

## **SEND Green Paper/Review: Right support, right place, right time:**

### **Response from the lead group of the national SEN Policy Research Forum:**

<https://senpolicyresearchforum.co.uk/about-us/>

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### **Introduction:**

The national SEN Policy Research Forum welcomes the Government's recognition that, despite earlier system reforms, policy, provision and services for SEND in England continue to present significant challenges. While the SEND review has identified some of these (and some of the factors that are contributing to them), the overall analysis is not sufficiently transparent, coherent or comprehensive to provide a sound basis for further development that enables the range of relevant stakeholders to feel confident about the future.

In the ministerial foreword to the review, the Government says that the proposals are designed to 'restore families' trust and confidence in an inclusive education system with excellent mainstream provision that puts children and young people first' (p5). And yet, there is limited reference in the Schools White Paper to this ambition and how it will be achieved in the context of broader education policy. Moreover, where ways forward are indicated, these are generally insufficiently detailed to assess their value or likely impact on achieving the improvements required.

The lack of clear connections between the two Government papers gives a message that pupils with SEND will continue to be an 'add-on' within national education policy rather than a core group of pupils who need to be planned and provided for within the mainstream school system.

This paper provides a commentary on the Green Paper's analysis of current problems and some of the proposals it has put forward to address them. It identifies where we think the analysis and proposals are lacking and sets out key ways forward that need to be considered.

## **What is wrong with the SEND system in England?**

### ***Green Paper analysis:***

The review sets out a number of issues. Perhaps inevitably (given that the review was carried out internally), there is limited reassessment of the substance of the national SEND reforms, with a tendency to argue that these have been positive, but not consistently implemented. The Green Paper argues that delays in accessing support (and lack of early intervention) are leading to an escalation of issues, which is contributing to the substantial increase in numbers of requests for EHC needs assessments. Outcomes for children and young people are described as 'not as good as they should be'.

More fundamentally, the review appears to have been triggered by ongoing frustrations for parents/carers (despite the promise of the reforms) and continuing demand pressures despite the considerable increase in Government spending on high needs over the last 3 years. 'Financial sustainability' is clearly an important priority for national policy at this stage, with a significant investment in Government capacity for challenge, support and intervention for the large number of local authorities that are finding it difficult to meet needs within their available budget.

### ***SENPRF view:***

#### *Loss of confidence in 'ordinarily available provision'*

There is clear evidence from research and from a succession of our SEND policy seminars and discussions<sup>1</sup> that increased demand for additional, alternative and specialist provision is linked to issues around the quality and consistency of what is 'ordinarily available' for children and young people with SEND. Parents are less confident in SEND support and the mainstream offer and are tending to look for EHCPs to ensure that needs are adequately met. Even for those with EHCPs, there can be a lack of confidence in what mainstream schools and settings can (or can reasonably be expected to) provide.

The narrowing of the mainstream school curriculum (formal and hidden) and the increased emphasis on attainment in core subject areas (along with associated school performance measures) has meant that effective provision for SEND has become less of a priority. There

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<sup>1</sup> (for details see <https://senpolicyresearchforum.co.uk/past-policy-papers/>)

has been increasing displacement of pupils into specialist and alternative provision from some schools and an increasing number of children who are being educated at home.

Since 2010, the Government has not provided any clear messages on the importance of mainstream inclusion, even though research evidence is clear that, with appropriate support, this is the best option for the majority of pupils. Priority to this agenda is currently too dependent on the values and attitudes of individual school/setting leaders.

### *Loss of capacity for early intervention*

The Green Paper is right to point out that effective early intervention can help prevent escalation of pupil difficulties and associated provision costs. However, it offers no analysis of why capacity is diminished. Early help services were considerably reduced when the Coalition cut the Local Authority Early Intervention Grant as part of its austerity measures (from £2.8 billion in 2010/11 to £1.1 billion in 2018/19). Much of what is left is focused on family support and social care. SEN support service capacity has been subject to similar reductions or is funded on a traded basis which has led to a less targeted focus. As pressure for EHC needs assessments has increased, Educational Psychology Service support has become increasingly skewed towards statutory activity, with more limited involvement in preventative work and capacity-building.

So, while a greater emphasis on early intervention is welcome, it is unclear where the capacity to support this will come from, when schools' and high needs budgets remain under significant pressure.

The Green Paper sets out a 'new model' for alternative provision, which includes outreach support and advice to mainstream schools and short-term intervention as well as longer-term placements for older pupils. This is a model that many Pupil Referral Units have sought to achieve. However, with rising exclusions and increased demand for alternative placements, they have found it difficult to release capacity to support a more dynamic role. The Green Paper makes no clear suggestions as to how the system can be changed to reduce this pressure. While Local Authorities retain a statutory duty to provide education for pupils who are permanently excluded, this is always going to be their priority for use of the available resource.

### *Addressing the 'postcode lottery'*

The SEND review has picked up a continuing concern from parents/carers and voluntary organisations that there is too much variation in the quality of the offer in different local authority areas and the way in which the 'system' responds to children's needs. This is a longstanding issue. Again, there is limited analysis of the reasons for this variation and the ways in which such differences could be better understood. For example, it is still the responsibility of local authorities to shape the patterns of local provision and services, albeit with an increasing expectation that any developments will be 'co-produced'. There is no

national prescription with regard to the expected shape and form of provision, numbers of places that should be available or levels of service capacity. In this context, there is a need to be clear what are tolerable areas of variation and where consistency is required.

Since the introduction of Local Authority performance assessment, the focus of Government judgements with regard to SEND has been limited, with a strong emphasis on the statutory process: completion of statutory assessments within expected timescales and, more recently, on compliance with the process aspects of the national SEND reforms. This has now extended to an assessment of LAs' financial performance (and the level of overspend on their high needs budgets). We welcome the greater emphasis within the proposed new arrangements for local area SEND inspections on impact and outcomes for children (for which we assume there will be greater collective accountability).

There is an indication of a move towards greater standardisation through the introduction of a national banding system. This proposal is expected to lead to comparable funding and levels of provision for pupils with similar levels of need across local authority boundaries. However, there is no recognition of the part that the current pupil-led funding system may have played in contributing to current issues or any acknowledgement of international research that suggests that such systems have a negative impact on key strategic outcomes (Meijer 2016<sup>2</sup>).

The Government says it wants to achieve more equal opportunities for children with SEND with access to provision and services being less affected by where they live or the resources and resilience of their parents /carers. However, there is no real analysis of systems and processes that may be reinforcing such differences (for example, the link between SENDIST tribunal appeals and social class and with particular types of need and the impact of tribunal decisions on provision and services for the broader SEND population.). There is also limited reference to the broader equal opportunities agenda, in terms of the degree to which reasonable adjustments are being made for pupils with disabilities and what needs to happen not improve this area of practice.

### *Understanding parents' frustrations*

Given the fact that the national SEND reforms were intended (and designed) to improve parents'/carers' experiences, it is significant that frustrations remain so strong. This cannot be attributed simply to LA failures to implement the necessary changes. Compliance with basic process requirements has been a core Government focus since the reforms were introduced in 2014. The continuing challenge is more about how to ensure positive and productive relationships between parents and professionals, where there is recognition of 'equivalent expertise' and the importance of collaborative working. Frustrations may relate to lack of access to statutory entitlements or the EHC needs assessment process. However, they usually

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<sup>2</sup> European Agency for Special Needs and Inclusive Education, 2016. Financing of Inclusive Education: Background Information Report. Odense, Denmark: European Agency for Special Needs and Inclusive Education

have a longer-term history, with parents feeling their children's needs have not been properly recognised or addressed.

We need to look further than compliance and the use of new terminology in understanding and addressing these issues. Effective communication with parents needs to be linked to all processes/levels of support and be an essential part of the mainstream offer.

#### *Areas that the Green Paper does not cover*

There are extensive references to the importance of early intervention in the review. However, there is barely any coverage of provision and services in the early years which are so important for an effective start to children's education and development. There is also limited discussion of post 16 progression and how the longer-term impact of educational investment might be better evaluated. The national SEND reforms extended the focus of education for young adults with SEND to 25. And yet, there is limited assessment of outcomes at this stage beyond access to further education, employment and training at 18 and use of supported internships<sup>3</sup>.

#### **Will the Government's proposals have an impact on current issues?**

##### ***Green Paper proposals:***

The Green Paper contains a mixture of specific ideas/proposals and broader directions which will require further development. For example, there is a proposal for a standardized approach to notional SEND funding as part of the national mainstream funding formula. There will be a national banding approach to the funding of provision for pupils with high needs. Local inclusion partnerships will be developed involving MAT CEOs as well as LA leaders, with representation from different groups of stakeholders. There are proposals to streamline and standardize the EHC needs assessment process through greater use of digital media. There will be stronger requirements for the use of mediation as a preliminary to SENDIST tribunal appeal.

On the other hand, some proposals are relatively vague. For example, there is a recognition of the need to address perverse incentives that are encouraging some mainstream schools not to include and putting undue pressure on 'magnet' schools that are seen to be meeting pupil needs more effectively. There is also a reference to the development of an 'inclusive curriculum' again with no detail or cross-reference to the White Paper proposals which suggest a more restrictive education agenda.

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<sup>3</sup> The Adult Social Care Outcomes Framework (ASCOF) statistics for 2020/21 still show a very low level of access to paid employment for adults with learning disabilities who are known to social care (5% England average with some Councils having as low as 1%).

## ***SENPRF view:***

### *Funding*

The proposal for a standardized approach to notional SEND funding is welcome. It should help increase transparency in terms of the degree of priority mainstream schools should be giving to this area in their staffing and resourcing decisions. It should help in benchmarking inputs and outcomes across similar types of schools. However, the proposals do not address the tensions between the use of delegated funding for the general range of pupils with SEND and the financial contribution schools are expected to make for those with high needs/EHCPs as part of the current ‘top-up’ system.

The proposal for a national banding system says nothing about how pupil needs will be moderated to ensure bands are understood and used consistently across local authority areas. There is also no clarity about how bands could be similarly funded given that Authorities are largely resourced for high needs on a historical rather than needs-led basis. Replacing the current high needs formula factors with Local Authority ‘band profiles’ would introduce considerable perverse incentives which would work against the principles of standardisation and equal opportunity.

### *Strengthening the mainstream offer*

The Government White Paper ‘Opportunity for All’ proposes targeted support and intervention for pupils who have ‘fallen behind’ in their educational attainments, without recourse to ‘SEND and disadvantage labelling’. Schools will be able to choose from a range of options that suit their needs and circumstances. The focus is narrow (on English and Maths), with the expectation that pupils will catch up and reach national attainment thresholds. Accountabilities on schools for achieving these outcomes will be strengthened, with a focus on progress in Ofsted inspections and the introduction of a ‘parent pledge’.

There is no apparent link between this process and targeted support for pupils whose gaps is not expected to close. No value is given to relative progress or to broader areas of development. With increased accountability for catch-up, there are real risks that support and intervention for lower attainers will be given lower priority. There is also the possibility that failure to meet demanding attainment targets will lead to a growth in numbers of pupils being identified as ‘SEN’ and requiring something different to the majority of their peers.

If the Government is looking to the Green Paper to address these issues, then the coverage is very thin. There are proposals to strengthen training opportunities for the SEND and AP workforce, although these are relatively underdeveloped. There is an expectation that SENDCos will have a leadership role but it will still be down to individual head teachers, governors and MAT CEOs to decide how far this is reflected in school management structures.

There is acknowledgement of differences between mainstream schools with regard to their commitment to SEND and the quality of their provision. However, proposals to address these (eg ‘inclusive curriculum’; ‘new performance metrics’) are vague. There are no clear examples of how inclusive practice could or should work in the mainstream sector or how systems could ensure that SEND is a core responsibility of all teachers and staff in schools.

### *Improving the experience of parents/carers*

The central aim of restoring families’ trust and confidence in an inclusive education system’ is welcome, however it is unclear from the proposals exactly how this will be achieved. Co-production continues to be a fundamental principle within the proposals presented, yet it still lacks any clear definition. It will be necessary to understand exactly what is meant by co-production, both at a strategic and individual level, and the barriers to parental engagement, before any standards for this area are introduced.

Within the proposals presented, co-production appears to focus on parents engaging in local area strategic decision making, for example parent representation on the multi-agency panels or the national SEND delivery board. This requires parents to both be willing and able to engage in discussions about strategic gaps and commissioning, potentially taking responsibility for some of the decisions that have been made, rather than only focusing on their own child’s needs and provision. There can be tensions however for some parents who, while contributing to co-producing strategies, systems and materials, may also have concerns about proposals for/arrangements for their own child. A positive spin off from involvement in co-production is that the parent develops an enhanced confidence in being able to communicate and address their concerns for their own child, whether that is through formal routes for redress or informal discussion.

Genuine co-production is not simply about contributing to a pre-existing structure but helping to define what the parameters of that structure are and the questions to be addressed within it. There is a danger within existing models of co-production that parents are being co-opted to police a system where they have no power or control over either the boundaries or the funding.

The proposals lack any detail on how to improve accountability within the system or how to repair fractured relationships between parents and professionals. It could be argued that some of the accountability measures around joint commissioning and joint working are still only necessary because statutory responsibility across Education, Health and Social Care is still not integrated, and that simply adding more layers to the framework will not address the underlying statutory gaps in requirements or the funding necessary to join up services. There is no evidence that suggests mandatory mediation will be the solution to rebuild trust and confidence, as this will only come into effect once parents have decided that it is necessary to appeal via the SENDIST tribunal. The proposals lack detail on how the relationship between parents/carers and professionals will be supported at earlier stages in the process, with a view to improved partnership working.

Finally, it should be noted that a further tension exists between the proposals for national banding levels and the proposed list of settings for parents to choose from, which limit the opportunities for true person-centred planning and partnership working at the individual level.

### *Accountability*

The Government proposes to ‘strengthen accountabilities, through a range of measures, ensuring the right checks and balances are in place to drive better outcomes and prevent failure in the system, with every partner held accountable for every role they perform’ (p67 Green Paper). Since the 1981 Education Act, Local Authorities have retained most of the accountability for how SEND is managed, with ongoing statutory responsibilities for coordinating the EHC needs assessment process, for keeping provision and services under review and now ensuring that spend on high needs is within the budget allocated to them. LAs also maintain the statutory duty to arrange provision for pupils who are permanently excluded (despite earlier White Paper indications that school responsibilities would be strengthened).

Although schools and other service partners (Health and Social Care) are expected to contribute to Ofsted local area SEND inspections, there still tends to be an assumption that a negative evaluation is associated with poor quality at Local Authority level.

Given that LAs now have more limited powers to engage with and influence schools, it is important that there is some ‘re-balancing’ within SEND accountability systems. The proposal to involve MAT CEOs in Local SEND Partnerships implies a greater level of responsibility to ensure the proposed standards are met. But it is difficult to see how far their accountability will extend. For example, it is not uncommon, in hierarchical accountability systems, for system leaders to lose their job as a consequence of organisational failure. How far is this risk equally shared across Local SEND Partnership members? Or do participants have just an ‘enhanced advisory role’?

There is an assumption that national standards will provide an agreed and uncontested framework against which quality can be judged. However, we do not believe that the standards and associated measures indicated in the Green Paper are sufficiently developed or well enough conceived for this to happen. Substantial further consultation is needed with the range of stakeholders to ensure that any regulatory framework has a proper foundation and is based on clear quality indicators that have a direct relevance to outcomes for children and young people.

Our analysis would suggest that, if the national evaluation of school quality is still going to be based on a hierarchical accountability approach, then this also needs to apply to provision and outcomes for pupils with SEND. Such a model would need to address admission barriers and exclusion issues not just in-school performance. This would help ensure that SEND in

mainstream schools was given a similar level of priority to other quality areas. However, there is evidence that this kind of accountability, on its own, has a limited impact on the development of good practice (Roberts 2020). The Government should consider strengthening the use of other more participative approaches, with greater use of networking and peer review and a broader range of evidence including qualitative and narrative information.

Consideration also needs to be given to ways of combining specific service and institutional accountabilities into a more collective agenda that supports shared responsibility across the range of relevant players.

### *Alternative provision*

The proposed model for alternative provision is not new. It has been something that AP providers/Heads of PRUs have been aspiring to for some time. The Green Paper analysis does not really cover why practice has been more limited. The number of pupils being displaced from the mainstream school system (through permanent exclusion or other means) has continued to rise and there is a need to improve the system as a whole not just part of it.

This has implications for mainstream education policy. The most recent Government guidance on Behaviour and Exclusions adopts a coercive tone, with little adjustments made within school discipline for pupils with SEND or those who face considerable challenges in their personal or family lives. A number of recommendations were made in the national review of AP systems carried out by the ISOS partnership in conjunction with one of our lead group members (Peter Gray)<sup>4</sup>, which do not appear to have been taken up in the guidance or the current policy document. In particular, mainstream ownership in this area continues to be undermined by ‘perverse incentives’ where exclusion has limited financial costs to schools and can positively affect their attainment/attendance data profiles.

While there may be advantages to integrated models of AP provision, there should be a dedicated capacity for the mainstream support function, to avoid this being undermined by other pressures (eg cover for staff absence in the provision itself). Experience shows that this kind of support/outreach needs to be formally commissioned, with clear expected outcomes and commitment of staffing.

The proposal that there should be an AP-specific budget within the High Needs Block which is protected is sensible, but this places a high premium on effectiveness/value for money. The Green Paper expects the model to lead to reduced numbers of exclusions and placements in higher cost (SEMH) provision (para 11, page 60). If these outcomes are not achieved (and

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<sup>4</sup><https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiilfmWkIX5AhVMhFwKHQJPAp0QFnoECAcQAQ&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Falternative-provision-market-analysis&usg=AOvVaw3tiy-saq-SFQMDA-0XBfyF>  
[https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi\\_jTkIX5AhVMhFwKHQJPAp0QFnoECA4QAQ&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment\\_data%2Ffile%2F988703%2FResponsibility-based\\_models\\_of\\_decision-making\\_and\\_commissioning\\_for\\_alternative\\_provision.pdf&usg=AOvVaw1olbM-ub5QQ1nvaTVZS83S](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi_jTkIX5AhVMhFwKHQJPAp0QFnoECA4QAQ&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F988703%2FResponsibility-based_models_of_decision-making_and_commissioning_for_alternative_provision.pdf&usg=AOvVaw1olbM-ub5QQ1nvaTVZS83S)

demand for SEMH placements rises), it will be difficult to sustain budgets for more preventative functions.

There tends to be an assumption in the model that ‘AP pupils’ are distinct and different from pupils with ‘SEND’ or ‘SEMH’. Causation is more complex than this, with a balance of different factors affecting children’s behaviour.

One weakness in the model is that it does not allow mainstream school choice in the way that AP funding is used. Evidence from the ISOS/Gray research referred to above has shown that devolution of funding to secondary schools (individuals/groups) can have a significant impact on mainstream ownership of this group of pupils (and responsibility to ensure they get access to the provision they require). The Government also needs to recognise that, if mainstream capacity/ownership improves, this may have an impact on the range of functions that the remaining aspects of the continuum need to cover.

We note that the proposed AP vision involves subsidised funding (through the High Needs budget) for outreach/mainstream support (to prevent escalation). This was specifically deleted from the HNB by the Government in 2013, with funding for behaviour support largely delegated to schools. We welcome the recognition that behaviour issues are not just about discipline/‘naughty children’ and that it is important to understand and respond to individual pupil needs. However, this funding subsidy is not matched by similar expectations for other areas of need (where services are increasingly provided on a traded basis, and where similar arguments apply). It is recommended that a more consistent approach is taken across all needs areas, with clearer expectations of what types of functions should be provided on a traded/core service model.

## **What other ways forward should be considered so that the system is better for all?**

### *Strengthening the mainstream offer*

The current system for mainstream school accountability in England can be described as hierarchical (Roberts 2020<sup>5</sup>). This has a significant influence on school priorities. This system will need to be extended to include SEND and ensure that it is given the same weighting as other aspects of school performance. The White Paper sets a demanding agenda in terms of 90% of pupils reaching expected thresholds in English and Maths. This is bound to skew school priorities unless there are clearer expectations for the remaining 10% of pupils. Statutory accountabilities currently apply to only 3.7% of pupils (with EHCPs) and it is unrealistic (and against the Green Paper directions) to expect this form of accountability to extend to a larger population. This still leaves a significant number for whom the Government has no clear agenda. Some of these are our most vulnerable pupils. The Government should explore other forms of accountability for provision for pupils with SEND which are not limited to the statutory process but which still require strong evidence of positive pupil experience and outcomes.

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<sup>5</sup> <https://senpolicyresearchforum.co.uk/wp-content/uploads/2020/06/accountability-policy-paper-2-Jan-20.pdf>

Provision for lower attainers should be a core task of all mainstream schools, with secondary schools having an identifiable pathway for those whose attainment gap is unlikely to ‘close’. This should be informed and actively reviewed in the light of pupil outcomes and pupil/parent experience. It should also be recognised that pupils who do not have this level of learning difficulty may still have personal/social needs which all schools need to recognise and help address.

**Recommendation 1: The Government should set a much clearer and ambitious agenda for lower attaining pupils and ensure this is actively monitored and evaluated**

There are risks that the extension of a hierarchical approach to SEND will lead to over-simplistic performance criteria and perverse incentives (eg over-identification of needs to include higher-performing pupils). In England, school evaluation is also narrowly focused on educational attainment and there is limited consideration of pupil development in other areas (eg personal-social, resilience etc). This argues for other evaluation approaches to be considered in addition (eg networking/participative). This would be supported by more active encouragement of local school cluster activity and local authority networking.

**Recommendation 2: The Government should actively encourage local school cluster working and fund facilitation of regional network activity for Local Authority areas**

Strengthening accountability at school level implies that funding should be better matched to this level. This would be supported by a higher level of devolution of finance to mainstream schools (to meet individual needs in a more flexible way).

Further consideration should also be given to developing better ways of funding specialist provision and mainstream FE college provision, to support longer-term planning. Individual funding decisions can be unnecessarily time-consuming and lead to a more reactive approach.

**Recommendation 3: The Government should aim to focus a greater proportion of high needs funding at school/institutional level (with appropriate safeguards), while retaining a capacity to fund/support individuals additionally with significant/complex needs**

Since the Government set out its intention to ‘remove the bias towards inclusion’, it has had little to say on this subject, apart from some continuing references in the SEND Code of Practice to the presumption of mainstream. The term has started to re-emerge in the Green Paper but with no clear definitions of what is meant. Expectations should be more clearly stated, based on a consensual view of why this is important and how best mainstream access can be achieved and supported.

**Recommendation 4: The Government should set out more clearly its expectations around mainstream inclusion and explain why this is important in achieving better pupil and societal outcomes. It should provide guidance on what an ‘inclusive ethos and**

**curriculum’ looks like and set out models of inclusive practice in mainstream primary and secondary schools based on research.**

*Improving the experience of parents/carers*

We consider that the continuing emphasis on ‘co-production’ (which is still not well understood or defined) and on strategic local area contributions is taking attention away from the core priority of establishing positive and collaborative working relationships between parents and schools/settings. School staff have little training in engaging with parents even though we know from research that this process adds significant value to pupil outcomes. Where there are concerns about learning or behaviour, relationships can become more easily strained. Systems and practices that support partnership and problem-solving are key to addressing this issue.

We would draw Government’s attention to the positive impact of approaches such as ‘structured conversations’ which were introduced as part of the Achievement for All initiative. These were successful in providing a shared agenda for school and parental dialogue, which focused on positives and practical ways forward.

Parents of children with SEND often report that they do not know what they can expect from schools in terms of frequency of communication and level of contact. They are sometimes concerned that being perceived as ‘too pushy’ could jeopardise how their child is treated and viewed. Frameworks such as the Rotherham Charter help set out common agreements on these basic issues, which help enhance the quality of partnership and relationships.

**Recommendation 5: Government should ensure that working with parents as partners should be a core module within initial teacher training with enhanced learning being included in any national SEND/SENDCo qualification. Further opportunities should be taken to extend existing good practice in this area to support quality and consistency at national level.**

*Developing local practice/ensuring it is consistently good*

SEND policy and provision nationally is in crisis. With increasing parental dissatisfaction, financial pressures and variable outcomes for pupils with additional needs, there is a risk of a shift to ‘command and control culture’. We are aware that the Government has significantly increased its workforce (both directly employed and commissioned from other providers) in order to challenge and support Local Areas that experiencing particular difficulties. Over half of English Local Authorities are involved in the Safety Valve and Delivering Better Value programmes.

We have two questions about whether the necessary cultural change can be achieved through these processes:

- 1) Whether the Government, with current economic pressures, will be able to continue to fund such a significant financial investment, and
- 2) Whether this is the best way of achieving change in a complex field which is made more challenging because of national policy tensions that are as yet unresolved

We consider that the Government, in consultation with all relevant stakeholders, should take time to establish a clearer set of parameters for development which all local areas will be expected to meet. These should go beyond the recent emphasis on compliance with the national SEND reforms and financial sustainability. If this is what is meant by ‘national standards’, then there may be some value to them. However significant work is needed to ensure these are collectively owned rather than being seen as arbitrary and imposed.

In so far as standards include expected outcomes, then the DFE needs to ensure that its data and information systems are fit for purpose to support local and national evaluation of progress and benchmarking across areas.

We cannot see that there can be consistency in quality and practice nationally while Local Authorities continue to be funded on a historical and inequitable basis<sup>6</sup>. The Government should set out a clear plan as to how they intend to move to a level playing field and over what timescale.

There should be room for local variation/flexibility in meeting needs and expected outcomes. The Government does not yet have the solutions that will ensure high quality SEND system for all. Local areas still need scope to pilot different approaches and evaluate these and Government needs to learn from local good practice. We believe that this will only be possible if Local Authorities and other stakeholders are given time and resources to reflect on strengths and issues in their current systems/approaches, to network and learn from positive and innovative practice both within their area and more widely. At present, the experience of too many parts of the system can too often be characterised by reactivity and conflict.

**Recommendation 6: The Government should give greater priority to a ‘strengths-based approach’ that gives a better profile to good practice that is properly evidenced and can be seen to be contributing to more positive outcomes at system level. The proposed national SEND delivery board should base its activity on a much clearer conceptual framework and have a strong evidence base in available research.**

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<sup>6</sup> <https://senpolicyresearchforum.co.uk/wp-content/uploads/High-Needs-research-summary-website-pdf-version-20-July-21.pdf>