



**Commentary by the Lead Group of the SEN Policy Research Forum on the Isos report
'Towards an effective and financially sustainable approach to SEND in England':**

commissioned by the Local Government Association (LGA) and County Councils Network

<https://www.local.gov.uk/publications/towards-effective-and-financially-sustainable-approach-send-england>

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Introduction:

This report was commissioned last year by the Local Government Association and County Councils Network in the context of increasing Local Authority concerns about growing levels of spend on pupils with High Needs (HN). The national financial position is clearly summarised. Since 2014/15, Government has almost doubled its investment in this area. However, spend has continued to exceed income in most LAs, with an estimated national cumulative deficit of over £3 billion and further significant overspends projected for 2024/25 and beyond.

Up to now, cumulative deficits have been held through a ringfence with no immediate impact on overall Council budgets. However, the previous government indicated its intention to remove the ringfence in 2026, with Councils expected to manage deficits from that point from their overall income. 25% of LAs responding to the Isos survey said this would lead them to insolvency within a year, with a further 25% indicating it would take slightly longer.

The Isos report follows other research carried out by the same authors for the LGA, setting out current issues and the characteristics of more financially sustainable systems. However, it goes further in terms of its levels of analysis and makes more specific recommendations with regard to changes in the national system.

Overview:

The report is critical of previous government policy. Although the national SEND reforms are seen as well-intentioned, they have not met their objectives, with more adversarial relationships, greater parental and school dissatisfaction and continuing poor outcomes for pupils with SEND. There is scepticism too about the likely impact of the Change Programme and a view that the SEND system is broken and requires more fundamental reform.

The authors argue strongly for greater connectedness between SEND and mainstream education policy, with a common national ambition for more inclusive schooling and enabling this through broader education changes.

The report also emphasises the importance of preparation for adulthood with some specific suggestions for how this could be improved.

There are 8 recommendations, which can be summarised as follows:

- 1) A clearer/stronger national ambition for pupils with SEND, focusing on promoting inclusion and preparation for adulthood, with greater clarity about the provision that should be available in mainstream settings
- 2) A national framework setting out levels/types of need¹ that mainstream and special schools should be expected to meet, with thresholds for additionality. Increased delegation of funding to mainstream schools to enable them to do so, linked to 'additional needs registers'
- 3) A core offer of targeted/multidisciplinary support, available in all LA areas and accessed without the need for statutory assessment, together with a range of changes to mainstream education policy that would be more supportive of inclusion
- 4) A move towards individual 'Learner Records' (as an alternative to the existing statutory framework) to support more ongoing assessment and planning, with new arrangements for dispute resolution
- 5) The development of a Destinations and Progression Service to support transition to adulthood and more defined timescales for transfer of responsibility to adult services
- 6) Local area inclusion partnerships with responsibility for local strategic planning and commissioning of services and provision

¹ Universal, mild, moderate, intensive, profound, exceptional

- 7) A more proactive and positive relationship with the INMSS sector, with greater standardisation of funding levels

- 8) The development of a National Institute for Inclusive Education, which will have a role in developing the national needs level framework, overseeing implementation and progress, a new workforce strategy and a different approach to dispute resolution

The report identifies the need for a 3-year implementation period with any changes to the statutory framework being introduced when other developments are in place. However, some aspects may take longer ('up to two parliamentary terms'). The authors claim they are 'sketching out a pathway' for change, with no attempt to provide a more detailed programme. However, they do suggest an 'order of play', with early priority being given to articulating the vision, to the establishment of the National Institute and the development of the proposed national framework.

The report acknowledges the need for additional financial investment to support transition but says that this will be offset over time by reductions in spend on independent/non-maintained special school (INMSS) placements and more pupils having the opportunity to be educated successfully in mainstream.

SEN Policy Research Forum Commentary:

Positives:

The report sets out to present a 'no blame' approach², in a context which is increasingly heated and adversarial. Problems are seen as system issues with a need for fundamental changes at national level that are more supportive of positive local practice.

The analysis and recommendations touch on a number of areas identified in our SENPRF policy framework, in particular the need for a more values-based system and stronger connections between SEND and mainstream policy.

The data/financial analysis is thorough and well-presented, providing a good baseline for understanding current pressures.

The analysis covers a broad range of contributory factors, and challenges the limited narrative of 'growth in need' and the more restricted account presented in the previous government's Green Paper/SEND review.

There is some recognition of the importance of transitions, particularly to post 16 and beyond and for these to be better supported.

Positive value is given to the role of mainstream support services (across both Education and Health) and the need for greater capacity for supported intervention (without the need for statutory assessment).

A clearer role is given to local authorities (through Local Area Inclusion Partnerships) in terms of commissioning provision and services.

Issues:

Research integrity

Having been commissioned by the Local Authority associations, there will inevitably be questions about whether the perspectives and concerns of all stakeholders (including schools and parents) have been given equal weight, particularly given the lack of reference to broader research that goes beyond the authors' own enquiries.

Over-generalisation

² Although some parents' groups would argue that it has not succeeded, given the continuing use of the term 'demand'

The emphasis on national system issues tends to underplay local differences. For example, rates of increase in numbers of EHCPs and specialist placements vary across the country (despite a common upward trajectory). There is also variation in the size of HNB deficits, which do not clearly match to variations in income (Marsh et al 2024). There is limited reference to good/innovative practice in LAs where funding appears better managed (Gray et al 2022) or to broader learning from SEND policy research. There is a missed opportunity to learn from parallel/past experience (e.g. use of individual development plans in Wales; Connexions role in post 16 transition).

While national policy factors do play a part, local ethos and values (including the strength of commitment to active and responsive partnership), are also significant (as Isos have indicated elsewhere in their summary of their involvement with local areas in the DFE's RISE programme).

National levels of need

While the report is sceptical about the likely impact of the Change Programme, a number of its recommendations are along similar lines, in particular the proposal for Local Area Inclusion Partnerships and a national framework based on levels of pupil need. The case for the latter is built on the need for clearer national expectations of the level/type of need that mainstream schools/settings should be able to meet (without any additional funding). The authors believe that this would lead to fewer disputes, greater equity and increased clarity about responsibilities.

There are a number of significant issues with this proposal:

- 1) The biggest system challenges relate to pupils with autism and/or SEMH where definitions are more subjective and there is greater scope for interpretation. Levels of behaviour difficulty are not just 'within child' but can reflect unmet needs at a broader level. The levels proposed are crude and over-simplistic, and take little account of the fact that pupil difficulties can be multi-dimensional and context based.
- 2) The authors argue elsewhere in the report for a move 'away from a medical deficit-based understanding of needs and towards a social model of additional needs'. The proposal is at odds with this declared ambition.
- 3) The report underestimates the contribution of the 'pupil-led funding' approach (top-ups etc) to current system issues (although it acknowledges that the significant growth in numbers of mainstream EHCPs has made this unworkable). The authors claim that the framework levels will be used to support a 'common language for understanding needs' rather than determining funding levels as such, but it seems likely that a connection will still be made.
- 4) The recommendation implies a clear separation between 'core mainstream' pupils and those that require specialist provision/something categorically different. This

appears to be inconsistent with the Equality Act and disability rights and concepts of inclusion based around progressive removal of access barriers. It also takes little account of mainstream placement rights or pupil/parental preference for mainstream and the way in which these are enshrined in current legislation. It is unclear how far mainstream schools will be held to account for the quality of provision they make for higher needs learners (who are not regarded as core).

Accountability

The report argues for substantial change to the current SEND statutory framework for positive progress to be made, in particular changes to the Tribunal system and the introduction of Learner Records for the majority of mainstream pupils rather than statutory plans. Parents' groups and voluntary organisations have already argued that this will water down existing entitlements and remove existing statutory safeguards. The report suggests that statutory plans will remain but be linked to higher levels of need as set out in the national framework. At present, they also have a 'confidence' function where parents feel there is a back-up option for them/potential for greater influence if things are going wrong.

Proposals for the future of the SENDIST tribunal take little account of its role with regard to disability discrimination and the interface with the Equality Act and other related duties. The alternative proposals for 'non-judicial' dispute resolution systems are unclear, with reference made to appeals being considered by the Local Area Inclusion Partnerships and National Institute for Inclusive Education (constituency not yet defined), as well as referrals to the Ombudsman³.

There is an emphasis in the report on the need for mainstream school accountability for SEND and inclusion to be strengthened, which is a key element in the recently published SENPRF policy framework. However, there is limited detail in the Isos report on how this will be achieved and what accountability will cover⁴. Currently the inclusion of pupils with SEND in mainstream schools is disincentivised as their academic performance is seen as having a negative impact on school standards and performance as judged through the school inspection system.

Although there is criticism of current Ofsted Area SEND inspections ('LA accountability but no teeth'), it is unclear how the process would/could be developed to mirror realignment of responsibilities. Much would depend on the quality of Local Area Inclusion Partnerships and the degree to which that they were able to generate local collective responsibility⁵. The role of Partnerships is also unclear, with an expected focus on commissioning of services and

³ One of the original reasons why SENDIST tribunals were established was because increasing volume made Ombudsman appeals unworkable.

⁴ Or how mainstream policy and practice could be changed to become more inclusive

⁵ Particularly in the context of the current variety of school groupings which can transcend geographical boundaries

provision but also some casework/operational functions (determining individual pupil funding levels? first stage dispute resolution).

Special schools and alternative provision

Although reference is made throughout the report to the importance of mainstream inclusion, there is limited coverage of how this will be measured or the expected impact on special and alternative provision. The report proposes a 'new' role for special schools (similar to that proposed by the Special Schools Working Party during the last Labour government). This would involve providing placements for pupils with more complex/significant needs, and outreach to pupils and staff in mainstream. However, it adds the idea of 'porous' provision where pupils might move more flexibly between mainstream/specialist settings. Experience of this kind of approach tends to be that movement tends to be one way and can disrupt pupils' social identity and sense of belonging. The evidence on outreach services also shows the need for more robust commissioning, so they achieve more inclusive outcomes.

There is no coverage of alternative provision despite the aspirations of the previous government for a more connected system for AP and SEND, set out in its Green Paper (and associated improvement plan) and the need for greater safeguards for pupils without EHCPs who are excluded from the mainstream school system.

Progression to adulthood

Recommendations regarding progression to adulthood are limited despite the authors' assertion that improvements in this area should be a key ambition for the new government to address. The report suggests that there should be a uniform transition of responsibility from children's to adult services at 20, which runs counter to current statutory expectations. Progression pathways are described in an over-simplistic way, with a narrow focus on 'life skills' for young adults with higher levels of learning difficulty. There is limited recognition of the challenges that families experience at this stage, the barriers to employment, and the gaps in services required. Creating (and funding) a Destinations and Progression service may be a useful step forward, but this resource will be only as good as the opportunities that are available or created.

Workforce

The authors acknowledge current workforce issues and the need for a strategy to address these, but their proposals needed to be more comprehensive and more strongly underpinned by research evidence. They also make limited reference to the workforce knowledge base that already exists within higher education institutions and voluntary organisations (in the UK and internationally) or to the range of factors that are adversely affecting recruitment and retention across the sector.

Theory of change

The theory of change remains relatively 'top-down'. While recognising that some system failures are national, parents are more likely to be convinced that developments are worthwhile if they see examples of positive practice. This argues for greater opportunities for grassroots/bottom-up developments, with government funding/support for promising local developments which are associated with a high level of stakeholder support. National policy development might do better to focus on some key areas, such as increasing funding available to mainstream (with associated strengthening of accountability) and more inclusive approaches to curriculum, assessment and teaching. These are mentioned in the report but only in general terms.

Transitions between systems are a major challenge. While the report calls for additional government investment to support recommended changes, LA spend is still rising significantly and will continue to do so. There is an increasing sense of 'powerlessness' with a belief that the new government can/should come to the rescue, invest more substantially or cancel debts (which is unlikely to happen). Something has to happen *now*. There are increasing examples of positive/creative practice/approaches at local level that could be supported/extended, with national government providing leadership/material support for this process and addressing policy barriers that limit/restrict local innovation. Cultural change is critical and heavily dependent on local relationships. A key area missing from the report is the importance and value of local collective processes between schools to meeting need, which go beyond the more formal role that Local Area Inclusion Partnerships will be expected to play.

Within an approach that emphasises the development and extension of good practice, linked to growing levels of stakeholder confidence and trust, it is important that statutory safeguards are maintained, not as a 'first port of call' but as a continuing backstop for children and families where experience does not match the ideal that is presented.

This commentary has been produced by the Lead Group of the SEN Policy Research Forum drawing on a range of perspectives and experience. Although there are some differences in emphasis across LG members, there is broad consensus with regard to its conclusions.