Constructing a framework to evaluate the SEND Green Paper plans

June 2023

SUMMARY

This policy seminar on *Constructing a framework to evaluate the SEND Green Paper plans* took place on 21 March 2023; In person at Birkbeck College, Malet Street, Bloomsbury, London and online. Its aims were to develop a Framework that identifies and reflects key policy fundamentals about an '*inclusive education system with excellent mainstream provision*': with which the Green Paper implementation plans can be evaluated, and that has relevance to policy developments over the next few years (leading up to and following next general election)

Presentations were given by i. Lizzie Harris: (Headteacher Monega Primary school Newham) on values, ii. Carmel Conn (University South Wales) and Andrew Beattie (Deputy Head / SENCO Becket Primary school) on curriculum, teaching and assessment, iii. Peter Gray (Policy consultant; co-coordinator of Forum) on funding, iv. Liz Robinson (Head of Inclusion: Portsmouth LA) on support for inclusive practice and Chris Robertson (SENCo Forum; SENPRF lead group) & Brahm Norwich (University of Exeter; co-coordinator of Forum) on accountability. This was followed by group discussions about the following questions: i. what are the key policy fundamentals about an '*inclusive education system with excellent mainstream provision*' and ii. What would a framework look like and contain that can be used to evaluate GP improvement plans and and is relevant to policy developments over the next few years (leading up to and following next general election).

Lizzie Harris: focussed on values from the perspective of values in practice. She considers whether high quality mainstream provision can exist alongside inclusive provision and how do people develop ownership and responsibility for all children in their community. She answers this by considering how the Multi-Academy Trust in Newham they have some resource bases schools. Some children in these bases have got Profound and Multiple Learning Difficulties (PMLD) and others autism. This reflects how in Newham children in ordinary schools who in other authorities would be in specialist schools.

Carmel Conn: focussed her talk on the Curriculum for Wales and learners with additional learning needs. This curriculum is based on child-centred learning and the active role of the teacher with its aim to develop particular types of individuals for the 21st century. Curriculum for Wales replaces traditional subject specialisms with six broad areas of learning and experience and cross-curricular responsibilities, while introducing progression as an issue of individual pace of learning rather than chronological age. Though this curriculum has much to offer learners requiring extra support, there is evidence teacher beliefs about deep-rooted beliefs in ability hierarchies coupled with few clear messages about inclusion in the Welsh education system.

Andrew Beattie: focussed on curriculum, teaching and assessment drawing on his teaching experience as a deputy Headteacher and SEND Coordinator. He outlines the 6 areas they consider in terms of curriculum design and the importance of strong team working skills. Offering the same learning experiences to all in their school has involved adjustments, and flexibility. He also explains how in this setting teachers are encouraged to factor into good practice considerations of commonalities and differences in the way that children are taught. Extensive CPD is offered with good links to outside support service professionals and development projects. The paper also illustrates how early identification is practised starting with their reception class. See past the label and having opportunities to celebrate small steps of progress are discussed.

Peter Gray: focussed on how provision for SEN/ disability is funded. He argues that the ways in which SEND is funded have a significant influence on schools' and families' experience of the broader system. He indicates why the Government's SEND improvement plan does nothing to address the problems inherent in a pupil-led funding model and that the move to a system of bands and tariffs could even make things worse. His paper argues with reference to individual cases that support would be better with a more flexible and dynamic funding model that ensured that children did get the 'right support, in the right place, at the right time'. He suggests the funding of schools and other settings, with the right set of accountabilities and the use of more collective processes for targeting funds at those with the most significant (exceptional) needs.

Liz Robinson: focussed on support for inclusive practices. This presentation was about Portsmouth, an authority with high population density and high levels of deprivation. It began with the focus on culture and ethos in which schools try to reassure parents that they can meet needs in the ordinary school. The Portsmouth Education Partnership (PEP) involves agreements with schools based on a quality assurance and collegiate approaches. Relational practices are used to make positive changes and there is a focus on 'ordinarily available

provision'. This sets out what every school should be offering based on what is predictable. The inclusion service is organised into different teams. They also have outreach SENCOs from mainstream schools, involve educational psychologists in early intervention work and adopting a skills and competency framework for their neurodiversity teams. They also have an inclusion grant which schools can bid for to incentivise what they are doing.

Chris Robertson and Brahm Norwich: address the two seminar questions in their paper on accountability: i. what accountability systems could enable schools to be *more inclusive* while promoting *excellent mainstream provision?* and how do accountability systems need to change to ensure that schools are positively encouraged to be inclusive and there are no 'perverse incentives' to that compromise good practice? Their paper gives: an overview of the current accountability system, what the SEND Review Green Paper (GP) states about this topic, the SENPRF position on the GP, what the SEND and Alternative provision (AP) Improvement Plan (IP) states and what missing from the IP It concludes with proposed accountability approaches, a mix of ideas, models and strategies with the aim being to avoid perverse incentives.

Group discussions: In the final section there is a summary of the in person and online group discussions. The discussions covered not only the 5 focus seminar themes in the presentations but various general points. These were about the need to clarify the terms used and the search for more consensus, where change could start from and the kinds of change models to be adopted. Other topics raised were about how to define national standards, the importance on inter-service cohesion and integration and messages for politicians. It was also noted that the Green Paper and Improvement Plans avoided the 'big questions'. In addition, the group discussions had further reflections about the 5 focussed areas.

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Section 1:
Introduction

This policy seminar on *Constructing a framework to evaluate the SEND Green Paper plans* Took place on 21 March 2023; 11.00 – 16.00: In person at Birkbeck College, Malet Street, Bloomsbury, London WC1E 7HX and online. Its aims were to develop a Framework that identifies and reflects key policy fundamentals about an '*inclusive education system with excellent mainstream provision*':

- with which the Green Paper implementation plans can be evaluated, and
- that has relevance to policy developments over the next few years (leading up to and following next general election)

Presentations were given by i. Lizzie Harris: (Headteacher Monega Primary school Newham) on values, ii. Carmel Conn (University South Wales) and Andrew Beattie (Deputy Head / SENCO Becket Primary school) on curriculum, teaching and assessment, iii. Peter Gray (Policy consultant; co-coordinator of Forum) on funding, iv. Liz Robinson (Head of Inclusion: Portsmouth LA) on support for inclusive practice and Chris Robertson (SENCo Forum; SENPRF lead group) & Brahm Norwich (University of Exeter; co-coordinator of Forum) on accountability. This was followed by group discussions about the following questions:

- what are the key policy fundamentals about an '*inclusive education system with excellent mainstream provision*'
- What would a framework look like and contain that can be used
  - To evaluate GP improvement plans
  - And is relevant to policy developments over the next few years (leading up to and following next general election).

SEN Policy Research Forum
The SEN Policy Research Forum, which organised this seminar, incorporates the aims and work of the previous SEN Policy Options group in a new format and with some expanded aims. The Forum's website is at:
https://senpolicyresearchforum.co.uk

The Forum is concerned with children and young people with special educational needs and disabilities from pre-school to post 16 (0-25 years). It will cover the whole of the UK and aims to:

1. *provide timely policy review and critique through policy seminars, policy papers and a website blog,*
2. *promote debate,*
3. *set longer term agendas – acting like a think-tank,.*
4. *deliberate and examine policy options in the field.*
5. *inform research and development work in the field.*
6. *promote learning on knowledge transfer between academic, policy and professionals.*
7. *establish robust routes to media outlets.*

The Forum recognises alternative UK terms, such as 'additional support needs' and 'additional learning needs' as well as the uncertainties over what counts as 'special

educational needs' and 'disabilities' in relation to a wider issues about provision requirements. These will be among the many issues examined through the Forum

The Forum, which continues the work of the SEN Policy Options group has been continuing this work since 1993 for over 28 years. It started as an ESRC seminar series with some initial funding from the Cadbury Trust. The Forum appreciates the generous funding from NASEN and the Pears Foundation to enable it to function, though it operates independently of these organisations.

Lead group and coordination of the Forum:
Dr Peter Gray - Policy Consultant (co-coordinator)
Professor Brahm Norwich - University of Exeter (co-coordinator)
Yoland Burgess - Young People's Education and Skills, London Councils
Professor Julie Dockrell – UCL Institute of Education
Annamarie Hasssall - CEO nasen
Dr Beate Hellawell - Lewisham local authority
Dr Brian Lamb - Policy consultant
Professor Geoff Lindsay - University of Warwick
Penny Richardson - Policy Consultant
Chris Robertson - SENCO Forum; University of Birmingham
Sharon Smith – Parent of young person with SEN
Dr Rob Webster – Portsmouth University
Julie Wharton - Winchester University

Membership:
If you would like to join the Forum, go to the website and follow link to register as a member. You will be invited to future seminars and be able to participate in discussion through the blog on the SENPRF website for joining instructions.
https://senpolicyresearchforum.co.uk

For further information please contact the co-coordinators of the Forum, Brahm Norwich, Graduate School of Education, University of Exeter, Heavitree Road, Exeter EX1 2LU (b.norwich@exeter.ac.uk) or Peter Gray (pgray@sscyp)

Past Policy Papers (see website for downloadable copies of the 46 policy papers since 1993; https://senpolicyresearchforum.co.uk/past-policy-papers/)
Here is list of policy papers since 2018:
1. Policy for SEND and Inclusion: examining UK national and some European differences. Chris Robertson, Alfons Timmerhuis Niels Egelund and Camilla Brørup Dyssegaard, Cecilia Simón and Gerardo Echeita and Richard Rieser.2018
2. Exclusions, barriers to admission and quality of mainstream provision for children and young people with SEND: what can be done? Jules Daulby, Louise Gazeley, Nicola Furey and James Roach. 2019
3. Accountability, performance management and inspection: how to enable positive responses to diversity? Jonathan Roberts, Nick Whittaker, Jane Starbuck and Robin Banerjee. 2020

4. A review of policy in the field of special needs and inclusive education since the 1990s Lorna Selfe, Robin C. Richmond with Peter Gray and Brahm Norwich. 2020
5. Trends in SEN identification: contexts, causes and consequences, Jo Hutchinson, Sami Timimi and Neil McKay, 2020.
6. Learning from the Covid crisis for educating children and young people with SEN / disabilities. Amy Skipp, Sharon Smith and Dominic Wall. March 2021.
7. How are schools coping with the impact of Covid-19 on the teaching of pupils with SEN: lessons for schools. Amelia Roberts, Beate Hellawell and Tricia Mahoney. June 2021
8. Rethinking parental partnership for pupils with SEN and disabilities in the current school context, Sharon Smith, Brian Lamb, Chris Firth, Candy Holder, Zara Bowden, 2022

Section 2:

Values:
Lizzie Harris: Headteacher Monega Primary school Newham

I am a Headteacher of a primary school in Newham in East London, which is part of a Trust which is an inclusive Trust . It has 8 schools in East London (Newham and Tower Hamlets), 3 with resourced provisions (enhanced provision) which opened back in 1990s. It has a long history of inclusive practice that has built expertise with high numbers of pupils with the most complex level of need.

I did a psychology degree specialising in autism. I was a teaching assistant for some time and then did my Master's at Birmingham University. I became a teacher, with a focus on SEND and Autism and then I became a deputy headteacher. Subsequently I was seconded to Tottenham to do a short headship. When one of the schools in the Trust had received an Ofsted rating of inadequate, I became involved and took the headship in sept 2018. I have been there for four years and last February it went from inadequate to outstanding. It is a very inclusive school which is why I I am not talking about values today.

I will be talking about values from the perspective of values in practice. I am not somebody who is doing research, though I use research to inform practices in the school. I do lots of practical things that really do help to make sure that inclusion works.

The points I will consider will be about our values and how they influence practice and their Benefits; what influences the school's commitment to a more inclusive education system. I will also consider whether high quality mainstream provision can exist alongside inclusive provision. In addition, how do people develop ownership and responsibility for all children in their community and finally some themes from the Government's SEND improvement plan and how it may influence practice. This will include what I would do if I was in the driving seat and I can make decisions about the types of decisions that I might make .

The school's ethos is a very simple one, it is based on those five words:
- Care
- Commitment
- Courtesy
- Consideration
- Cooperation

We call them the five C's that connect to everything we do. We expect people to demonstrate them, understand them, and see them in every sort of part of the school that includes staff and children. The children very quickly understand what those words mean and how we expect them to be demonstrated in the school. I believe that vision and ethos have to come first and I think if you have a really strong clarity of vision that comes from your senior leadership in any establishment that you are in. I am not saying that I am a top down leader, but as long as the leaders in my school are all saying the same things and believe them about inclusion, it really does kind of permeate into everything we do.

So, supporting and celebrating diversity and inclusion in schools works because it gives all children a potential to achieve and creates an environment where those with additional needs are not segregated or seen as 'other'. That is a really strong message that I am giving to all of my leaders and my teachers. If everybody buys into that message, it influences the way that children interact and all sorts of other dimensions within the school.

You will have been familiar with the Salamanca Statement – UNESCO World Conference on SEN, which states:

> '. . . Those with special educational needs must have access to mainstream schools which should accommodate them within a child-centred pedagogy capable of meeting these needs.
>
> Mainstream schools with an **inclusive orientation** are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all'. (UNESCO, 1994)

This position is principally about how educational needs with a child-centred pedagogy and mainstream schools with an inclusive orientation are the most effective means of combatting some discriminatory attitudes.

It is these values that underpin the work that we do in our settings. We have, within our Trust some resourced based schools. Some children have got PMLD and others with autism; we typically in Newham have children in ordinary schools who in other authorities would be in specialist settings. However, we do have a small selection of specialist schools.

I am fortunate to do quite a bit of international work in Bulgaria, Moldova and Holland with people who are at the beginnings of their journeys towards closing some of their specialist centres and residential schools for children with special needs. One of the things that I talk about with them is the benefits that it has for everybody not just for children with special needs.

The children in my environment who are typically developing have lots of benefits from being alongside children that have got a different profile from them. I believe it improves children's levels of concentration if you are in an environment where people are quite frequently dysregulated in your environment. For lots of people their first assumption is that this disrupts children's learning. Our view is that it does not disrupt children's learning. If you grow up in that system if you grow up in that model you learn to focus and concentrate above the dysregulation around you. So, that's one of the things that we would say is actually a benefit.

Access to a wider range of resources and teachers who are skilled in seeing the learning journey from the beginning to the end is another benefit. So, I have high expectations of my teachers that all headteachers will have, but I will equally expect them to be experts in all of the children in their room. So, they need to have knowledge and understanding of autism or Down's Syndrome or whatever it is that they may be facing. They need to have a breadth of knowledge and understanding. That has a benefit for everybody. As a class teacher you might not have a child with Down's Syndrome or autism, but you might have someone with communication difficulties or some sensory needs that would be undiagnosed. You might not have an identified special need; there might be some unique features which requires a really skilled teacher.

I think that probably one of the biggest benefits for typical children is growing and learning alongside people that have got a range of needs; it makes you very empathetic and equally it gives you a set of skills. So, all my children know how to sign, I am not saying they are BSL trained, they are not, but they do know the simple signs for lots of things. So, they can help people regularly. They equally know how to support children that are dysregulated and will step in and help. Sometimes they're the best supporters of children. So, they develop a range of skills that can help in their later life and careers that they may go into.

Benefits of inclusion for typical children

• Having a diverse classroom with a range of needs creates a humanist climate of giving.
• it improves children's levels of concentration.
• Pupils who attend inclusive settings are less selfish and more skilled at supporting others .
• Raises children's awareness of difference and helps them to develop respect for all people
• Helps to prepare them for the real world where they live in and inclusive society.
• Access to a wider range of resources and teachers that are skilled in seeing the learning journey from beginning to end.
• It is important that children focus on what children can do rather than what they lack. Children naturally acknowledge the achievements of pupils with SEND.
• They can be inspired by children that may have shown strength & courage against adversity. They develop awareness of their own limitations.
• Developing skills in engaging with others that have difficulties eg learning sign language.

In terms of benefits for children with SEN, I think being in a really complex environment makes you work hard. You are accessing lots of skills all the time and I think you have increased opportunities for interaction and social relationships with a range of different people and you have brilliant role models in an inclusive environment. I have been doing a piece of work recently where a school has set up a resource provision. This is about children who were in the mainstream and they have taken them out and put them in a separate space. II has been really interesting watching and talking to the people who are leading that project about the behaviours which the children are picking up within that separated environment. These children were in a mainstream and now in separate space and they are picking up behaviours from other children, maybe dysregulated behaviours, such as, throwing things, hitting people, that they were not doing in the mainstream environment. I am not saying that that is what happens with every environment, but that you do have a range of social skills and learned behaviours that children are able to use as role modelling. The children with SEN also have a greater opportunity from the breadth of the curriculum in a mainstream environment. Some of my children are considered as working at a really, high level and there are children in their cohort who can work with them at that very high level. So, in a mainstream environment you are doing every subject and everybody has strengths and areas that they can develop; the breadth of the curriculum can really help that.

I will consider next whether our values align with the Government's values. I believe that if you read the current document the messages can align with anybody's values because they are so wide. They are so broad that they are contradictory; there is a patchwork of bits that have been put together. It is full of soundbites that we would all agree. So, I do not think it

does not align with our values and I am not saying it does not align with an inclusive approach. However, it is not a very clear message; there is not a central theme that goes through it.

Benefits of inclusion for children with SEN

• Increase their social skills and communication skills using typically developing peers as models.

• Learning should take place in varied environments in order to maintain children's and to give them opportunities to generalise.

• Increased opportunities for interactions and models of social behaviour skills.

• They will experience a more complex environment that stimulates developmental progress.

• Children have greater opportunity to access the national curriculum.

• We feel that expectations in inclusive environments are higher and driven by the success of all.

I read it with an inclusive theme in my head, so that is the theme that I am finding. But, I think if you did not have an inclusive perspective you would read it and find the evidence for the other story. It does not seem to have any clarity of perspective about an inclusive model I think there are money-saving drivers in there and making mainstream schools more accessible to children with SEN might save money; that might be something that is coming through in the model. But, it does not have a clear central message.
One aspect which is not talked about enough is how to achieve these standards. There is talk about having the time to do this work, but there is not clarity of strategy about how that work is going to be done . One thing that is probably important is that it is the people who are actually doing it on the ground who should be writing the standards. These are the people who run the provision, the schools and special schools . It is about networking those people together to make sure the standards actually reflect what can be achieved in a regular environment. We all want high aspirations for our children, but I think there are a lot of words produced, some of which I agree with and lots which I could disagree. There is too much which can be interpreted however you wish.

For me the biggest contradiction is between the talk about mainstream settings being high quality and the talk about inclusive valuing of children with SEND with specialist provision delivering effectively and available locally for those needing it. So, what is being said is we want this to be brilliant, but equally we want this to be brilliant . I do not think any of us disagree that we want special and mainstream to be working in tandem, but they need to strengthen each other. But, there is a lot of power in language and about how they are going to deliver this story. It also depends on the motivations of those involved. So, I think

local networks of people actually doing the work who are probably best placed to be driving this through.

if I were making the decisions, there are a few things that I would be saying. One of them is I hate the phrase 'we can't meet need'. It is my most disliked phrase, one which is used a lot. I believe that it is a myth in most cases and I think usually it is usually based on dysregulated behaviour. So, if you meet a passive child that has SEN, nobody says they cannot meet need, even though cognitively they may not be operating at a very similar level to somebody else. But, if they show dysregulated behaviour the phrase 'we can't meet need' will come very quickly into a conversation, or it will come into the application process My response is share practice to enable schools to be inclusive with high attainment and standards. If the Government chose that they want to have a more effective inclusive model, special schools and mainstream schools have got to be complementing each other and supporting each other's views at local level. But, equally at a national level it needs to be talked about as a tandem kind of model, where there are benefits for both.
Ensuring the accountability will take place is also important. Sometimes schools will push back to local authorities, saying 'we can't meet need' or 'we can't take these children' who are floating within the system. It would be good if the accountability sat with groups of local headteachers. The decisions need to be made by joining up and working together to make those decisions, so that there is an accountability to find a school for this child in the locality. I think there is a lot of blocking in my view, a lot of gatekeeping of places for particular pupils and there are children sitting outside the system. If local headteachers had the accountability I am sure that might shift. So, I have talked about working together in tandem and national standards. I have also mentioned about how national standards need to be created; that the people who have worked in special and mainstream for many years have got that kind of knowledge and understanding required to do this.

I also do think there is money-saving to be made in inclusive teaching because the more special schools that you have, the more special schools parents will want. I believe that in a local authority that has a lot of special schools, you will have parents with children with dyslexia will come to say that their child needs a special setting. If you do not have lots of special schools, you have not got parents of a child with dyslexia thinking that they need to be in a special setting. I think what is required are really skilled teachers who have a really good diet of CPD that is inclusive and involves SEND. This is not CPD just about SATs results, or about the next Ofsted school inspection. If SEN is interwoven into your CPD regularly and the expectation is that your teachers will be really skilled, that is what you want for everybody. In addition, if you could remove children with complex needs from national data I believe that it would help inclusion and it might stop a few people saying 'we can't meet need'.

I will consider now what influences a schools' commitment to a more inclusive education system. We probably know as shown in the current news, that Ofsted is a huge pressure point for headteachers, but equally it is a huge driver. It makes you do things you do not want to do. So, if Ofsted came out and made a very strong statement about an inclusive model, headteachers would be driven to do something. They want to please people, so if we are given some guidelines we will go through them and judge whether they have done what is expected and how to do better. The people who are influencing how inclusive the

education system is Ofsted, the Department for Education and research. People will mostly follow research recommendation. Headteachers will make sure that they are interweaving the recommendations into their programmes and into their curriculum.

The School Inspection Handbook Influences practice in schools, The grade descriptors refer to:

> 'The curriculum is successfully adapted, designed or developed to be ambitious and meet the needs of pupils with SEND, developing their knowledge, skills and abilities to apply what they know and can do with increasing fluency and independence'. Teachers enable pupils to understand key concepts, presenting information clearly and encouraging appropriate discussion.

> Teachers check pupil's understanding effectively, and identify and correct misunderstandings. Teachers ensure that pupils embed key concepts in their long term memory and apply them fluently'. (Ofsted, 2022)

For example, in the 'outstanding' descriptor, amongst other descriptors it also states that

> 'Pupils consistently achieve highly, particularly the most disadvantaged. Pupils with SEND achieve exceptionally well'. (Ofsted, 2022)

It is clear that the Ofsted handbook is interested in SEND, but they are not shouting it loud enough. It is in the book but you have got to dig for it.

I will consider now whether high quality mainstream provision can exist alongside inclusive provision. In my experience the answer is a yes. We have ion the Trust 5 out of 8 schools 5 with outstanding and 3 with good Ofsted ratings. The performance in these schools is above the national average and local performance levels. We maintain high expectations for everyone. There is good support for teachers and good levels of intervention to enable children to meet their potential. However, it is the SENCOs still that have most of the responsibility. So the question is how do people develop ownership and responsibility for all children in their community? In conclusion, here are the key elements in response to this question:
> • Early identification and meeting pupils early; stay and play, nursery, mother and toddlers
> • Local partnerships/ forums for pupil placement; the pupil must be placed which setting is best fit
> • Brokering discussions in local networks; LA working with 3 local schools looking at numbers/ facilities etc
> • Good quality training at a local level and addressing the breadth of need; allowing all
> practitioners to become experts. This avoids the 'we cant' meet need' response.

References:
Ofsted (2022) School inspection handbook. (Accessed on 28.4.23
https://www.gov.uk/government/publications/school-inspection-handbookeif/ school-inspection-handbook.

UNESCO (1994) *The Salamanca statement and framework for action on special needs education*. Paris: UNESCO.

Section 3:
Curriculum, teaching and assessment:
Carmel Conn (University South Wales) & Andrew Beattie (Deputy Head / SENCO Becket Primary school)

This is presented in two parts:
3.1. Curriculum for Wales and learners with additional learning needs
Carmel Conn

Introduction
Wales is currently undergoing major reform of its education system, including development of a new curriculum and changes to the qualifications system, teacher education and professional standards. This paper sets out key features of the new Curriculum for Wales and considers these in relation to changes that are also taking place to the system for learners with additional learning needs (ALN). Opportunities of the new curriculum are discussed along with some possible threats to progress for this group of learners.

Curriculum for Wales
The new Curriculum for Wales has been described as typical of 'new curriculum' policy around the world in its focus on child-centred learning and the active role of the teacher, and its aim to develop particular types of individuals for the 21st century (Priestley and Biesta 2013). The curriculum, which has been developed by teachers, is a significant change from a prescribed 'top down' curriculum based on subject areas (Sinnema et al. 2020). It is an aims-based curriculum which is driven by four purposes and associated attitudes, values and knowledge. Thus, the curriculum aims to produce ambitious, capable learners who are able to set themselves challenges, apply knowledge and solve problems, enterprising, creative contributors who can think creatively, identify opportunities and express ideas, ethical, informed citizens of Wales and the world, and healthy, confident individuals who are ready to lead fulfilling lives as valued members of society (Welsh Government 2020a). Curriculum for Wales replaces traditional subject specialisms with six broad areas of learning and experience (AoLES): expressive arts, health and well-being, humanities, language, literacy and communication, mathematics and numeracy, science and technology. Recognising the importance of specific skills, there are also cross-curricular responsibilities, including literacy, numeracy and digital competence. It is not quite clear how the six AoLEs relate to the four curriculum purposes (Gatley 2020), but the expectation is that teachers will innovate curriculum content to meet the four purposes whilst also teaching disciplinary subject matter in a thematic way. It can be seen, therefore, that the curriculum marks a radical departure in what is taught, particularly within secondary schools.

The Welsh context is defined by persistent issues of poverty and inequality, and the ambition of the new curriculum is to address the attainment gap between learners by reducing the impact of disadvantage (Donaldson 2015). Curriculum reform is seen as a way of raising teaching and learning standards with considerable investment made in practitioner in-service training and professional learning (Welsh Government 2020b). The curriculum is committed to providing high-quality education that challenges pupils with aspirational goals, creates authentic contexts for learning, promotes creative and critical

thinking, employs assessment for learning principles and encourages learners to take ownership of their learning (Welsh Government 2023a). The centrality of the learner, which is a notable feature of the curriculum, is designed to support positive learning relationships, engage pupil interest and enhance the meaningfulness of curriculum content. Social-emotional development is a focus alongside academic development as a way of addressing the policy imperative of reducing inequalities and ensuring no one is left behind (Welsh Government 2021a).

Of significance in curriculum reform is the introduction of progression as an issue of individual pace of learning rather than chronological age. End of key stages are replaced with progression steps for each of the six AoLEs and these are a set of broad expectations at age 5, 8, 11, 14 and 16 which can be relaxed or accelerated depending on the progress of the individual learner. This marks a move away from the idea that a learner needs to be at particular stage at a certain age and a move towards the understanding that individual progress is often uneven and not according to a 'norm'.

Curriculum opportunities for learners with ALN

Along with reform of the curriculum is change to the system for learners who require extra support for their learning. As set out in the Additional Learning Needs and Education Tribunal (Wales) Act 2018, a unified legislative framework for children and young people has been introduced in Wales across the broader age range of 0-25 years, together with a single category of 'additional learning needs' (ALN) to replace the statutory definition of special educational needs (SEN). Statements of SEN are replaced with Individual Development Plans (IDPs) for learners who experience significantly greater difficulty in learning than the majority of others of the same age, now including post-16 students in further education colleges (Welsh Government 2021b). This means that only learners who require *additional* provision, that is, what is not generally available in schools and colleges, will be identified as having additional learning needs.

The new curriculum is designed to engage all learners and promote universal provision within schools, thereby reducing the need for a separate system of learning support. It is apparent that opportunities are offered by the new curriculum to assist this endeavour, particularly for learners with additional learning needs, some of which are discussed next. Underpinning Curriculum for Wales is the understanding that the curriculum is about social practice and is not simply prescribed content or transmission of knowledge. Principles of curriculum-making, such as being responsive to learners' interests and concerns as a way of promoting their engagement and active sense-making (Lambert and Biddulph 2015), pervade Curriculum for Wales guidance. Improved learner outcomes are seen as being achieved through high-quality teaching which, in turn, is the result of attention to the education system as a whole and capacity building here (Welsh Government 2019b). The different levels of the system – curriculum, pedagogy, assessment and leadership – are seen as highly interrelated in this respect, and improved learner outcomes are contingent on school improvement and the development of a culture of inquiry, exploration and innovation.

Wales has moved strongly in the direction of schools as learning organisations (Kools et al. 2020) and has made considerable investment in the development of teachers as professionals. Several government initiatives are underway which have the aim of developing teachers as inquirers (Welsh Government 2019a), teachers as pedagogues (Welsh Government 2022), and teachers as evidence-informed professionals (Welsh Government 2021c). In addition, a government funded MA Education (Wales) has been introduced and the professional standards for teaching and leadership substantially renewed (Welsh Government 2019b). Teachers have been given more power to decide what is taught, how to teach it and how to assess. For example, 'What Matters' statements provide broad areas to cover and the 'big ideas' associated with a topic for individual AoLEs, but do not prescribe content.

Flexibility is a hallmark of Curriculum for Wales and this was something we found teachers thought was particularly important in supporting learners with ALN (Conn and Hutt 2020). Teachers saw being able to make decisions about the organization of learning as an important way of tailoring curriculum and pedagogy to individual support needs. The introduction of progression steps was also thought to offer more flexibility, recognizing that all learners do not progress at the same rate or in the same way.

Some possible issues with Curriculum for Wales for learners with ALN
In its focus on high-quality teaching, learner-centredness and flexibility, it would appear that Curriculum for Wales has much to offer learners who require extra support. However, recent evaluation of Scotland's Curriculum for Excellence shows narrowing of the curriculum and poorer outcomes for disadvantaged learners, exactly the group it was designed to support (Shapira et al. 2023). Curriculum for Wales closely follows the Scottish curriculum and it is possible to see potential problems in the Welsh context too. One source of these may be the disparity that exists between top performing schools in Wales that have half the number of learners eligible for free school meals (eFSM) compared to average performing schools (van den Brande et al. 2019). Curriculum flexibility puts demands on teachers and requires extensive resources for curriculum delivery which may exacerbate the differences already existing between schools (Power et al. 2020).

Perhaps a greater threat for this group, however, is evidence of deep-rooted beliefs in ability hierarchies by Welsh teachers and associated practices of streaming and setting according to perceived 'low ability' and 'high ability' of learners (Welsh Government 2023b). This practice appears to be widespread in Wales, as it is elsewhere, but must be seen as problematic for inclusive education. Research indicates that grouping by attainment results in less effective pedagogy and poorer outcomes for learners in lower attaining groups (Higgins et al. 2015) and decreases motivation, particularly for those at risk of disengagement (Mitra 2018; Tereshchenko et al. 2019). Indeed, research in Wales suggests that teachers engage in implicit othering of learners with ALN whose needs are seen as beyond what can be expected in terms of ordinary practice, so placing them outside of mainstream provision (Knight et al. 2022).

Coupled with this is a lack of clear messaging about inclusion within the Welsh education system. Clear and consistent guidance is thought to be important to the achievement of inclusive schools, but it is evident that Welsh Government guidance draws from discourses

of performativity and social justice that are essentially incompatible. The ALN Code (Welsh Government 2021b), which notably is not a code of practice, could be criticized for its vagueness, but also for its focus on learning as an issue of the learner rather than external barriers to participation. These and other issues within the Welsh context would need to be addressed if improved outcomes for learners with additional learning needs are to be achieved.

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3.2 Curriculum, teaching and assessment for learners with SEND
Andy Beattie

Introduction
This paper is written from my own perspective, based on my teaching experience in inner city Derby over the last ten years, and primarily on my current one-form entry primary school where I am Deputy Headteacher and SENDCO. We have 211 pupils on roll at our school from Reception to Year Six as well as 39 children in our Nursery. Statistically, the is in an area of high social deprivation which presents challenges to the school. The index of multiple deprivation (2019) puts the school in decile 4 meaning that the school is in the bottom 40% of all council wards on the deprivation index. However, the neighbouring streets in which many of our families live fall between 1-3 on the scale, meaning that many of our families fall within the bottom 10% of deprivation nationally.   We serve a rich and diverse community with over 40 different home languages; 56% of children are defined as having EAL which is much higher than the national average.

The SEND Green Paper (2023) outlines many adjustments to consider in terms of the education of our learners with SEND, however, it felt that it was stating the obvious about what good inclusive schools across the country have implemented already within a very flawed structure and national system. The paper sets out strategies and perspectives on curriculum, teaching, and assessment in meeting the needs of learners with SEND as well as challenges faced within the existing structures.

Curriculum
Within our setting, there are six main areas that we consider when it comes to our curriculum:

- Inclusivity
- Same learning experiences
- Broad, balanced curriculum for all learners
- Preparation for adulthood
- Adaptive and fluid
- Personal-social development

Trussler & Robinson (2015:73) state that 'in preparing to teach inclusively, it will be important for you to develop strong team-working skill' – this is an area that as a school we have strived to achieve and this is reflected in our latest inspection report:

> Leaders are ambitious for all pupils, including those with special educational needs and/or disabilities (SEND). This is a highly inclusive school, where staff work hard to meet the individual needs of all. Leaders have established clear systems to identify pupils with SEND. The special educational needs coordinator works closely with parents and other agencies. They ensure that pupils with SEND are supported effectively and achieve well. Leaders have ensured that staff are well trained, for example in speech and language and emotional literacy support. Right from the beginning of the Nursery Year, children are helped to recognise and name their emotions. The vast majority of children are beginning to manage their own feelings and behaviour (Ofsted, 2023:2-3)

Through being highly inclusive within our school we are already achieving the vision of the SEND Green Paper of a 'more inclusive society that celebrates and enables success in all forms, with the cultures, attitudes and environments to offer every child and young person the support that they need to fully participate, thrive and fulfil their potential' (HM Government, 2023:7). This has not always been an easy journey but small steps in our curriculum design have allowed us to offer the same learning experiences to all our children through reasonable adjustments and being adaptive and fluid in our approach to the learning and experiences offered.

A broad, balanced curriculum for all learners is something that is a legacy of the Government's paper, *Teaching a Broad and Balanced Curriculum for Educational Recovery* (DfE, 2021), where schools were encouraged to cover the breadth of all the subjects post-COVID. However, there are many factors that impact the engagement of our learners – our school has had to become more adaptive and fluid, responding to the needs of the children at the time. Ogier and Eaude (2022:6) argue that there is a need for a holistic education, one that encompasses more than just learning skills but one that equips children to grow up in an increasingly diverse and globalised world. Within our school, we already strive to equip our children with the skills that prepare them for adulthood, including the ability to interact socially, show respect, resilience, empathy, and tolerance, which all contribute to one of the SEND Green Paper's mission that learners will be 'able to live more fulfilling and independent adult lives with improved employment outcomes' (2023:20). This was something that I have been in support of for several years, and in my previous job, I had the privilege of meeting with a leader of a Special College for 18–25-year-olds – we spent a day discussing preparation for adulthood. It was highlighted to me that a number of the young adults at the setting struggled with adverse weather conditions and the impact this had on them sustaining employment as they did not or could not leave the house if it were rainy or windy. Another area was linked to naming body parts and the safeguarding implications this had for these

children, leaving some of our most vulnerable in society without a voice to explain any abuse. These factors weighed on my mind and challenged me in thinking that we are working on a longer trajectory not just the time that they're with us in primary school, but what will it look like for these young people in the future?

Therefore, it is important that our curriculum considers the full range of our children's strengths and needs across all the dimensions of development (Frederickson and Cline, 2015:110) so that we are equipping them to reach their potential.

Teaching

Ekins (2015:43) states 'the most effective way to support all teachers to meet their statutory responsibilities for SEN is not through intensive, 'expert' input, which reinforces the notion that SEN is something different and difficult, but through collaboration and collaborative learning focused on developing a clear understanding of key principles of good teaching'. Within our setting we have worked hard so that every teacher is adopting good practice so that considerations of commonalities and differences are factored into the way that children are taught (Messenger, 2018:45-46). Staff are given opportunities for continued professional development (CPD) to increase confidence and developing their ability to respond to the diversity of need within their classes. We have been fortunate enough to take part in a Speech, Language and Communication Project, a joint initiative between the NHS and Local Authority, where two Speech and Language Therapists visited each week for 10 weeks to ensure effective delivery of interventions to support speech, language, and communication needs. The staff embraced the CPD and it has had a positive impact on their practice – it is important as school leaders to plan time to equip staff to do their best for all of the learners. Staff are confident in responding to the needs of the learner through reasonable adjustments, and effective deployment of support staff whilst ensuring that our learners with SEND are alongside their peers. This confidence has been supported through strong relationships with external agencies (Educational Psychology, Specialist Teacher for Social Communication and Autism; Speech and Language Therapists etc.) who have provided ongoing CPD and guidance as well as discussions around the recommendations by the Education Endowment Fund in the *Special Educational Needs in Mainstream Schools Guidance* (2020). A challenge that has been worked through with staff is changing the mentality of the 'velcro teaching assistant' – we have a responsibility to prepare the children in our school for adulthood and equip them with independence and personal social skills that are so valuable. As adults we rarely work in isolation, we're working with other people so why is there the practice in some schools that our learners with SEND are isolated from their peers. The teaching assistants within our schools need to be well-trained, properly supported and deployed effectively so that they can secure a good education for learners (EEF, 2020). A case study of this is William:

William who was diagnosed with ASD and significant speech delay at the age of three. When he started in Reception, his mum was distraught as she had been given a diagnosis but did not know where she could get support. As a school, we spent a lot of time building up that support, signposting her to different courses and groups, making sure that she had the right support around her and her little boy.

When he started in Reception, he struggled to access the classroom, recognise his name and had quite a complex sensory profile. Teachers and teaching assistants, supported by the SENCO, worked closely to support him to understand his name and

respond to his sensory needs – there was a need to be adaptive and creative in the support. He was supported one-to-one and in small groups to develop skills needed to access the classroom. Now, he accesses the classroom alongside his peers and shares in the same experiences – his favourite sitting in the police car on the playground and pretending to be a policeman. Through quality first teaching, responding to needs, making adaptations, shared experiences alongside peers, and effective deployment of staff his confidence has grown, and his speech, language and communication has progressed significantly.

The aforementioned factors contribute to the vision of the SEND Green paper for learners to 'continue through their education, [which is] centred around the aspirations, interests, and needs of the child or young person…[and] support children and young people to develop independence, contribute to their community, develop positive friendships' (HM Government, 2023:44)

Assessment
In terms of assessment, there are two interpretations of the word - the early identification of needs and assessment of and for learning. Wearmouth (2017:57) states that 'assessment of need should start with a whole school/college approach to monitoring all students' progress that can quickly identify where a young person is not making adequate progress'. One of the benefits of having a nursery at our school is we can identify needs early and start working with these children from a young age, challenging the view of the SEND Green Paper that 'children and young people's needs are identified late or incorrectly, with needs escalating and becoming more entrenched' HM Government, 2023). Through early identification of need we can ensure that the right support is in place for each learner for them to achieve their potential.

Assessment of and for learning for learners with SEND is a challenge due to their spiky learning journey, with times of progress and times where learning appears to plateau. It is important that schools consider carefully how they are going to track the small steps of progress that each learner makes so that learners, parents and staff do not feel demoralised or discouraged. Many aspects of learning cannot be measured in a formal way and those who do not meet age related expectations (ARE) are labelled as 'below ARE' (Reid, 2015; Colley, 2018), Trussler and Robinson (2015) discuss the importance of seeing past the label and assessing children's wider areas of development, not just cognitive, that we will be able to make sure that all children reach their potential (including those with SEND). Schools need to ensure that there are opportunities to celebrate those small steps of progress.

Conclusion
This discourse is by no means extensive, but it is apparent that there are considerations for curriculum, teaching and assessment to be addressed to ensure inclusive practice in mainstream schools. It is argued in Jordan (2009:541) that in developing the skills of teachers it may be necessary for them to make known their belief system regarding inclusion so that they are able to deal with their beliefs by having the opportunity to discuss and be challenged by their colleagues.
It is evident that there are ways that schools could be more inclusive – ensuring we understand the difficulty is not the child and strive to make reasonable adjustments. It is

important to develop individualised approaches and include the child in discussions and reviews (Soan, 2017:11-12; Ekins, 2015:175). It is important to remember that:

> Difference is not the problem; rather, understanding that learners differ and how the different aspects of human development interact with experience to produce individual differences become the theoretical starting point for inclusive pedagogy (Florian, 2010: 66).

We must ensure a clear focus on the pupil as an individual and establish practices that allow celebration of the diversity of pupil experiences, skills, strengths and learning needs, rather than preserving a model of uniformity (Ekins, 2015:175). In considering this I believe it emphasises the need for more effective identification of SEN at an early age alongside curriculums and teaching that meet the needs of those learners allowing them to fulfil their potential.

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Section 4:
Funding:
Peter Gray (Policy consultant; co-coordinator of Forum)

Introduction:
There is no doubt that a major motivation for the Government SEND review and improvement plan has been the spiralling costs of provision and services for children and young people with 'high needs'. Funding for this group of pupils (High Needs Block) is allocated to Local Authorities by central government as part of the Dedicated Schools Grant (DSG) and covers specialist and alternative provision (across the 0-25 age range), additional funding for pupils in mainstream schools and settings and the costs of some SEND support services.

The amount of funding given to each Local Authority is still largely based on spend when the DSG was first created, although the Government is endeavouring to move to a more equitable distribution through the National Funding Formula (Marsh, Gray and Norwich 2019). Following significant cost pressures in 2017/18, with most Authorities experiencing High Needs budget deficits, The Government agreed to substantial increases, which were built into the 3-year funding settlement. Further increases have been provided for 2023/24. However, the Government has indicated its intention to revert to 'inflation-only' growth from 2024/25 onwards.

Despite a 50% (£3.5 billion) increase in High Needs funding since 2020/21, a significant number of Local Authorities remain in deficit, with growth in spend continuing to outstrip increases in income. The Government has established an intervention programme to try and address this, with those with the biggest deficits receiving targeted funding and support through the Safety Valve programme and a further tranche through the Delivering Better Value initiative. An article in the Local Government Chronicle pointed out that around two thirds of Authorities are likely to get additional funding and support through these developments (LGC 2022).

A key theme within the SEND review and improvement plan has been the need to slow down the rise in numbers of EHCPs. The number has doubled over the last 7 years, from around 236,000 in 2015 to over 473,000 in 2022. There is a significant emphasis on the need to strengthen SEND support and early intervention so that parents can be more confident that most children's needs can be met through 'ordinarily available provision'. This has led to concerns among some parents groups and voluntary organisations that statutory entitlements may be diminished in the drive towards a more sustainable financial position.

The Government's funding proposals:

The SEND improvement plan has set out three proposals that specifically relate to the funding issue. These are:

1) *A consistent approach to identifying the level of 'notional SEND' funding within individual mainstream school budgets, through a common national formula*

Notional SEND is an indicative amount of money within individual schools' delegated budgets for spending on the general range of SEND and for funding the 'first £6k' that schools are expected to contribute to the costs of provision for mainstream pupils with EHCPs. Amounts are currently decided through Local Authority formulas which vary considerably (in terms of amounts and factors/weightings used). Variations can lead to schools seeing notional SEND as an 'LA invention'. The move to a national approach is intended to ensure greater consistency and to strengthen expectations, not just in terms of schools' spending decisions but also, potentially, as a focus for external accountability and inspection.

2) A system of national bands and tariffs

This is a significant element of the Government's proposals, being part of the 'national standards' that they expect to trial over the next couple of years. The main rationale seems to be to address the 'postcode lottery' which is a constant source of parental complaint, with children and young people getting different levels of support and provision depending on the area in which they live (and sometimes even within their own local area).
Local authorities that have used banding systems of this kind have tended to argue that they can help promote greater consistency in decision-making and greater clarity about thresholds for access to specialist provision. The Government's intention for this development may also include the need for greater regulation of costs in the independent/non-maintained special school sector, which are typically higher than in state-maintained schools.

3) A new funding approach for alternative provision

The 'top-up' system that was introduced following the national SEND reforms was also applied to the Pupil Referral Unit sector, despite significant objections from providers. They argued that the focus of PRUs should be, wherever possible, on short-term intervention, with the need for a more dynamic funding model rather than one that was associated with long term placement. In the early 'top-up' days, PRUs were often expected to submit monthly returns showing how many pupils were on roll and budgets were adjusted to take this into account. More recently, many Authorities have moved to a model where PRUs are funded upfront on a 'block basis', with some being specifically commissioned to provide an outreach service to mainstream in addition to their core role.

The SEND and AP improvement plan has set out a '3 tier' model for Alternative Provision (including PRUs) and the Government is proposing to develop a funding model that supports this. It is unclear what approach is envisaged, but it is likely that it will involve a more flexible system that enables more dynamic delivery of different levels of provision and support.

Issues with the proposals

Although the proposals sound sensible superficially, they do not address some of the key problems with the current funding system which are contributing to the 'SEND crisis'. There

is limited analysis or substantive reflection on the range of purposes that funding systems are expected to deliver or how the impact of different funding systems might be judged. There is a continuing commitment to 'pupil-led' funding as the Government's preferred approach, despite national and international research showing that this is associated with increased demand and higher levels of specialist placement (Meijer 1999, Ebersold & Meijer 2016).

This commitment grew from Conservative beliefs[1] that:
1) Pupil needs can be defined and categorised objectively
2) Needs should be assessed independently (rather than by Local Authorities who are seen to have vested interests)
3) Parents should have much greater choice about how ('their child's') funding should be used

The emphasis on parental choice linked closely with the belief that stronger SEND 'markets' would help improve quality and value for money.

The choice agenda was not limited to Conservative policy, with the Liberal Democrats (and to some extent, New Labour) having a strong interest in the use of personal budgets and their role in empowering parents of children with SEND and their families. The Coalition's move towards a 'top-up' system for High Needs funding was born from these roots.

There is no coherent analysis either of the reasons for the significant and continuing increase in spend on High Needs. The research by Marsh, Gray and Norwich referred to earlier in this paper found a significant correlation between higher spending Authorities and those with greater numbers of pupils in specialist provision. There is evidence from national data (DFE 2022) and the CSIE (2019) that spend increases have also coincided with significant growth in the numbers of pupils being placed in special schools and mainstream resource bases.

The proposals also fail to acknowledge ongoing inequities in the funding received by different Local Authorities (Marsh et al op.cit), which relate to history rather than the Government's own indicators of need. These have only been partially addressed through the distribution of funding increases since the High Needs national formula was introduced. Inequities have been further compounded by the large amounts of money provided to Authorities in the Safety Valve and Delivering Better Value programmes. A significant proportion of these LAs have been higher spenders historically. The implication is that those that manage their funding more effectively may be penalised.

There is also no challenge to the idea that EHCPs are the best way of targeting funding and resources to children and young people with this level of need. We know from experience that this approach is associated with a number of 'demand-led' features and tends to favour schools and families that are better able to negotiate the statutory system. Some Authorities have developed more innovative and creative approaches to funding pupils with

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[1] (see Balchin Report 2005 and elsewhere)

additional needs in mainstream schools and these practices are not acknowledged or validated[2].

Finally, there is no clear review of the merits of the 'top-up' system that was introduced with the SEND reforms in 2013. Specialist providers continue to complain about unpredictable funding, associated with pupil top-ups being decided individually at the point of admission. More inclusive mainstream schools have pointed to the disincentives to include, resulting from the need to find the 'first £6k' from their delegated budgets for pupils with EHCPs – an issue that affects all schools but particularly those with limited levels of ''notional SEND'. There is also a disincentive to include pupils with the most significant levels of need due to the more modest levels of additional support available through the top-up system.

What makes for a good SEND funding system?

My work on funding developments with a number of Authorities over the years has suggested a number of criteria against which SEND funding systems can be judged. These include:

- Achieves better outcomes for children
- Improves capacity of schools/settings to meet needs
- Supports greater consistency and quality in the mainstream/special school offer
- Ensures equity vs 'who shouts loudest'
- Targets those who are most in need
- Avoids 'perverse incentives'
- Avoids unnecessary bureaucracy
- Is financially sustainable

The current national funding system falls short on a number of these aspects. The 'pupil-led' funding approach encourages an emphasis on children's deficits (the bigger/the more of them, the more funding you receive). Decisions are 'one-off' with high risks of demand and pressure. There is limited contextual reference (eg why a problem may be bigger in one school than in another). Provision is over-individualised, with a strong narrative around the need for '1:1 support'. The system is inflationary and not responsive to pupil improvement (applications to cease statements/EHCPs have tended to be minimal). And the private negotiations between individual parents, schools and officers around the needs of individual pupils provide limited opportunities for school-level learning through peer support and challenge.

There is also evidence that this kind of funding model is also associated with a low level of satisfaction. In his original study of the relationship between funding and inclusion in 17 European countries, Meijer (1999) reported:

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[2] Despite strong early interest from the initial SEND review team

"In countries where the finance system is characterised by a **direct input** model[3]....the most negative voices are heard. These countries point at the different forms of strategic behaviour within the educational field (by parents, teachers and other actors). These forms of strategic behaviour may result in less integration, more labelling and a raising of costs. Much money is spent on such non-educational matters as litigation, diagnostic procedures and so on".

Experience in the UK, particularly since the top-up system was introduced, has matched this trend.

Other funding options

One of the assumptions of the top-up approach (and of the kind of national banding system that the Government wants to introduce) is that a single model can be applied to all types of provision (as children and their level of needs remain the same, whatever context they are educated in). An alternative approach would seek to strengthen the level of funding allocated at *school* level, matched by a different kind of accountability system (as discussed elsewhere in these seminar papers). Funding schools recognises that not all levels of provision can be treated the same. The next section of this paper considers other options for funding pupils with high needs in mainstream schools and settings, in special schools and post 16.

Mainstream

The definition of 'special educational needs' embodied in the 1981 Education Act introduced the concept of 'ordinarily available provision' with SEN being linked to those children and young people that required provision that was 'additional to or otherwise different from' the standard offer. The concept was always a relative one, with the possibility that, if ordinarily available provision was enhanced, then less would be required to supplement this.

The disadvantage of such a definition was the lack of clarity around the kinds of needs that mainstream schools should ordinarily be able to meet. It was not uncommon, during the 1990s and early 2000s for example, for statutory assessments to be requested for pupils with specific learning difficulties, which were increasingly being regarded as a 'high incidence need' (which all schools should be able to cater for). The profile of needs since then has changed significantly, with the highest proportion of EHCPs now being linked to pupils with a diagnosis of autism. Interestingly, these now make up nearly 40% of the EHCP cohort, but only 7% of pupils registered as needing SEND support. This data could be interpreted in two ways:

1) There is a growing number of pupils with significant ASD/ASC who all require substantial levels of support and provision
2) Autism diagnosis is more likely to trigger statutory responses, as ordinarily available provision is seen to be lacking or inconsistently strong

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[3] Pupil-led

Banding systems can be seen as a means of defining levels of pupil needs (and the support required) in a way that clarifies what mainstream schools should be responsible for. While this may work for areas of need where skills can be objectively defined (eg learning, physical and sensory difficulties), it is much more problematic where needs are defined socially or behaviourally. In many banding systems, judgements relate to the frequency of difficulties or the level of support that a child is considered to need (group; 1:1, 2:1 etc). Judgements can be subjective and link to how well the school/the child's teacher is responding to the needs of those individuals. When needs are not met, behaviour issues can often follow.

An alternative approach is based on the concepts of 'predictable and exceptional needs'. The argument for this model is as follows:

1) The majority of SEND is predictable. Most mainstream schools experience them on a regular basis, although differences in school demography may mean that some schools experience them more than others.
2) Most schools are (or should be) able to make the necessary adjustments and adaptations in their teaching and learning and organisation to meet these needs internally, although they may sometimes need an element of external advice and support.
3) Predictable needs include a broad range of difficulties: not just learning and behaviour but also a significant number of pupils who may have an autism diagnosis or are seen to have this kind of profile.
4) Because needs are predictable, funding should be provided wherever possible at a *school* level, to support the development of school capacity and a positive and ongoing response.
5) However, some pupils have needs that are *exceptional*: this is not just a question of their disability being rare or infrequently encountered; it is more about the level of input that is required, which is significantly above what any school could ordinarily provide.
6) These pupils will need to be funded at an individual level but the type of support will require judgement and understanding of the context of the school they attend.
7) A significant number of pupils currently being funded through the EHCP process have predictable needs. This implies that a proportion of funding held centrally would be better deployed if it was devolved on a longer-term basis for schools to manage.
8) Devolution would support an enhanced mainstream offer (ie raise the level of 'ordinarily available provision' so that it was better able to meet needs[4]).
9) Funding for exceptional needs could still be allocated centrally but not necessarily through a system that required statutory assessment of EHC plans.

Authorities that have adopted this kind of model point to the need for collective judgement about what constitutes predictable and exceptional needs, as individual school thresholds and experiences can vary. A particularly effective way of organising this function has been through the establishment of school clusters (usually locality-based and cross-phase). This

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[4] With regard to disability legislation, it could also be seen as supporting schools' anticipatory role in making reasonable adjustments in a more proactive way.

provides an opportunity for peer support and challenge, and the strengthening of mainstream practice as well as a more consistently targeted funding process.

It also offers the possibility of recreating coordinated support teams that can work with groups of schools in a more coherent way on intervention and capacity-building, rather than having their input increasingly restricted by a growing statutory assessment role.

Special schools

Funding individual pupils at the point of admission has two main disadvantages:

1) Schools are unable to predict what their profile of pupils and associated funding will look like from year to year. This limits their capacity to develop a longer-term staffing plan
2) In some areas, it means that there can be unhelpful debates about top-up levels at critical point in school/parent/LA discussions. It can also encourage parents to believe that provision is an individual entitlement when typically this will be organised on a group basis.

An alternative approach, already used in some Authorities, is to fund special schools on a moderated profile for a period of three to five years. The profile may be based on some sort of banding system/criteria, but this is moderated on a sample basis (through a collective process involving officers and other special school colleagues). Top-ups are then allocated on an average basis (linked to the school profile). This makes income and staffing more predictable. It also allows Authorities to commission more clearly, by indicating the profile of needs that it would like schools to meet (and providing the support and funding schools need to do so in advance of any new admissions).

FE colleges

The national SEND reforms transferred responsibility for the funding and commissioning of High Needs provision in colleges to Local Authorities. In many cases, they were unprepared for this role. The system that had been used to fund colleges up to then was not functioning well, with significant growth in spend and limited oversight of resourcing decisions.

In line with the Government's aspiration for a single resourcing system, LAs were required to determine funds on an individual student basis through the top-up approach. Colleges were expected to provide 'element 1' of funding for students with high needs. Elements 2 and 3 were provided from the Local Authority High Need Block. This model has led to the need for considerable administrative activity by both LAs and colleges as they seek to work out who is planning to enrol, whether their needs are such to merit additional funding, and what level of funding should be provided. The picture is made more complex by the fact that a number of colleges admit students from a range of Local Authority areas.

As for special schools, this leads to considerable uncertainty for colleges in trying to determine their income and what provision they will be able to make. The associated

bureaucracy is significant and takes valuable time away from ensuring quality provision and meeting students' needs. The focus on individual commissioning also distracts from broader levels of planning, with insufficient energy spent by Authorities on thinking about what sorts of courses they (and families/young people) want and how these could be provided.

Research carried out last year for the DFE (Gray, Richardson and Tanton 2022) found an increasing number of Authorities who were starting to look at commissioning *courses* on the basis that needs and provision could be predicted and funded at this level (with some variation in numbers of students).

The Government's proposals: will they make things better for children?

I have argued throughout this paper that the ways in which SEND is funded have a significant influence on schools' and families' experience of the broader system. The Government's SEND improvement plan does nothing to address the problems inherent in a pupil-led funding model and the move to a system of bands and tariffs could even make things worse. The ultimate test however is what it will mean for children and young people and their experience and outcomes. Working through some case examples in my presentation, I was struck by the lack of relevance this has to the key issues and challenges children currently face.

Will it be any consolation to Obi, who has had a traumatic childhood and several changes of school and carers and who is about to transfer to secondary, that he is graded SEMH level 4? Will it make it any more likely that primary and secondary schools will work together with him and his current carer to manage his transition in a positive and planned way? And will it help him and his school/family to access meaningful advice and support?
And what about Leanne, who has Down's syndrome and is in mainstream? She is about to move into Key Stage 4 and there are concerns about her level of curriculum access? How much impact on her current situation will be made by banding her as 'Level 3 Cognition and Learning'?

And then there is Ellie who is in reception and is presenting a number of social, communication and behaviour difficulties. She has recently been referred for assessment by the ASD team. Will she get a higher banding if she gets a diagnosis? And how will the funding support her transition into school, particularly if the school is not confident about meeting her needs?

All of these cases would be better supported by a more flexible and dynamic funding model which really did ensure that children did get the 'right support, in the right place, at the right time? Funding schools and settings, with the right set of accountabilities, would be more likely to make this happen. And more collective processes for targeting funds at those with the most significant (exceptional) needs would provide a major opportunity for strengthening the quality of provision for all children and schools.

Postscript:

This paper has not touched on the funding proposals for alternative provision, which at this stage are unclear. However, it will be interesting if the approach is designed to support a more dynamic provision and service model, while there is the potential for SEND funding to become even more inflexible.

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Section 5:
Support for inclusive practice:

This section contains a report of what Liz Robinson (Head of Inclusion: Portsmouth LA) presented at the seminar. The text is based on a transcript of her presentation drawing also on the PowerPoint slides used during the talk.

Her overview of the presentation connected to the practices around support that they have in Portsmouth. She started by a reminder of what the Improvement Plan said about support. This was about:

- National standards; evidence based support
- Increase the capacity of specialists
- New leadership level SENCO NPQ
- Review Initial teacher training
- A longer term approach for Teaching Assistants
- Practice guides for front line professionals
- Smoother, improved transitions

She said that her focus would be on several things that are really important. One is about culture and ethos and how that affects support. Another was about the national standards and what that might mean. Next was early intervention and how to incentivise inclusion. She started with some details about Portsmouth. It is the most densely populated city outside of London with some high levels of deprivation. The population is 214,700 with around 47,500 children and young people up to age 18. There are 27,202 pupils on roll of 61 schools, 4 special schools, 41 (67%) of these are academies (Several MATs). Portsmouth is ranked 59th of 326 Local authorities for deprivation (where 1 is most deprived). Free School Meal eligibility is 32.1% (22.5% nationally). There are 2,009 EHCPs and 3,550 children on SEN Support. Fewer children are educated out of city than their statistical neighbours or regional LAs and there are relatively low number of tribunals. There is an Increase in the complexity of needs, both in their specialist provisions as well as in the mainstream settings. However, recruitment and retention is a recurring theme. Portsmouth is recognised as being inclusive, having good SEND policy, process and practice, but to continue as such they need to respond to the increase in need and take account of the potential impact of covid.

She noted that based on what she heard in the morning from colleagues, that that the SEND and AP Plan is possibly catching up with some practice that are already operate and some of its detail is something many might all agree on. She then turned to the culture and ethos, what needs to be done. What they have seen in recent years is a move from a situation where a school might say 'have you thought about special school' to where they might be reassuring parents that they can meet needs in the school. She remembered that when she trained as a teacher the SEN Module was voluntary, only five of fifty did that module. She noted that things have changed and all teachers are teachers of special educational needs. But, there is a need to see is that teachers have that confidence and competence to be able to support children in mainstream settings. What is needed is training and support at all levels: the chief executive officer, headteachers, teachers, SENCOs and learning support assistants. There is a need to professionalise this group, provide training and appropriate payment to make sure that people stay, enjoy what they are doing, see they are making a

difference and do not go and work in Sainsbury instead. That, she commented, is happening in Portsmouth.

How are they trying to do that in Portsmouth? Something that is helping them is their Portsmouth Education Partnership (PEP). With the number of PEPs that they have, they are working together as a city to meet some of their issues and challenges. They have agreement with all their schools, all 61 that are part of their access protocol. For example, they are signed up to the ordinarily available provision, they have agreed to weekly sharing of attendance data so that there is quality assurance and collegiate approach; this is what they are trying to do across the city.

As she explained, the PEP is the building block, it is a starting point for them in the city. They have developed what they think inclusion is by working closely with people, parents, carers and professionals to agree what inclusion means to people in the city: i. achieve their potential from education and training, ii. build and maintain positive social and family relationships and iii. make a successful move to employment, higher education and independent living.

She continued that they are also doing work around relational practices in the city, with the premise that people will make positive changes when those in positions of authority work with them, rather than doing things to them or for them. This works not as a programme but as an embedded cultural mindset. This is about all working towards helping to develop what they want to achieve and is as much about pupil behaviour and adult behaviour in schools. They have experienced a significant reduction in suspensions in schools.

Next she went onto the national standards. Like many at the seminar, she mentioned that they started their journey by focusing on their 'ordinarily available provision'. They have set out what every school should be offering. It is about what is predictable, it is about SEN support and what all schools are expected to be offering. SENCOs, who are part of the inclusion support panel, which moderates educational health and care assessment requests, say that in their school they would be doing that already, but not in any competitive sense. She reported that a head teacher said recently that the ordinarily available provision makes it clear that any school should be able to manage the behaviours that they are seeing. There were now head teachers using that language about what should be done collegially and collaboratively in the setting. Not everything is perfect, she explained, but there were some really important foundations for them

In section one of the Portsmouth document on 'Ordinarily available provision', expectations for all settings include these areas:
- Partnership with parents and carers
- Assessment
- Pastoral
- The physical and sensory environment
- Teaching and Learning Strategies
- Resources
- Staff skills and training
- Transition

In section two, support for the broad areas of need are covered; social-emotional and mental health, cognition and learning, communication and interaction, and physical and sensory.

In the inclusion service which she leads, there are 106 members of staff organised into different teams with the aim to remove the barriers to achievement for all. Portsmouth children and young people, in particular those with special educational needs or from vulnerable groups. This includes enabling children and young people to benefit from education or training, with support, if necessary, to ensure that they can make progress in their learning, build and maintain positive social and family relationships, develop emotional resilience and make successful transitions to employment, higher education and independent living. This service comprises:
- Admissions, Exclusions & Reintegration
- School Attendance (CME, EHE, CIEE)
- Virtual School and college for looked after children
- Local Offer & Targeted Short Breaks
- Special Educational Needs & SEND Regional Co-ordinator
- Access and Entitlement (Home to school transport entitlement, free school meals)
- Educational Psychology
- Vision and Hearing Team
- Portage
- Careers and Progression
- Campaigns & Events
- Inclusion Outreach Service

She then expanded further about inclusion support. There is an outreach team which the authority re-commissioned three years ago to include the range of services that are listed above. The idea was to have one front door to make it easier for schools to get early intervention, so when they are stuck they can get unstuck quicker to support their children sooner. It is free at the front of delivery. But, as she explained schools also commission a range of different services as well within the city. So, the outreach inclusion service is about early intervention and as far as possible it is about building capacity within schools. They plan to put in a review cycle, which is in the Code of Practice.

So, these are some of the things that the Inclusion outreach services does, based on one front door for settings:
- Therapy services
- Behaviour support service
- Special school expertise
- Educational Psychologists
- Outreach SENCOs
- Portage (pending)

All their schools are using it and now in their third year of this re-commissioning, at least 50% are using it five times or more. What the schools reported back in their evaluation was about schools being able to change practice to meet the needs of their current children more effectively, improve support for their children and staff, leading to improved understanding of needs and how to support them.

She continued that something else that they have introduced has been the outreach SENCOs from mainstream schools. SENCOs can express an interest and be seconded to become an outreach SENCO which involves a school to school support. They have got five primary and two secondary ones. When their outreach SENCOs was asked what they were doing, this is what came back. Here is what one SENCO said:

> 'Although there are issues in the system there are issues in all
> systems and it is always easy to find the negatives. The SENCos we
> work with are passionate about what they do, they are always
> looking for new and innovative ways to support our children and they
> go above and beyond expectations to ensure they are doing the very
> best things for the children'.

This is what one of their secondary SENCOs said which is really thoughtful:

> 'I do feel that the mindsets of schools are shifting to become more inclusive and
> provide more of a structural intervention-based approach to support both SEND E
> and SEND K students. As such, the role of the SENCO as a leader is enhanced. As part
> of this, a significant amount of the support that SENCOs request is linked to
> understanding the interventions that could take place, how to quality assure/
> evaluate their effectiveness and develop their workforce to be effective in the
> delivery of them. How to structure their team/provision and work with other leaders
> to put whole school strategies in place. How can this be achieved within the finances
> available. I think this is a particular focus for secondary schools at the moment'.
> (SEN K and SEND E refer to two different levels within the graduated approach
> which is in the Code of Practice)

The authority, she noted, is also going to include the Portage programme in their offer. Portage is a Preschool intervention that has been used for a long time. They will introduce it into the foundation stage because of the skills and the practical knowledge that their Portage workers have got. So, they are going to commission them to do some work with their outreach service. There are also well-established SENCO networks to address the issue that being a SENCO can be a lonely place to be. This is about a network with good information exchange so that everyone is working together collaboratively and so SENCOs understand how budgets work. SENCOs found that really helpful because they do not always get told that in schools.

The authority also wants their Educational Psychologists to be able to work downstream and to do early intervention work; not always get stuck with the Educational, Health and Care Plan assessments. So, there is a new policy recently rolled out at their Teaching and Learning conference recently. The EPs will be doing some training as part of the Outreach service to their secondary schools.

They are also involved in support for neurodiversity. Just before the pandemic there was a decision to stop this wait for an assessment; waiting for a diagnosis. So, a profile tool has been designed. They have worked with parents, healthcare professionals and with education professionals to put together a Neurodiversity Assessment Pathway project through a co-produced approach. There is now a neurodiversity multidisciplinary team in the city to support parents and to support education settings around those particular needs.

This has meant moving away from autism to neurodiversity (ND) and they talk about being a needs-led city. So, they are trying to avoid the idea that a diagnosis is needed in order to access support.

They are also starting on practice guidance that is referred to in the SEND and AP Improvement Plan. Many have this in place already. At the moment they are moving to a skills and competency framework. Their ND teams started this and they are looking at a staged professional framework, from ND informed practices, ND skilled, ND enhanced and ND specialists. They are expecting their workforce to be not just in education, but across Portsmouth and to be done in collaboration. So, it is a new piece of work that they are just starting.

She mentioned then that there is also a priority education investment. This is because their attainments outcomes at Key Stage 2 and Key Stage 4 are not good in spite of all this fabulous work they are doing. They have been invited to join in this. One of their priorities is to ensure that they are putting the right training in place.
What feels really important to her, as she said, is to incentivise what they are doing. This is not about bonuses but making sure that they value and acknowledge what is good inclusive practice So, they have an inclusion grant in Portsmouth in which they ask schools to bid for up to £11,000 for a project.. For example, a school wants to make sensory room which helps the children who have sensory difficulties and are dysregulated. It works and is a way of saying: you develop, we will support. She wondered why this cannot be done nationally. She also noted that there will always be a place for special schools; they have got some excellent ones in Portsmouth which are recognised as outstanding. But, they need to look at what is being done to support development with our mainstream schools as well and put money into that.

In conclusion, she mentioned that she had more to say about recognising and valuing what is happening in schools because they have had some really good examples in Portsmouth. She asked participants to think about GCSE results day in their area, what gets in the newspapers – are they children that are holding up their ten A* GCSE? What about the children that have completed a functional maths qualification; what about the children that have learnt to navigate across town independently on the bus? That is what young people with SEN from Portsmouth tell them that they want to be able to do: travel independently. How to recognise that? So, she concluded by saying that she would really like to see that valued and recognised. She noted that it connects with the previous presentation about the curriculum model in Wales. There is a need to broaden the curriculum offer across all their schools and make that something to celebrate. If the aim is more pupils with SEN in our mainstream schools receiving high quality support, then there has to be the right curriculum for all our children.

Section 6:
Accountability:
Chris Robertson (SENCo Forum; SENPRF lead group) & Brahm Norwich (University of Exeter; co-coordinator of Forum)

Introduction
This paper addresses these two seminar questions:
- What accountability systems could enable schools to be *more inclusive* while promoting *excellent mainstream provision?*
- How do accountability systems need to change to ensure that schools are positively encouraged to be inclusive and there are no 'perverse incentives' to that compromise good practice?

It is organised into six sections which will cover 1. An overview of the current accountability system, 2. what the SEND Review Green Paper (GP) (DfE 2022b) states about this topic, 3. The SEN Policy Research Forum position on the GP, 4. what the SEND and Alternative provision (AP) Improvement Plan (IP) (DfE 2023) states, 5. what missing from the IP and finally 6. Some proposed alternative accountability approaches.

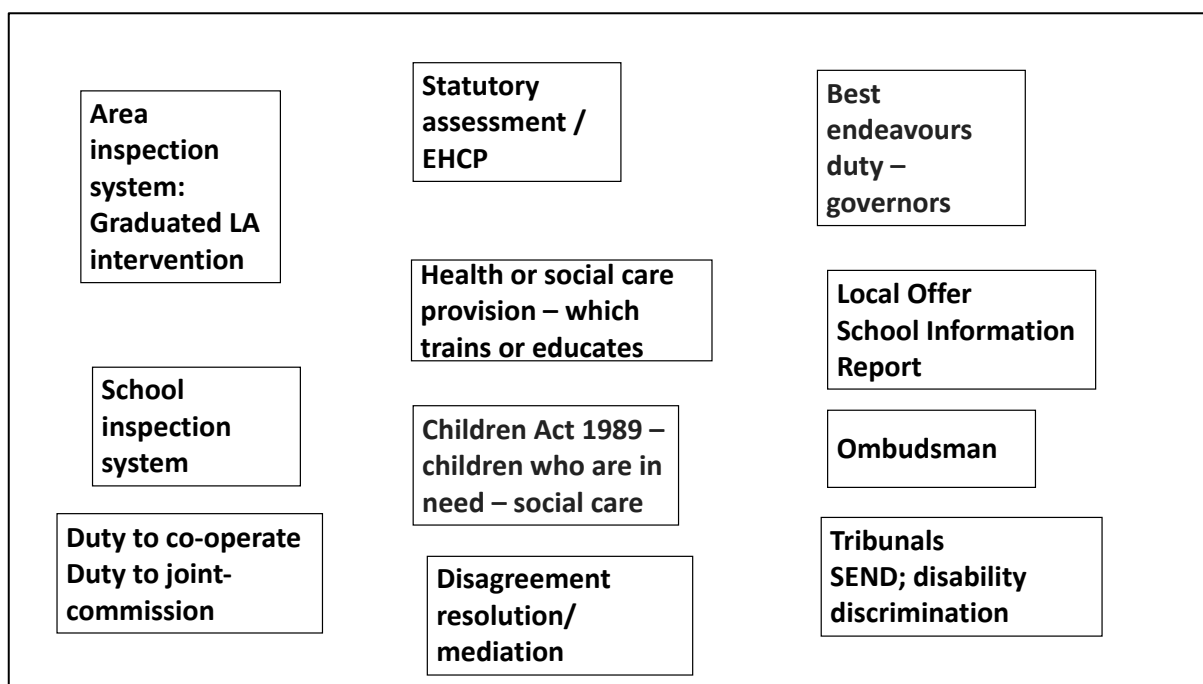## 1. Overview of current school accountability

Figure 1: Overview of current school accountability relevant to SEN/disabilities

Figure 1 summarises some of the key accountability measures which currently operate, covering the school inspection system and local area SEND inspections by Ofsted-CQC. There are other measures that are part of education legislation, such as the statutory assessment/EHCP system, disagreement resolution and mediation, the local offer and school information reporting. In addition, there are Tribunals and disability discrimination measures, best endeavour duties on school governors, duty to cooperate in joint commissioning, duties relating to the Children Act 1989 for children in need – those in social

care as well as requirements for health and social care provision which trains or educates. Taken together, these illustrate how the school and related systems are directed by what appear to be strong accountability measures. At the same time, it is also evident that, in many instances, these measures are not working and have not been doing so for several years. This is illustrated in the recent research report *Failed and Forgotten,* published by the Disabled Children's Partnership (2023). The report highlights widespread accountability failure across education, health and social care, and the integration of services. It recommends that:

> '[th]e current system supporting disabled children and their families must be improved to ensure that services and statutory bodies are accountable for adhering to legislation and requirements set out in law.' (p.28)

Clearly, this is an indictment of SEND policy – underpinned by the 2014 Children and Families Act and earlier legislation - that is premised on effective and wraparound service design and delivery. The recent Covid-19 pandemic magnified policy failings (Skipp and Hopwood, 2021) that were already manifest.

2. What the Green Paper says and does not say about accountability
The GP sets out an ambitious plan for how to deliver a more inclusive single SEND and AP system, one which is described as underpinned by strong co-production and accountability at every level (Executive summary, p.13, section 24). It also states that there is need for funding reform and strengthened accountability: 'We need a strong focus on delivery, supporting the move to a more inclusive system' (Chapter 1, p.25, section 35). In addition, the GP states that what is required is

> '…a system that promotes a collaborative approach to supporting children and young people with SEND, built on common understanding of needs and provision, with effective joint working, mutual trust and accountability between all system partners.' (Chapter 2, p.29, section 6)

Some examples given by the GP that will lead to strengthened accountability include these two, one about DfE action and the other close linking with the NHS. For the first example, the DfE, as the regulator, will instigate new funding agreements with Local authorities (LA) to provide greater accountability and transparency in how high needs budgets are spent to ensure that there is value for money (Chapter 5, p. 67, section 7). The other example is about the Regional NHS England and NHS improvement teams (Integrated Care Systems) working closely alongside the SEND Improvement teams in DfE to ensure that improvement and intervention action is well aligned and has impact across the system (Chapter 5, pp. 68-69. Section 12).

There were also statements about updating performance metrics for education providers. This was in recognition that some mainstream schools are inclusive and support children and young people with SEND, with the comment that there were too many examples where this does not happen. The GP also recognises that accountability measures can be seen as a disincentive for schools to be inclusive with welcoming schools becoming magnets,

something described as unsustainable. It does acknowledge that: 'issues are complex, with a range of incentives pulling in different directions' (Chapter 5, p.71, section 21).

So, the GP does claim that there needs to be a balance struck between Inspection and performance indicators for education provision that address adequately the complexity of the SEND cohort. This balance the position claims has to ensure that there is a:

> 'true picture of performance to hold schools accountable for the outcomes of children with SEND, and their role in delivering these outcomes'. (Chapter 5, p.71., section 21)

But, this raises questions about how a statement like the one above addresses the problems recognised in GP? Is it to strike the same or a new balance? The GP proposals to update performance tables and consider contextual information are not specific, so it is hard to know if they address the recognised problems.

On the Ofsted school inspection framework (Ofsted, 2022), the GP welcomes the greater emphasis on supporting pupils with SEND to succeed. It refers to how schools are expected to provide for all the same broad/ambitious curriculum, while recognising that schools pupils with SEND have different needs, different starting points and support levels and there being a need for well-designed curricula for individual needs. However, there are some crucial questions about this statement: if to be judged outstanding, settings must show that children and young people with SEND achieve exceptionally well, how will this be judged? How is this done in practice?

About the local area SEND inspection (Ofsted-CQC, 2023) the GP is also pleased with new framework that started in 2023 and its ongoing cycles of inspections and visits. This is seen to sharper the focus on the experiences of children, young people and parents in relation to progress, outcomes and impact of services across education, health and social care. The new framework also looks more closely at children under 5 and those between 16-25, including alternative provision, all of which are seen to be able to Inform the development of the proposed National Standards.

3. Issues raised by the forum about accountability in the SEND Green Paper
The SEN Policy Research Forum (2022) submitted some comments to the consultation about the Green Paper. One of them was critical of the weak link between the GP and the concurrent White Paper (DfE, 2022a) proposals about the targeted support for pupils 'fallen behind', which was proposed as a strengthening of accountability. The point of criticism was the narrow focus on English and Maths, but also about what the catch-up expectations were got those where the gaps were not expected to close? One concern raised was whether this will lead to increased SEN identification? Basically, a lack of detail was identified here, especially about how fractured relationships between professionals-parents would be repaired given the significant erosion of trust. There was also detail missing about the accountability measures for joint commissioning and working because statutory responsibilities in Education, Health and Care are not well integrated. A final question was also raised about whether mandatory mediation would aid or hinder the rebuilding of trust between parents and professionals?

The specific issues raised by Forum about accountability in the Green Paper included the following. The situation is still that most of the accountability is placed with LAs, even though they have much reduced powers and capacities regarding schools, though it was noted that that has been some 're-balancing' within SEND accountability systems towards schools. Another question was about whether having the Chief Executive Officers (CEOs) of Multi-Academy Trusts and CEOs in the Local SEND Partnerships will ensure the proposed standards are met and how far will their accountability extend? There were also concerns about whether the proposed national standards will be well-based to be relevant to range of pupils with SEND? There were also questions about how these standards will be conceived and developed? Finally, there were questions about the nature of school inspection. One was that given that school inspection is hierarchical, will SEN in mainstream be given the same weight as other quality areas and also cover admission, exit, exclusion and in school performance? Secondly, as research indicates: hierarchical accountability less impact on school developments, what plans were there for using more participative and developmental accountability approaches?

4. What the improvement Plan (IP) says about accountability

We present this in two parts, first, an overview of the IP and second, the place of accountability in its formulation (see Figure 2 below), and second, how the IP will seek to strengthen accountability (see Figure 3 below).
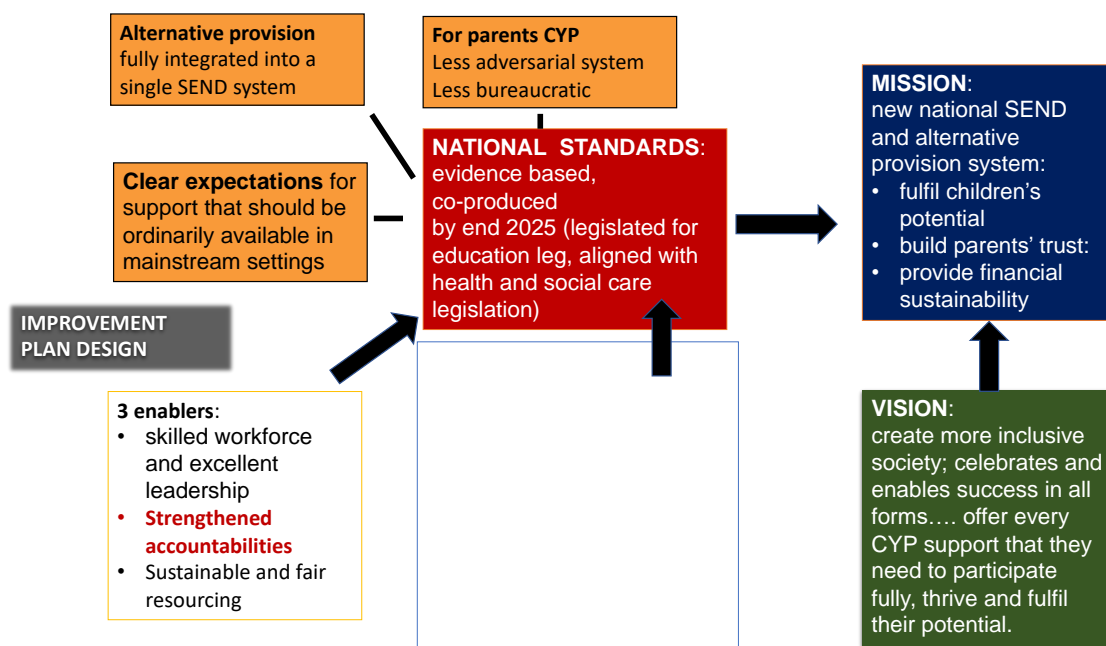

Figure 2: Overview of IP design (based on analysis of IP's executive summary)

Figure 2 shows that the proposed national standards are the centre piece of the IP leading to the mission for a new system and informed by what the IP calls its vision, which is framed in terms of an inclusive society (note that there is no reference to an inclusive school). These national standards will have these features: be parent friendly, and Alternative provision system integrated into SEND system and set clear expectations. Strengthened accountability

is presented as one of the three enablers for these national standards, alongside workforce and resourcing factors.
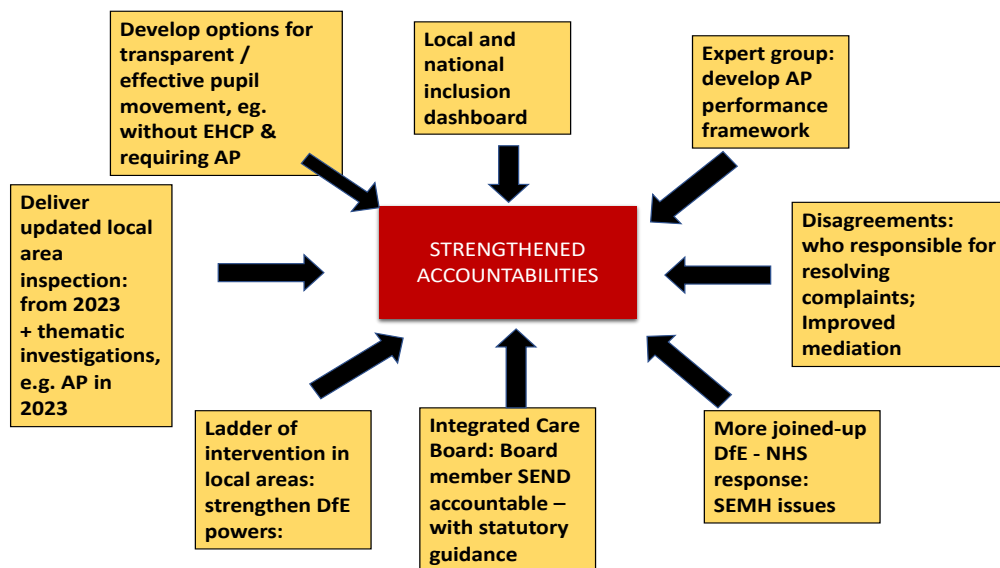

Figure 3: How the IP will strengthen accountabilities.

Figure 3 shows the key IP points that are relevant to accountability. It is clear that the National Standards underpin new SEND & AP system: and also accountability. Setting the National Standards then becomes the key to the proposed improvements. Here the IP talks about having 'clear and ambitious expectations for what good looks like in identifying and meeting a range of needs' (Executive summary, p.8, section 14). However, not much detail is presented beyond stating that the standards will encompass the spectrum of need, provision and multi-agency support and that they will clarify: i. types of support to be made; ii. who to make provision available and iii. which budget from – addressing an accountability gap.

5. What is missing from the IP:
In this section we identify what we consider is missing from the IP based on the content of the GP, the SEN Policy Research Forum response and other criticisms.

- Weak link to the 2022 White Paper proposals: this relates to the previously mentioned point about targeted support for pupils 'fallen behind'.
- The integration of the accountability measures for joint commissioning and working between Education, Health and Care systems (e.g. National Institute for Health and Social Care Excellence guidance on service for children and young people with complex needs, 2022): Early indications have illustrated the challenge is significant, as shown in Integrated Management Board priorities (Disabled Children's Partnership, 2023)
- Mandatory mediation GP ideas have been 'softened': No changes to SENDIST role in disputes or the Ombudsman role are identified. There have been concerns about the waiting lists for SENDIST hearings. The Ombudsman remit has not been extended to include what takes place in schools.

- Multi Academy Trust SEND accountability: The Academies Regulation Review is pending. Will this include descriptors about inclusive education?
- Will the new national standards be relevant to the range of pupils with SEN/D? A key purpose is to strengthen the failings of SEN Support – for children and young people with SEND but no Education, Health and Care (EHC) plan - identified in previous policy planning.
- Failure to respond to clearly identified problems related to local authority and other services compliance with statutory duties. Instead, the IP (Chapter 5, p.74, section 11) pushes these endemic difficulties down the road, stating that 'we will evaluate the full evidence base of where statutory duties are met and not met across the local SEND and alternative provision system, to consider mechanisms to ensure we are able to be more robust with any partner that fails to meet their statutory responsibilities.' This hesitancy is only likely to further deepen the distrust of parents and families who continue experience delays in accessing support and provision.

6. Proposed accountability approaches to be more inclusive
In making the following seven proposals we are putting forward a blend of ideas, models and strategies with the aim being to avoid perverse incentives.

1. For National standards to be centrepiece, their development is not only about processes at every level in system (as in the IP), but also content – what an 'inclusive school system' looks like. Process is not enough; specific content is also crucial.

2. Understand how accountability is inter-dependent with other school systems. It is important to recognise the interdependence of SEND with other sub-systems such as those shown in Figure 4 below. In this way the dominance of other sub-systems over SEN/disability one can be managed more effectively.
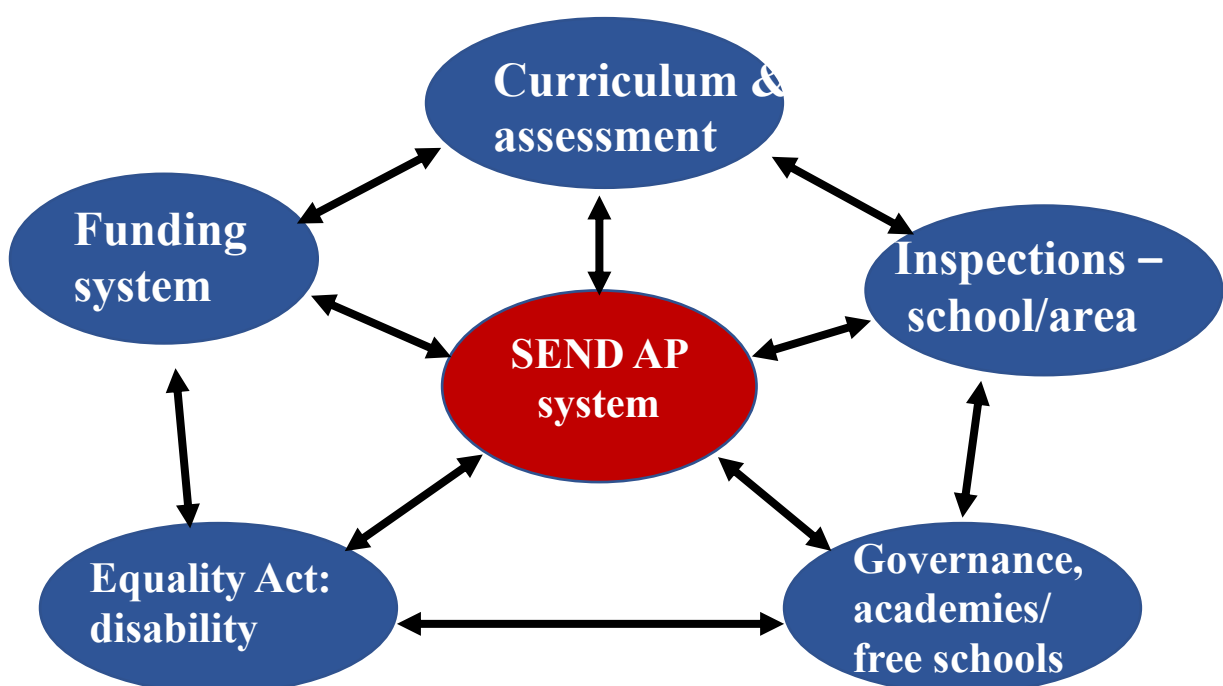
Figure 4: Inter-dependence of SEND and Alternative Provision system with other sub-systems

3. Clarify how terms are used and what want to mean by them: for example a 'more inclusive SEND system' and an 'inclusive system with excellent mainstream provision'.

4. Recognise that there can be tensions between the purposes and design of the general / mainstream system (DfE 2022a White Paper) and 'more inclusive SEND system' in the mainstream (in the terms of the GP). It is proposed that these historic tensions can be managed in terms of a *balance of rights* (Gillett-Swan and Lundy, 2022). This is about finding the balance between the rights of the child with a SEN, other children's and teachers' rights.

5. With a hierarchical school inspection system, the same weight should be given to SEND as other quality areas. This will cover admissions, exit/exclusions and in school performance.

6. If there is acceptance and support for the use of some separate settings for some children and young people, then the specific design of a continuum of provision is required for deciding on National Standards. This requires decisions about what is involved in an *inclusive continuum* which be informed by thinking about 'flexible and interacting continua' (Norwich and Gray, 2007).

7. Adopt more participative & developmental accountability approaches; more likely to impact inclusive school developments (Roberts, 2020).

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Section 7:
Group discussion summary

Introduction
This summary is based on a thematic analysis of the report back from the in person and online discussion groups with the zoom chat comments also included. The analysis started with the 5 topic areas covered in the presentations as organizing themes and also identified in a more grounded way emerging themes. The dominant emerging 'general points' theme was then further analysed into sub-themes, with which this summary starts

Clarification & consensus:
The clarification of key terms was called for; what we mean by inclusion, do we all understand the terms 'specialist provision', 'alternative provision' and the myriad of other terms. This connected to the question asked about whether we are all – by which was meant all, including all interested parties and the Department for Education - on the same page in terms of what those terms mean? This was also expressed in terms o concerns about the vague use of terms – e.g. 'inclusion', 'quality first' and 'responsibility for all children'.

Where change to start:
There was some consideration about where change could start from; in terms of basic principles. One view was that children have rights ; they had a right to education and they had a right to reasonable adjustments. This was seen to be the alternative to worrying about categorization and putting them into categories. This line of argument proposed that the start would be from somewhere like the Equality Act which encapsulated some of the key principles. However, while another group recognized the need to be a clearer about a 'rights' approach, there was also some debate about limits to the 'right to mainstream'. This was about considering the needs of those with particularly complex/significant needs (PMLD etc).

Change model and approaches
There was some doubt about whether prescription from central government were likely to work at this stage. This was shared by others wwho questioned the viability of change of developing good practice with a top down model. What one group considered how to develop and extend good practice. More participative and bottom up approaches were favoured. This could involve local collaboration not just between mainstream but also between special and mainstream. Here it was important it being local and having an identity to it. This identifying and extending good practice was presented as learning from existing strengths. The Improvement Plan was criticized for saying very little about the use of local collaboratives such as clusters of schools (despite their early interest in this). Solihull was mentioned as one of the latest LAs to engage at this level. The Welsh idea of 'communities of practice' was recognized as more enabling, with one group noting that good practice would still need to happen 'in spite of' national policy. In addition there was also some reference to using incentives to improve inclusion, e.g. the Portsmouth Fund, which allowed schools to bid for additional funding to develop inclusion areas. There was also talk of about incentivising early intervention.

How to define national standards?
Some expressed doubt about whether National Standards would actually improve anything and whether it might become a race to the bottom; getting schools to do more with less. One related view was about whether we need the proposed National Standards or just better funding, enough support staff and proper SEND training for school staff. There was also a question about how to define the Standards separate from the legislative requirements that currently exist. There were also ideas about the focus for these standards and who decided them. One group urged that deciding national standards must come from a wide interested parties, while another considered that National standard focusing on what is 'ordinarily available' as an expectation with the resources to implement this would go a long way in meeting need.

Message for politicians:
One key issue was raised which is about how to portray a complex area link SEND simply enough for politicians to understand and engage. This was seen as more complex than the current political agenda in education which simply equates good and outcomes; a good education system is getting lots of people through the attainment and exam systems.

Inter-service cohesion and more integrated system
Having a more integrated system was also favoured rather than a separate SEND system. This was presented as a system where a continuum of provision can respond flexibly to diverse aspirations. However, it was also recognized that more inclusive schools may develop as "magnet schools" as an unplanned consequence of other schools' behaviours. More cohesion across education health and social care was also mentioned by some groups.

Tensions
It was suggested that the Green Paper and Improvement Plan avoids the 'big questions' and pretends that problems with 'ordinary provision' do not exist, e.g. tensions between the White Paper and Government guidance on behaviour and discipline. It was also acknowledged that there was some need for competition, as it can drive improvements, while also recognizing that cooperation and collaboration had been lost. This was a delicate balance. Another issue that was recognised was the tensions between SEND professional specialisms and adopting inclusive curriculum, teaching and whole school approaches. Tensions within the staff group were also recognised in whether SEN Coordinators wanted to be on senior leadership teams (SLT). Bath Spa University research that some SENCOs completing the SENCO course did not want to be SLT because of a 'teachers and leaders.

What follows now are the analyses relating to the 5 core foci of the framework:
Values:
There has been a long standing need for some consensus about what a vision looks like. This is in the context of there not being a very inclusive education system in general (e.g. the hands-on working jobs are not celebrated). This shared vision and values was required at all levels. Some saw this in terms of a need for cultural change to inclusion and attitudes. Another line of thinking was that inclusion be by design; did not want to see inclusion as a bolt-on thing, but all signing up to the same set of values; all teachers and parents and all partners health and social care. For some, what was missing at the moment is imagining how schools could be in the future; not limiting our ideas of school to buildings but rather to

communities. In addition, it was also believed that there is a lack of acknowledging intersectionality; how various and sometimes conflicting cultural understandings and expectations. This shapes how inclusion is understood and 'what good looks like'. This is not addressed in the IP but was also not addressed enough in the seminar. Finally, it was suggested that having inclusive values was important, so was pragmatics and knowledge to make the system work.

Curriculum, teaching & assessment:
One main point was one that went across this broad topic. This was about how provision for children and young people with an SEN Support 'level of need' can be improved, something that the Green Paper and Improvement Plan had not addressed in any detail. This is a large group (12.6% of England's school population in January 2022) and presents complex challenges that require careful consideration. This is about conceptualising and supporting learners, such as, those with a 'moderate learning difficulty' and those on the autism spectrum.

Curriculum:
There was a lack of attention in the IP regarding preparing children and young people for adulthood, although some schools are developing their curriculum particularly at Key Stage 4. The need to keep the longer-term picture in mind was stressed. Attention needs to be given also to the curriculum and vocational offer with a focus on independence and empowerment. Supported internships may be helpful but are not the sole answer to improving and maintaining access to employment. The Wales curriculum model was thought by some to have the feel of being 'child centred'. One interpretation of the IP was that there was too much focus on schools having to fix society and create perfect citizens.

Assessment:
The broad suggestions here were for less reliance on academic measurement of progress and more recognition of the importance of relative progress. This focus on progress in specialist provision needs recognition; measuring progress from the individual's starting point as what we mean by progress. Part of this approach is to broaden outcome monitoring and measures from being solely quantitative to qualitative. What is required is a system that encompasses the attainment of all children in school and relevant ones for those in the Resource Provision.

Teaching;
There were general points about teaching as well as more specific ones which follow below them. Opportunity for teachers to practise the art of their profession was seen as important by some. This is about designing the curriculum and experimenting with their pedagogy in a way that has probably been missing or eroded out of education for a long time. Part of this general approach is to consider every intervention as an experiment. This frames teaching as finding out about outcomes and trying something else; it was suggested that this is a really good way of taking a parent on a journey with you. A related way of seeing this was about going on a journey of steady growth with pupils to understand their needs. This contrasts with how schools sometimes feel under pressure to find quick answers and diagnoses with interventions having to work. This is about getting value for money and proving outcomes. In addition there were some specific general points. There was interest

in the Portsmouth account of the neurodiversity profiling as an example of building on that innovative practices in individual areas or schools. Another was about how SENCOs in a NEU survey reporting that they need time to access specialist support in a timely way and have administrative support, so they can support classroom staff and not just do paperwork.

Teaching sub-themes:
Deficit model
There were several mentions about moving away from looking at what children cannot do – presented as a deficit model - to trying to measure what schools are doing in terms of inclusive practice, based on all the great examples of what schools were doing. The excessive focus on deficits was presented as a product of the current system with its inflexible expectations and narrow accountability. However, while urging a move away from a deficit model on all policy levels, on one hand, and see the idea of defining 'ordinarily available' provision as one way of moving away from an individualised deficit model, on the other, there some doubts about how this can be meaningfully done in the context of so much diversity across the country.

Training & CPD
One reminder was about how Initial Teacher Training should reflect the priority given to all those who have a SEND (EHCPs and SEND Support). In emphasizing that the delivering good quality teacher training and CPD, this was about the need to focus on becoming flexible, fluid and attuned to learners rather than have kind of training sessions so often provided. Ongoing CPD issues were identified that were only partially addressed. There needed to be a much better conceptual framework for workforce development which was more coherent and inclusive (linked to the notion of a continuum of provision). CPD for educators needs to be reimagined; this could be framed as moving away from 'training' to 'becoming' so that we can support flexibly and fluidly strengths rather than focus on needs / difficulties.

Support for inclusive practice:
There were much fewer points under this than the other starting areas. One was an observation about recognizing the impact of SEN support services on the sustainability of placements in ordinary schools and the demand for entry into the SEND system. Another was about the need for more networks for parents at an earlier stage to resolve any issues and concerns and before they become desperate.

Funding:
Comments were about the importance of how funding is arranged. The options were presented as between funding education as a whole versus funding individual, with examples of where enhanced devolution of funding can enable school leaders to work together more collaboratively. This was about the role of school forums in which headteachers and governors sitting on that forum could link policy with how schools are funded. The dynamics of how different approaches to extending the devolution of High Needs funding to schools was also noted. There was reference to the Effective Practice in HNB research which is about the predictability of cohorts with significant needs and the consequent predictability of the courses, level of study and support needed. The current laborious approach of individual funding was contrasted with the institutional focused funding approach (eg: Block Contracts) that would provide commonly requested /

predictably needed courses with the right level of support and expertise. However, it was also noted that parents may be concerned about insufficient personalization; which may restrict choice resulting in the need to reconcile cohort provision needs with individual rights for choice. One policy option was stated as about funding schools to provide for all including those with SEND or funding schools for all except those with SEND, and then financially incentivise SEND to access targeted in-school resources and LA delegated HN funding?

Accountability:
The general position was that there has to be an accountability for inclusive practice. Some focused on school-level accountability for inclusion and raised the issue of the disincentive for schools to have a resource provision because of fears about Ofsted inspection reports. This is about inspections separately taking account of the attainment levels and other indicators that are relevant to those in the resource provision. Another group wondered whether the Regional Schools' Commissioner could ensure the National Standards. However, it was suggested that this role would need to be tightened as at present it is like a 'toothless tiger'. There were also questions about the accountability of school leaders and MATs in the context of delegated funding. It was also noted that the current Ofsted Inspection framework for schools does not fully explore the impact of School Leadership on inclusion and inclusive practice. (see Webster's Inclusion Illusion). A final area raised was how would we know if a school was inclusive, how were Ofsted going to examine all of that, e.g. how would you measure a school's welcoming resource? The sub-theme below covers this in more detail.

Monitor/assess inclusive practices:
A suggestion for measures of parental confidence included: how welcoming is the school? whether the headteacher sees the school as being attractive for SEND, as a good thing for everybody? The use of school peer-review was considered as a way to evaluate inclusive practice in one school alongside that in another; another was to have linked frameworks of indicators of inclusive and other practices.