Suggested response

We feel that any review must tidy up the current confused accountability framework so that everyone understands the responsibilities and powers of local authorities, health teams and schools.

A standardised EHCP format that is digitalised and easier to administer would be an excellent idea if constructed under consultation with practitioners and case work officers who will have to manage the new format.

It would be good to find a format that was shorter in length and that had a focus on abilities and strengths rather than a deficit model. The introduction of a system that includes pictures and film is a very positive aspect, but this needs to be funded centrally to ensure that it is current and fit for purpose.

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?

What does this mean?

The SEND Review proposes to change the process for naming a school or college in a child or young person's EHC plan choice from an open choice to one restricted to a "tailored list" of settings pre-approved by the local authority from its "local inclusion plan". It wants LAs to work with a child's parents on this shortlist. The Green Paper described this as expressing an "informed preference". The LA will then allocate the first available place in order of the parent's or carer's preference and this school will be named in the child's EHCP.

- ? **Who decides if a school is suitable?**
- ? **Do parents need the LA to help them make an "informed preference"?**
- ? **What do you think the implications could be for children with particular needs.**
- ? **Will this improve outcomes for children and young people with SEND?**
- ?

Suggested response

The outline of available provision for parents to choose from will allow LA's to more effectively manage the placement of children and keep provision local and appropriate to needs. The continued focus on working closely with parent care forums will enable a framework for creating tailored lists to be co-produced.

The right for a mainstream placement is correct but there needs to be clarity on who makes the decision when it may not be compatible with the provision of efficient education of others and who will be assessing the quality assurance of new national standards.

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

Mandatory mediation could potentially reduce the need for tribunals if the national standards outline a streamlined and consistent method to support efficient mediation this could be positive, if not this could add additional stress onto an already struggling system.

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.**Suggested Response**

Additional review of the tribunal process is welcome, if the national standards included the requirement for tribunal decision makers to have significant SEND experience. It would also be useful if decisions at tribunal were considerate towards the needs of all children at any given education provision, some decisions which may be deemed appropriate for the individual are not always conducive to the effective education of the rest of the school roll.

Chapter 3 questions: excellent provision from early years to adulthood

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?

- ? How can intervention from birth be improved?
- ? How should the skills of early years staff be improved to help them identify SEND at the two-year-old progress check?
- ? Is it enough for a school to “have access to a speech and language therapist”? Should this be more closely spelled out?

Suggested response

The same level of high-quality training must be extended to early years education, championing training, such as the accredited SENCO Award in Early Years, will help to ensure that early years practitioners in pre-reception settings have the knowledge and skills required to identify when children are struggling, or not developing to expected levels.

There must be opportunities for joint observation and assessment of children in home or setting using both 24-36 month stat review and ASQ documentation. Workforce development should support a more consistent approach to early identification of need upskilling Health colleagues to develop more understanding of EYFS and how ongoing teaching and assessment contributes to a holistic long term view of child development.

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

- ? What should be changed about the Initial Teacher Training Core Framework to improve SEND teaching?

Suggested Response

Teacher training and ongoing professional development opportunities that promote high quality teaching are essential, particularly given the importance of access to effective programmes of professional learning throughout teachers’ careers. We therefore welcome the White Paper’s focus on Initial Teacher Training, the Early Careers Framework and the National Professional Qualifications.

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?

- ? Do you think that SENCOs being part of the school senior leadership team should be mandatory to ensure SEND is always considered strategically?
- ? Is giving SENCOs “sufficient protected time to carry out their role” a good idea? How would this be funded/back-filled? How do you decide how much time is sufficient?

Suggested Response

The development of new NPQ SENCO qualification brings the standard of qualification in line with other leadership roles and is a positive move. There should be a mandatory requirement of the SENCO to be a

part of the leadership structure of school, so that this is a clear requirement rather than just a recommendation. This will ensure that SEND needs are consistently advocated for across the strategic themes for all settings.

More protected time for SENCOs is also a positive move, but there is no thought shared on how to support smaller schools to achieve this, when administrative time may not be feasible due to the wide responsibilities taken on by teachers and leaders in smaller schools. Recognition and additional financial support should be made available for smaller schools to enable no child with SEND to be lost in the system.

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.

- ? Is ensuring that most trusts are mixed - ie, have mainstream, special, and alternative provision schools a good idea?
- ? Do you think it should be mandatory that children at risk of exclusion or a move to AP should have an EHC needs assessment to understand why they are having difficulties? Why/why not?
- ? How could your mainstream school be made to be more accessible, using funding from the Government's £2.6 billion in capital funding?

Suggested Response

Specialist trusts can provide additional support for the community through the specialist nature of their experience. However, when mixed trust work well they have a balanced approach and can effectively hold the needs of all children within the same trust and this has huge benefits, especially if the designation of the school can be one and the same allowing the child to move to the most appropriate provision element at any time. This approach could have far reaching implications for inclusion and the development of skills across a community.

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?

- ? How can the government ensure there are more quality apprenticeships suitable for disabled young people?
- ? What else do they need, such as help to get there, social, housing, and continuing educational support?
- ? How could multi-agency planning for life for young people with an EHC Plan, including housing, employment and continuing adult education work? Who would fund this?

Suggested Response

The development of careers hubs and careers leaders and increased careers support is a welcome proposal. There is a need to provide a bespoke focus for both education providers and employers that is outside of the school environment so that young people feel a noticeable transition experience as part of this support. More clarity on how additional funding will be delivered is needed.

Chapter 4 questions: a reformed and integrated role for alternative provision

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?

What does this mean?

The DfE has big plans for alternative provision - that's not just the PRU, but includes hospital schools, EOTAS and other kinds of education provision not within the system. They include:

- **Make alternative provision an “integral part of local SEND systems”** requiring new local SEND partnerships to *“plan and deliver an alternative provision service focused on early intervention”*
 - Stop funding following the pupil, so AP schools know what their budgets will be. The Green paper says this will help them *“deliver a service focused on early intervention”*
 - **Make all AP schools part of multi-academy trusts**, delivering *“evidence-led services based on best practice”* plus open new alternative provision free schools *“where they are most needed”*
 - Create a different **“performance framework”** (from mainstream expectations) with *“robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations”*
 - Investigate the use of unregistered provision which may include some used in EOTAS packages and by other home educators.
- ? **Are these proposals the right ones?**
? **Should it be a statutory requirement that a child should not be moved to AP without having a statutory assessment?**
? **How should nurture be used in mainstream as part of early intervention?**
? **What role should AP practitioners have in early intervention?**

Suggested Response

Many behaviour referrals through to alternative provision are for learners which require a bespoke SEND provision. The failure of the pupils' SEND needs to be addressed results in behavioural communications from the pupils who are then referred to an alternative setting resourced and staffed for behavioural support, and which lacks the provision for the required SEND interventions and support.

Embedding alternative provision within the SEND structures could allow for a process to be established which effectively identifies the cause of the behaviours and allows appropriate support to be provided at the right time. This structure would require a broadened understanding of the requirements of learners from trauma backgrounds and the impact that this has on their long-term abilities for self-regulation. It is critical that the evaluation of the needs is based on cause rather than behaviours and that SEND needs are addressed as the first priority.

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?

What does this mean?

- At present, funding follows the pupil, meaning that because AP schools have a fluctuating pupil base, they can't effectively plan budgets, staffing or training. This, in turn, says the DfE, impacts the quality of provision. The DfE wants to break that funding link and "expects" LAs create a 3-year budget for AP schools.
 - The new Local Partnerships will decide how many places will be needed in "targeted mainstream", "time-limited", and "transitional" placements, how much they will cost, and how changes in demand will be managed.
- ? **How should accountability be measured from local authority, school, and family perspectives?**
- ? **How should AP and special school outreach to mainstream schools be funded so that the source schools don't suffer from loss of resource themselves?**

Suggested Response

The funding structure for alternative provision needs to be sufficient to allow for early intervention, broader outreach to mainstream schools and the implementation of an inclusive education for many pupils who are currently referred to AP. This would allow AP to be effectively funded as a provision and allow a therapeutic support hub for early intervention, outreach support and intensive on-site (AP) support where required.

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?

What does this mean?

This recognises that most children arrive in AP *"at a late stage in their education, having already fallen a long way behind their peers"* and, instead of maybe national tests or Ofsted, they need new national performance AP framework, set up by "an expert working group" and based on five key outcomes:

1. effective outreach support,
 2. improved attendance,
 3. reintegration,
 4. academic attainment, with a focus on English and maths, and
 5. successful post-16 transitions.
- ? **If lower performance is expected in AP, how will children reintegrate to mainstream at an age-appropriate level?**
- ? **Or is something completely different exactly what is needed?**
- ? **Are these outcomes child-focused? If not, what should they be?**

Suggested Response

Performance tables do not lead to good outcomes for all children and is not a child centric model. The 5 key outcomes do not show an understanding for the curriculum needed to evolve alternative education. Establishment of AP provision requires specialist leadership, trained in a wide range of therapeutic practices and with an ever-evolving knowledge of cutting-edge research into trauma support. This can be achieved through effective multi-academy trusts or effective LA networks. Mainstream leadership and practice in AP provision will not provide the level of knowledge and support needed to develop pupils' abilities to manage their own behaviours. Establishment of a purely Trust-led model runs the risk of current mainstream leaders and practitioners 'learning on the job' in an AP provision and not providing the environment that AP learners require. This would also not provide the ability for

the AP provider to deliver outreach support which extends beyond the current knowledge base of existing mainstream schools.

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?

What does this mean?

- The government doesn't know *"how children and young people move around the school system, including through off-site direction and unregulated managed moves"*. This means they don't know where vulnerable pupils are being educated, what they are learning, or how good the teaching is.
 - They want to create a "statutory framework" for all pupil movements.
 - The DfE wants to get information about the use of unregistered provision, which includes unregistered EOTAS (**Education Otherwise Than at School.**) provision used by some children with EHCPs and that in use by other home educators.
- ? **How do we ensure that children in alternative provision get the very best support, rather than be forgotten about?**
- ? **Do you agree that provision that is unregistered should be investigated?**
- ? **What should the timescale for a review of unregistered settings be?**

Suggested Response

The development of a statutory framework for pupil movements is an excellent idea and a much needed improvement. AP learners definitely require a framework which can measure their achievements based on their successful progression through to later stages of education, training and/or employment.

Chapter 5 questions: System roles, accountabilities and funding reform

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

What does this mean?

The Department for Education says it doesn't always collect the right information, at the right time. This makes it hard for local areas to respond to the needs of local people fast enough. As a result, poor decisions are made locally, making it harder for the people monitoring the SEND system to intervene appropriately.

To address this problem, the DfE want to create “inclusion dashboards” that will show how the SEND system is performing at a local and national level across education, health and care. They want this to be done transparently and without a big time delay.

Some of the data the DfE is planning to use for inclusion dashboards :

- educational attainment rates,
 - school absence rates,
 - percentage of pupils with EHCPs,
 - waiting times for community health services.
- ? **An “inclusion dashboard” will rely on data that will often be stripped of context. How vulnerable is this data to misreporting, massaging, or outright manipulation?**
- ? **What things in the SEND system currently have the biggest impact on the wellbeing and progress of a child or young person? Are those things likely to be picked up by an ‘inclusion dashboard’?**

Suggested Response

Any data gathered by inspection processes should reinforce the key support of early intervention, inclusion and coproduction. Key attendance, exclusion and progress data and additionally for young people with SEND, timeliness of annual review functions and the ability to track how the SEND needs have been supported to increase inclusion .

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

What does this mean?

The Department for Education believes the current SEND system is too expensive, and doesn't help children and young people thrive and have better lives. SEND funding isn't shared out equally across the country, which means that some areas get more than others.

The government wants to:

1. Create a national system for high-needs SEND funding based on a system of bands. In theory, very complex needs will be in a higher "band" that will have a higher monetary value than a band designated for a "lower" level of need. LAs will be given government money depending on how many children are in each band.
 2. There will also be a tariff structure that will set the rules and prices for how much bodies that commission provision, such as LAs, can pay providers, such as schools and therapy services. The DfE says this will *"helping to control high costs attributed to expensive provision."*
 3. For the first time, this banding and tariff structure will be applied to independent special schools as well as schools in the state sector.
- ? **How should the DfE calculate national banding and tariff values accurately and appropriately, to ensure that each local authority and placement has enough funding to ensure that each pupil's needs are met?**
 - ? **How can we be assured that national banding meet the true cost of provision for disabled children and young people?**
 - ? **What recourse will families, schools, and local authorities have if the DfE's new system does not provide the correct level of funding to meet need?**

Suggested Response

A national banding framework can only work if there is a national funding framework to support the same needs being provided at the same rate and quality irrespective of postcode. A national framework is best developed by practitioners and leaders in the system who are skilled at understanding what quality provision looks like and actually costs.

Chapter 6 questions: Delivering change for children and families

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

The Department for Education has been told that the 2014 SEND reforms were not implemented well. This time around, they want to ensure that the changes that will flow from the 2022 SEND & Alternative Provision Green Paper will be implemented well.

Alongside some additional funding, the DfE is proposing to change how the SEND system works. One of these changes is a National SEND Delivery Board. This Board will *“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.”* In other words, most likely the organisations it already works with such as the NNPCF, NHS and other bodies the government funds.

There is no further information on this Board, and no further information on how it will work with other SEND boards and accountability systems that already exist at national and local level.

- ? Who should be on this National SEND Delivery Board, and why?
- ? What powers should it have to enforce better delivery?

Suggested Response

The development of a National SEND Delivery Board is a positive proposal and will help to develop the national standards outlined. The key to making it work will be to ensure that both regional and national agendas are valued and acted upon. There will need to be robust legislation in place to keep responsibilities and accountability clear and the support mechanisms of any delivery board must be easily measurable.

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?

How can the DfE make sure these changes will work in a way that the last reforms didn't? What can stop them from working?

- ? What happens to families if the changes go wrong or don't work as intended?
- ? What happens if those making the changes don't really want to, or don't know how to?
- ? What might happen if they don't involve families properly?
- ? What might happen if there isn't enough money to put the changes in properly, or if the money put in is spend badly? How can you stop this happening?

Suggested Response

If there is robust legislation to ensure accountability is supported across all partners, then the development of a consistent national standards will be effective. Legislation must remove any doubt from responsibilities so that there is a clear playing field for all services to work together with no room for mis interpretation.

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

Suggested Response

Adequate funding, infrastructure, and training expertise will be essential to implement the suggested changes change.

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

- ? **What does inclusion mean to you? Will a system of mainstream, specialist, and Alternative Provision achieve it?**
- ? **Do we need new research on SEND classroom-based practice?**
- ? **What should be included in "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".**
- ? **How should the Government "increase the capacity of the specialist workforce"?**
- ? **Are 40+ additional educational psychologist trainees a year for the next three years enough?**