

SEND Review: Right support, Right place, Right time

Consultation response Peterborough City Council.

Overview.

The consultation document is seen as a very positive and necessary move towards much needed reform within the SEND landscape. The inclusion of Alternative Provision (AP) within the consideration of this document is also welcome, however, it is necessary to state that AP should not be seen as an intervention for providing appropriate provision just for children and young people who have SEND needs, as there are many benefits to a working AP framework for all pupils as part of an overall inclusion agenda.

The following responses to each of the questions shared provide an overview from partners across the Local Authority. We have encouraged individual partners to make representations in order to provide as much reference material as possible, but it was important to Peterborough to share an overview.

We would like to be clear about the energy, drive and commitment we have for this subject area and would be keen to be involved directly with any working parties to support in the co-production of elements outlined within this consultation, particularly around standards and the formulation of a digital EHCP approach. If there are any opportunities to be directly involved in any of the workstreams connected, please do not hesitate to invite us to be take part.

Outline of consultation responses.

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.

- We welcome the proposal to create new national standards, but would like more clarity on how and when legislation will be created to support the implementation of the standards in a meaningful way. There is some contradiction with regards to local discretion. The review outlines there is too much local discretion (p27) and then goes on to say local discretion is required and necessary (p29). It is important that local context is considered.
- The LA supports the notion that there should be standardised processes for reviewing the support needed 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, but again there is no clarity about how this will be implemented and on what timeline ?

- There is a lack of focus on the criteria around SENIF and the funding award. This area of funding is often dealt with in isolation and the ability to address this as part of the review and any reform could support early intervention, which is key to both the White Paper and this consultation.

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?

- The LA is encouraged by the proposal to set up Local SEND partnerships that are supported by robust legislation and that will include partners from all aspects of the EHCP process. It is positive that the LA will retain the responsibility for the high needs block, but legislation will need to be clear about how the LA can utilise this responsibility to ensure all partners address their responsibilities, for example, with MATs and health partners.
- It would be concerning for LAs to retain a responsibility for local inclusion plans if there was no clear guidance and statutory framework in place to ensure all partners provide services in line with the agreed national standards. There needs to be clear guidance around what individual partners are expected to do and what the consequences are if partners fail to undertake these responsibilities.
- We would like to see these local partnerships aligned to local health partnerships where practicable. This would enable strategic development in a joined way from the start of any reform and could help address any local issues already in the forefront.
- We also wanted to ask if the voluntary sector is included in these considerations – is this assumed, more clarity on this would be very welcome.

Q3 What factors would enable local authorities to successfully commission provision for low-incidence high cost need, and further education, across local authority boundaries?

- The ability for LAs 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.
- There needs to be adequate revenue and capital funding to support the development of commissioning including staffing with specific skills such as education psychology, therapies and data management.
- The system would benefit for more standardised approach to cross border protocols. The Eastern Region has an effective approach to this, but this is not standardised nationally.

- There needs to be a focus on the cost of unregulated / independent provision to support sustainability.

Q4 What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

- A standardised EHCP format that is digitalised and easier to administer would be an excellent idea. It is hoped that the design and outline for this standardised format is 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 balanced focus on abilities and strengths without an over reliance on the deficit model. The introduction of a system that includes pictures and film is a very positive aspect, however, the cost of the new system and in the maintenance of a system that incorporates these aspects must be provided to LAs to enable them to implement this ideal.
- There is also room to standardise the initial application for Assessment of need and for a full suite of standardised forms for professional to use as part of the EHCP creation and review process. This will aid cross border communications and avoid any miscommunications when young people move local areas
- It would be useful to provide guidance on how to complete new templates with a focus on the level of specificity required and who is responsible for adding the required information at the agreed levels
- The proposal to create multi-agency panel to increase confidence for parent carers is innovative and rooted in positive theory. There will need to be a great deal of structure and robust legislation and guidance to ensure that a panel that reviews needs assessment can include school, colleges, health, social care and parents and it will need to be very clear about who is responsible for such assessment needs.

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?

- 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 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.
- There needs to be clarity around independent provisions and their inclusion within the tailored lists – how will the ability to meet needs from this group be factored into the final lists?

- The continued focus on working closely with parent care forums will enable a framework for creating tailored lists to be co-produced. This should be factored into the proposal for national standards relating to co-production.
- The change to shift the right to direct placement into an Academy Trust by the LA and then move the prerogative for the MAT to challenge this is much more child centred and will lead to more children being included rather than awaiting placements.
- We expect that parent carers may find this change challenging – how will their right to choice be managed through legislation?

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

- Mandatory mediation could potentially reduce the need for tribunals, but without a clear review of the process it could lead to a much less efficient route to redress. Mediation can be a long process and can involve a lot of different services. 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.
- It would be useful to add an expectation that mediation must be attended by a decision maker, so that there is no delay in implementing change or actions
- There will need to be significant investment and funding to ensure that mediation services are readily available to meet this requirement
- At present parent carers can refuse mediation – does this further remove rights? How will legislation account for this?

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?

- Additional review of the tribunal process is welcome. It would be useful if the national standards included the requirement for tribunal judges or decision makers to have a background / speciality in SEND and the new national standards. 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.
- Tribunal introduces a system where people who are better educated and wealthier are able to get what they want above those that aren't. This is not an equitable system and some consideration regarding this inequity should be included in any review.

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?

- We feel the question places early years in a deficit position, suggesting that the steps required to strengthen the integrated review lay solely with the early years. We strongly suggest that what should be developed is a model of shared understanding of the process from both the perspectives of HCP and Early Years. Some of the ways in which this could be achieved are:
 - Joint HCP / EY training opportunities
 - Job Shadowing
 - Undertaking joint observations of children in the home and if applicable also in settings.
- In terms of specific steps to strengthen the role of early years in the IR process we suggest:
 - more emphasis placed on teaching child development on our qualification courses
 - statutory standardised resources to support the two-year-old progress check as the sector relies on non-statutory guidance and practitioners current knowledge of child development.
 - observation and assessment training is viewed as a minimum requirement for all early years practitioners and that this is revisited on a regular basis.
 - upskilling early years practitioners to understand the content of the ASQ / SE and the process involved in it's completion, placing an emphasis on how to use knowledge gained from the 24-36 month progress check to inform the outcomes.
- In terms of specific steps to develop the understanding of health professionals about the IR process we suggest:
 - opportunities for joint observation and assessment of children in home or setting using both 24-36 month stat review and ASQ documentation.
 - workforce development cross discipline that 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.

- a stronger emphasis on the views of parents

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

- The LA agrees that a more robust approach to national qualifications for SENCo's and would like to see the introduction of modules that support SENCO's to be part of the leadership teams within settings
- We welcome the expectation for early years providers to identify a SENCo and ensure that they have a minimum level of qualification. This increase in skills at the earliest stage will enable better outcomes earlier.
- There should be clarity that current holders of the NASENCo qualification will continue to be able to be appointed to SENCO roles as well as those who complete any new mandatory SENCo NPQ in future.

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?

- 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.
- We also feel that in certain circumstances Headteachers should have the flexibility to appoint qualified staff to this role who show exceptional potential but have not yet commenced formal SENCo training. In these circumstances there should be a strict time limit on the commencement and completion of the training together with a clearly identified programme of in-school support during this interim period, supported by funding opportunities to ensure the best personnel are supported into this crucial role
- Special consideration will need to be given to very small schools where the Headteacher will often take on the SENCo role

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.

- It is not always the case that mixed trusts result in the best outcomes. 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.
- The development of wider mixed trust could result in children and young people being recycled within a trust, which if not monitored could delay access to appropriate provision for individuals.
- There needs to be a clear local parameter to ensure that larger MATs can meet the needs of the locality. This may need clearer boundaries around accountabilities?

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 though access routes like Traineeships?

- Increased careers support is a welcome proposal as is the development of careers hubs and Careers leaders, which could be seen as a return to the Connexions approach, which could be a very valid and positive return. There is a need to provide a bespoke focus for both education provisions and employers that is outside of the school environment so that young people feel a tangible transition experience as part of the support network. The additional funding is welcome, but more clarity regarding how this will be delivered is needed.
- There needs to be a clear quality assurance framework for internships.
- A standardised approach for careers advisory services with specific training for SEND children, young people and families would be very welcome
- The proposal to introduce adjustment passports needs to be reviewed. 'Passport' is an extremely sensitive term for many pupils, especially those from diverse cultural backgrounds.

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?

- A new national standard that incorporates a clear focus on keeping children and young people on roll in a mainstream school is welcome and appreciated.
- The development of an intent to support mainstream schools by sharing expertise from alternative provisions will lead to greater ability to support inclusion. If this is structured correctly, it will remove the creation of interim part-time settings that do not meet the needs of young people. It will need clear guidance and robust funding mechanisms that allow both alternative /appropriate provisions and mainstream provisions to access the support required at an equal level and as part of a single approach.
- Alternative Provision needs to be able to provide evidence-based intervention and include curriculum elements that directly support reintegration into mainstream provision. This includes a skills based approach that provides evidence that children and young people have made progress

Q14 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?

- The source of funding needs to be clarified. Is it the LA "high needs block" or is it from the Schools Funding Agency or schools excluding the pupils concerned? In line with this there needs to be clarity and statutory guidance on the financial liability of academies that exclude pupils who then subsequently require alternative provision.
- The continued focus on equalising the funding across both Alternative / appropriate and mainstream provision and is a good move. The development of a local Alternative strategy that will lead to statutory partnerships is a positive ideal but will need robust legislation to enable the implementation to be worthwhile and have impact.
- The idea that the same funding can be attached to a medium-term plan for a young person is positive, if it can be implemented fairly and the focus for maintaining a mainstream placement is based on the ability to access the curriculum rather than the ability to excel in examinations, which has been a barrier to reintegration and inclusion.
- A progress score to demonstrate the effectiveness of inclusion would be a good additional support mechanism for school settings.

- More thought needs to be given to alternative provision for those excluded from (or refused entry to) Special Schools. At present the relationship between AP and mainstream schools is clear, but this is not the case with special schools - particularly those catering for pupils with social, emotional and/ or mental health difficulties.

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?

- Performance tables do not lead to good outcomes for all children and often lead to settings designing their delivery based on the requirements set by the tables in question. This is not child centred.
- A progress guide for mainstream settings may be more valuable at supporting inclusive practice, although national standards for alternative / appropriate provision would be hugely beneficial.
- The 5 key outcomes do not show an understanding for the curriculum needed to evolve alternative education, there needs to be an element of communication and emotional intelligence and a focus on vocational skills for young people who need to express themselves in different more creative ways as well as an increased focus on the arts and physical exercise to increase the therapeutic intervention needed through avenues that can be extended in mainstream environments.

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?

- The development of a statutory framework for pupil movements is an excellent idea and addresses much needed improvement.
- We need to improve the way in which we collect and scrutinise data showing the reasons for children and young people moving into AP and back into Mainstream provision
- Permanent exclusion gives pupils and parents certain rights, and we would hope that the new framework will ensure that these also apply to those who are taken off school roll on an informal or short-term basis.
- The implementation of this must be undertaken by education settings that young people, remain on roll with, ensuring an unbroken line of responsibility without any question.
- Statutory guidance on alternative provision was produced for Local Authorities in January 2013 but the education landscape has changed significantly since that time - for instance most PRUs are now autonomous academies

answerable to the Regional Schools Commissioner. This guidance therefore needs to be updated and extended to include all schools, academies and alternative providers.

- The Regional Schools Commissioner also needs to have a clearly defined role within this process, working alongside Local Authorities and Local Inclusion Boards.

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

- Key data be attendance, exclusion and progress. Additionally for young people with SEND timeliness of annual review functions and the ability to track how EHCP's have reduced in terms of needs (ie how the SEND needs have been minimised to increase inclusion).
- In addition, it would be helpful to include a metric which looks at the ratio of "SEND Support" to EHCPs issued. If the system is operating well, we can expect that the proportion of pupils operating at SEND Support level will increase and EHCPs will reduce in number - eventually applying only to those with the most severe and complex needs.

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

- A national banding framework can only work if there is a national funding framework that works to support the same needs being provided at the same rate and quality irrespective of postcode.
- The notion that it cost less to provide high quality SEND services in any part of the UK due to its vicinity to London is both outdated and seeks to undermine the values of individual children and their right to high quality care and support.
- 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.
- The model needs to take into account the realistic costs of successful mainstream inclusion and effective support at SEND Support level rather than forcing schools into relying on EHCPs for adequate funding.

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

- 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 how the national Board integrates with the regional DfE groups. There will need to be clear links 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 easy to identify – settings have enough measurement without support in the system.
- Will this approach also include Alternative Provision – can we be specific about the potential links here?

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?

- The development of a consistent national standards will be a huge enabler but will only be effective if there is robust legislation to ensure accountability is supported across all partners.
- The current system has too many recommendations without mandatory instructions that leave some partner services with the power to interpret they do not have to act. Legislation has to remove any doubt from the questions and responsibilities in hand so that there is a clear playing field for all services to work together with no room for interpretation, which only leads to barriers and incongruent approaches that create gaps for young people, particularly those with SEND, to fall through.
- There needs to be clear accountabilities in place so that schools, settings and MATs are clear about the consequences of not addressing agreed responsibilities
- The role of the LA and the RSC needs to be clarified – while the LA holds all of the legal responsibility, how can the relationship with the RSC support this burden?
- Joint inspections (or at the very least congruence between education social care health inspection regimes) would be very helpful and would set the tone for the kind of integrated provision that is envisaged in the Green Paper

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

- We need adequate funding, time and expertise to implement the change.
- Be clear on consequences both locally and nationally.

- LA being supported by government bodies with the strength of policies behind them.
- Agreed programme of change.
- Milestones in place for what needs to have been done and by when.

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

- Notional budget hasn't been addressed.
- Green Paper has to link to Children's and Families Act. Big gap between them isn't helpful.
- Nothing around Admissions?
- There is an opportunity to incorporate much of the Timpson Review to enable further progress to be made in the field of inclusion
- There is a need to achieve a balance between the White Paper's drive for higher standards and the Green Paper's emphasis on greater inclusion.
- There needs to be clear guidance, monitoring and accountability for "SEN Support" at school level.
- There needs to be clear definition of roles, responsibilities and inter-relationships of Local Authorities and Regional School Commissioners.
- The 1996 Education Act needs to be revisited and updated to take the radically changed education landscape into account.
- Finally, there is fundamental need to revise primary legislation for health, education and social care to produce a single coherent statutory framework. At present each of the agencies is governed by different and sometimes competing Acts of Parliament. For instance, parents and young people with disabilities are subject to at least two different assessment and provision regimes by Social Care Teams (Children Act) and Education Teams (Education Acts). In addition to this, access to health services is also dependent upon Health and Mental Health Acts.

Representations from partners in Peterborough.

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