

Herts Parent Carer Involvement response to the SEND Green Paper consultation questions July 2022

1. What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how the standards apply across education, health and care in a 0-25 system.

We do not consider that national standards are required to improve outcomes and experiences for young people – this can be achieved through compliance with current legislation and the sector embracing the ethos of the 2014 reforms. We are concerned that new national standards could drive services to meet minimum levels and reduce ambition. Meeting the individual needs of each CYP with SEND should be at the heart of service delivery – we would rather resources were focussed on enabling this through sufficient funding for schools, EPs, therapists etc. rather than implementing a new system. We are also concerned that this could simply end up being another barrier to accessing an EHCP and specialist provision.

2. How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

Any new partnership model should be built on existing best practice and must include parents and carers. Any new system should only be brought in where existing partnerships are not fit for purpose, otherwise this will be a waste of time and resources.

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

There must be removal of structural funding barriers which divide resources between geographical boundaries. An obligation for joint working on a regional basis across local authority and health boundaries, based on consistent evidence gathering, is required to identify those CYP with the most complex needs, and those with low-incidence / high-cost needs, within the region, followed by fair allocation and pooling of funding to meet those needs.

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

A standardised and legally compliant national template for EHCPs and a standardised annual reviews process is welcomed as long as they are accessible to all, both in terms of IT (not excluding those who cannot access technology) but also understanding (EHCPs must be accessible as far as possible to the CYP whose plan it is, but also take into consideration any additional needs that the parent or carer may have).

Currently EHCPs are often very long and complicated, which means they are often not fully read / understood / implemented. Insufficient use of the health and social care sections in EHCPs is also currently common which means that children and young people's needs are still not considered holistically. Improving the guidance in the SEND Code of Practice on how best to create a single plan would help.

There are opportunities to use technology more effectively to access the views of CYP themselves, to ensure that their views and aspirations are kept at the heart of the process.

Care must be taken in the roll out of a new digitised system that we don't end up with 152 different systems that don't speak to each other. The DfE / DHSC should consider a national system, which could deliver economies of scale and ensure that information could be shared between areas when needed and appropriate.

5. How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents confidence in the EHCP process?

The lack of detail in the proposal prevents a fully-informed response. However, based on the information included, we do not support the introduction of the "tailored list" and consider that such lists would fundamentally curtail parental choice, as well as appearing to be a cost-cutting measure. It is unclear how the list would be tailored (by specific need or specific child?). We consider that each CYP should be able to access the right setting to meet their individual needs and are concerned that this process would force families to choose a setting that they did not consider to be appropriate. It is unclear who would make the list (would coproduction include the individual families or the PCF?). If it is proposed that the PCF would be involved, we have serious concerns about this, as it is not what we are set up to do. We would also like more information about issues such as geographic spread, number of options available, whether independent schools and alternative provisions/education options would be included, whether transport considerations would play in and what would happen if there are no appropriate settings, or places available in the options listed.

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

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.

Disagree. We are concerned that mandatory mediation would add another delay to meeting need and a further barrier for families to overcome. The provision that is needed to meet need is a minimum and is not something that families should be asked to compromise upon. Further, there needs to be further detail before families can fairly be asked to respond to this proposal - will mediation be binding? Could it prevent a parent or

carer from going on to appeal? Will the mediator have decision making powers? We already have concerns about the quality of mediators, and family resources needed to engage fully in the process and so worry about this being rolled out further when the current system isn't working as it should. We do not agree that adding an additional body via an Independent Review Panel would be helpful, or a good use of resources.

We would like to see a greater focus on equipping professionals in settings and services on how to engage with parents appropriately and manage disputes before complaints, dispute resolution or mediation become necessary. We often see issues escalate due to inaccurate information and an approach that lacks empathy from professionals to families.

7. Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people's education back on track? Please give a reason for your answer with examples, if possible.

The remedies available are limited in strength and many parents believe that it is not likely to make a sufficient enough difference to justify the stress of making an appeal and are deterred from doing so. The data on such claims is likely to vastly underestimate the extent to which discriminatory practices occur. Bringing a Disability Discrimination claim to the SEND Tribunal also usually ends up being an adversarial process. It is very difficult to recover a positive relationship between school and home where a child or young person has been discriminated against.

8. What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?

Those required to carry out the two-year-old progress checks need to have high quality training on child development and how SEND can present across the spectrum of difficulties.

Assessment of children's early communication skills is an element that needs strengthening using evidence-based approaches to assessing the stage of development and interventions that children require, both in the short- and long-term.

Data sharing across Health and Early Years practitioners also needs to improve to increase integrated working practices, alongside very clear referral pathways to ensure the best journey and outcomes for the child and his/her family. Pooled budgets would also help with a joint approach.

Please also see the response to Q22 which contains further feedback on where further improvements are required in Early Years, beyond the two-year old progress check.

9. To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo? Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree – If you selected Disagree or Strongly Disagree, please tell us why.

Disagree. While not able to comment on SENCos' experience of the current NASENCo qualification, we are concerned that the proposed qualification appears to be a lower-level qualification. As the thrust of this consultation and the Schools White Paper is about improving inclusivity and supporting more CYP with SEND in mainstream education, ensuring that SENCos are properly trained to a sufficient level will be vital. Any revision of the qualification required must have the necessary depth and a detailed understanding of the relevant legislation. There should also be better teacher training for all teachers that covers how to identify, support and improve outcomes for CYP with SEND.

10. To what extent do you agree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the role?
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

Neither Agree nor Disagree – This might reduce the number of candidates for positions and there is a question about who will pay for this qualification if it needs to be paid for and started before securing a post.

11. To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.
Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree
– If you selected Disagree or Strongly Disagree, please tell us why

We don't consider that the key issue here is whether MATs are specialist or mixed. Rather what is vital is ensuring that they deliver quality, inclusive teaching and are properly accountable.

12. What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like traineeships?

Support needs to be built around the needs and ambitions of the YP, not just YP forced to fit into the current routes available. Further investment and scheme expansion is needed (above that announced). An increase in understanding amongst employers about what SEND is and how to support employment in all its aspects is also needed. Much of the effort so far has been on getting those with more complex needs into work whereas there is a

much bigger group of YP who were on SEN Support in school who do not succeed in college or get work.

13. To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

Agree. The new vision for Alternative provision (AP) is welcomed, with the understanding that the funding needs to be both stable and sufficient, and support provided for CYP and their families, otherwise there is a danger that children will be moved between AP and mainstream.

14. What needs to be in place in order to distribute existing funding more effectively to alternative provision schools, to ensure they have the financial stability required to deliver our vision for more early intervention and re-integration?

Good accurate data on the numbers of children and young people that need support through the AP system over a period of time so that the right level of funding can be identified. Breaking the link with fluctuating pupil numbers is sensible.

Assessment of the true cost of AP needs undertaking to ensure any funding model is sufficient to deliver what is required to meet children and young people's needs.

15. To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes, will improve the quality of alternative provision?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

Neither Agree nor Disagree - We also think that there needs to be a focus within the framework on CYP wellbeing and the development of employability skills.

16. To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?

Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why

Agree, but movement data also needs to be linked to CYP outcomes information.

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

- CYP progress from their starting points, recognising that some children will reach a different final outcome from others.
- The extent to which CYP meet the outcomes in their EHCPs and are prepared for adulthood by age 25 and ready to enter employment (where possible and desired) needs to be measured.
- The extent to which education, social care and health work together to improve outcomes for CYP needs to be measured.
- Data on meeting statutory timescales and health waiting times should be collected (to a standardised method) and there must be consequences for repeated failures for example “requires improvement” ratings and/or fines.
- Quality measures are required around statutory processes to ensure that meeting timescale deadlines does not result in low quality outcomes.
- Views from parent carers and CYP on how well needs are met and the quality of the services they receive should be regularly collected.
- Data needs to be collected on the numbers/ages of CYP with different types of diagnoses and needs nationally and locally so that sufficient support and expertise can be developed to support those needs. Clear and unambiguous guidance on the recording of data by services and partners will be required to ensure the data collected is accurate and meaningful.
- Measurements of levels of wellbeing with CYP with SEND
- Numbers of pupils on P/T timetables or out of school (but not excluded)
- Exit data for those leaving a school not at a usual transition point, covering lack of adequate support / move to home ed etc.

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

We do not agree with the proposal to introduce a national framework for funding bands and tariffs. The needs of CYP and the provision needed to meet these is what the system should be based upon.

- Funding needs to be equitable between areas and sufficient first, we do not consider that there is a current accurate understanding on the actual costs of delivering high quality provision.
- Cannot price CYP out from receiving the right support
- How does funding from health and social care play in?
- Children with high health needs and not necessarily SEN do not trigger education needs and miss out with no funding.

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

There need to be clear and open communications and an effective feedback loop. The NNPCF must be involved in order to maintain a clear comms line to PCFs.

20. What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

We do not consider that many of the proposals need to be implemented but instead that the focus should be on delivery against the 2014 reforms. In either case, a clearer understanding of roles, responsibilities, resources and redress is vital.

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

- Increasing the accountability of public bodies will be an enabler of success so that where they fail to serve the children and families there are consequences and incentives for improvements.
- Those employed in the public sector to deliver the support across the system need better training on their legal duties and responsibilities.
- Training on person centred planning and co-production is also needed to ensure that children and young people are at the centre of decision making. There needs to be a national process for keeping training up to date.

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

- Many proposals lack detail needed to allow fair comment on whether these will improve the lives and outcomes for CYP with SEND, which must be at the heart of any changes.
- Needs more information about who will be responsible for what, what resources will be made available, where accountability lies.
- Real concern that the proposals could reduce choice and support for CYP with SEND. We strongly disagree with any changes to the law that result in a watering down of CYP's rights or families' capacity to enforce these.
- Needs more on Health and Social Care.
- Early Years: focusing on primary education onwards ignores the fact that many children are presenting with additional needs earlier. Work is needed on funding, so that support is funded in a timely way for all their hours at an EY setting, and not just from aged three. System must acknowledge / plan for those children that have severe medical complex needs from birth or very early in their life.
- Proposals for improvement of inclusion must cover Initial Teacher Training.
- Needs more on workforce development in SEND and to consider parents and carers as part of that workforce and the skills/knowledge that they need in order to understand the SEND system, and how to understand / support needs of the CYP.
- More Educational Psychology posts needed to ensure capacity in the system for early intervention as well as statutory work.
- More SLTs, OTs and physiotherapists required to meet the needs of CYP to an adequate standard.