

11 October 2022

SEND and Alternative Provision (AP) Green Paper

Wards: All

Service: Access and Inclusion Service

Portfolio: Councillor M. Statham – Education and Skills

1. Aim

The aim of this report is to provide an overview and update of the SEND and Alternative Provision (AP) Green Paper

2. Recommendations

That the Education Overview and Scrutiny Committee considers the contents of this report and decides on timings of further information or updates

3. Report detail

Summary of the SEND review: right support, right place, right time

The SEND review sets out government's proposals for a system that offers children and young people the opportunity to thrive, with access to the right support, in the right place, and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives. The review can be found here https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063620/SEND_review_right_support_right_place_right_time_accessible.pdf

The reforms to the SEND system introduced in 2014 had the right aspirations and since then there has been much to celebrate. It is clear that the system is driven by a hardworking and dedicated workforce. However, despite examples of good practice, too often the experiences and outcomes of children and young people are poor. Parents and carers are frustrated at having to navigate an increasingly complex and adversarial system. Growing tension across the system is causing delays in accessing support and increasing financial challenges for local government.

The SEND review is a response to the widespread recognition that the system is failing to deliver for children, young people and their families.

Over the course of the review, the Department of Education (DfE) listened to a wide range of people, most importantly children, young people and their families. As the review progressed it became clear that alternative provision is increasingly being used to supplement the SEND system. Therefore, they have

looked at the specific challenges facing the alternative provision sector, and proposed potential solutions, as part of this review.

What the review found

The review identified 3 key challenges facing the SEND and alternative provision system.

1. Navigating the SEND system and alternative provision is not a positive experience for too many children, young people and their families.
2. Outcomes for children and young people with SEND or in alternative provision are consistently worse than their peers across every measure.
3. Despite the continuing and unprecedented investment, the system is not financially sustainable.

A vicious cycle of late intervention, low confidence and inefficient resource allocation

For both families and providers, the review identified there is significant inconsistency in how needs are met. Decisions are too often made based on where a child or young person lives or is educated, not on their needs.

This cycle starts in early years and mainstream schools, where despite best endeavours, settings are often ill-equipped to identify and support children and young people. Inconsistent practice makes this worse.

It is not clear to families what they should reasonably expect from their local mainstream settings, and they lose confidence that these settings can meet their child's needs. As a result, education, health and care plans (EHCPs) and, in some cases, specialist provision, are seen as the only means of guaranteeing the right and appropriate support.

Increasing numbers of requests for EHCPs and specialist provision means that children and young people face significant delays in accessing support.

Some children and young people, including those with more complex needs, face long journeys to get to school or have to attend a placement outside of their local area, taking them away from their local community.

Financial resource and workforce capacity is pulled to the specialist end of the system so there is less available to deliver early intervention and effective, timely support in mainstream settings. As a result, the vicious cycle continues with outcomes and experiences for children and young people continuing to suffer and costs increasing.

Turning this vicious cycle into a virtuous one

The vast majority of children and young people should be able to access the support they need to thrive in their local mainstream setting, without bureaucratic processes, **or the need for an EHCP or a placement in special or alternative provision.** They should have their needs identified promptly, with appropriate support put in place at the earliest opportunity.

For some children and young people, specialist provision will be the most appropriate placement for them to be able to learn and succeed. They should be able to access this with minimal bureaucracy.

The green paper was in response to the review and consulted on proposals to deliver greater national consistency in the support that should be made available, how it should be accessed and how it should be funded. It set out plans for an inclusive system, starting with improved mainstream provision that offers early and accurate identification of needs, high-quality teaching, and prompt access to targeted support.

An inclusive system will also ensure that children and young people have timely access to specialist services and support, including specialist placements where this is appropriate. This will be underpinned by strong co-production with families and accountability at every level, and improved data collection to give a timely picture of how the system is performing.



A single national SEND and alternative provision system

The review concluded that there is a need for much greater consistency in how needs are identified and supported, so decisions are made based on a child or young person’s needs in co-production with families, not where they live or the setting they attend.

They propose to:

- establish a new national SEND and alternative provision system setting nationally consistent standards for how needs are identified and met at every stage of a child's journey across education, health and care - parents and carers will be confident that their child's needs will be met effectively in the most appropriate local setting, they will be clear about what support their child is receiving and will be engaged in decision-making at every stage
- create new local SEND partnerships bringing together education, health and care partners with local government to produce a local inclusion plan setting out how each area will meet the national standards - when specialist support is needed, the local inclusion plan will set out the provision that is available within the local area, including units within mainstream, alternative and specialist provision
- support parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings, including mainstream, specialist and independent - they will continue to have the right to request a mainstream setting for their child
- introduce a standardised and digitised EHCP process and template to minimise bureaucracy and deliver consistency
- streamline the redress process to make it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases

Excellent provision from early years to adulthood

The review heard that we need a more inclusive education system to ensure that children and young people with SEND are set up to thrive.

They propose to:

- increase the total investment in the schools' budget, with an additional £1 billion in 2022 to 2023 to support children and young people with the most complex needs
- improve mainstream provision, building on the ambitious schools white paper reforms, through excellent teacher training and development and a 'what works' evidence programme to identify and share best practice including in early intervention
- build expertise and leadership, by consulting on a new SENCo national professional qualification (NPQ) for school SENCos, alongside increasing the number of staff with an accredited SENCo qualification in early years settings
- invest £2.6 billion, over the next 3 years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision
- deliver more new special and alternative provision free schools in addition to 60 already in the pipeline
- set out a clear timeline that, by 2030, all children and young people will benefit from being taught in a family of schools, with their school, including special and alternative provision in a strong trust or with plans to join or form one, sharing expertise and resource to improve outcomes

- commission analysis to better understand the support that children and young people with SEND need from the health workforce so that there is a clear focus on SEND in health workforce planning
- fund more than 10,000 additional respite placements and invest £82 million in a network of family hubs so more children, young people and their families can access wraparound support
- invest £18 million, over the next 3 years to build capacity in the supported internships programme
- improve transition at further education by introducing common transfer files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for employment and higher education

A reformed and integrated role for alternative provision

At their best, alternative provision schools are experts in supporting children and young people whose behaviour or other needs can present a barrier to learning. But, too often the role of alternative provision is unclear, and it is used too late or in a way that is not best focused on children's needs.

To address these barriers, they propose to:

- make alternative provision an integral part of local SEND systems by requiring the new SEND partnerships to plan and deliver an alternative provision service focused on early intervention
- give alternative provision schools the funding stability to deliver a service focused on early intervention by requiring local authorities to create and distribute an alternative provision specific budget
- develop a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations
- deliver greater oversight and transparency on children and young people's movements into and out of alternative provision
- launch a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice

System roles, accountabilities and funding reform

The review heard the need to align system incentives and accountabilities to reduce perverse behaviours that drive poor outcomes and high costs in the current system.

They propose to:

- deliver clarity on roles and responsibilities for all partners, across education, health, care and local government through the new national standards - with aligned accountabilities, so everyone has the right incentives and levers to do their role and be held to account
- equip the Department for Education's new regions group to take responsibility for holding local authorities and trusts to account for delivering for children and

young people with SEND locally through new funding agreements between local government and the Department for Education

- introduce a new inclusion dashboard for 0 to 25 provision giving a timely, transparent picture of how the system is performing at a local and national level across education, health and care
- work with Ofsted and the Care Quality Commission to deliver an updated local area SEND inspection framework with a focus on arrangements and experiences of children and young people with SEND and in alternative provision
- deliver funding reform through the introduction of a new national framework of banding and price tariffs for funding, matched to levels of need and types of education provision set out in the new national standards - providers will have clarity on how much funding they should expect to receive for delivering support or a service, whilst ensuring the right pricing structures are in place, helping to control high costs attributed to expensive provision

3.1 Current position:

The [publication of the green paper](#) marked the start of a 13-week consultation process, which closed on 1 July 2022. We encouraged everyone to reflect on the proposals in the green paper and respond to the consultation.

The proposals set out in the green paper will align with wider reforms around levelling up, including policy set out in the recent schools white paper, as well as the forthcoming independent review of children's social care and wider reforms to the delivery landscape across health and care.

Later this year, following the completion of the consultation, the DfE will publish a national SEND delivery plan, setting out the government's response to the consultation and how the proposals will be implemented. Together, we can ensure every child and young person with SEND and those in alternative provision can thrive and be well prepared for adult life.

Once the Green paper has passed through parliament and enters the statute books then the LA will review the legislation and SEND delivery plan and ensure members are updated.

Regular reports to members on the SEND and AP reforms and implications can be added to the work plan for this scrutiny.

4. Financial information

The national proposals for funding have been highlighted above. It is unknown at this time what this financial envelope may be for Walsall or the implications of the consultation findings and the reforms identified in the SEND delivery plan.

5. Reducing Inequalities

The SEND and AP Green paper supports our aim to reduce inequalities and make the most of potential, including enabling residents to fulfil their potential and thrive. It also supports our key area of focus that our children should:

- have the best possible start
- be safe from harm
- be happy, healthy, and learning well

6. Decide

The Committee may decide to request further information or assurance in respect of the outcome of the consultation and implementation of the national SEND delivery plan.

7. Respond

Walsall have submitted a response to the consultation. Once the findings are published we will look at implication and plans to implement.

8. Review

The outcomes of the consultation will be reviewed at Childrens Service's DMT. Any operational and financial implications will be tabled. These can also be reviewed through scrutiny once the consultation outcome has been published.

Background papers

None

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