

## Rebooting the SEND system to make it work for children, young people and families

### NNPCF submission to the SEND Review

#### Introduction

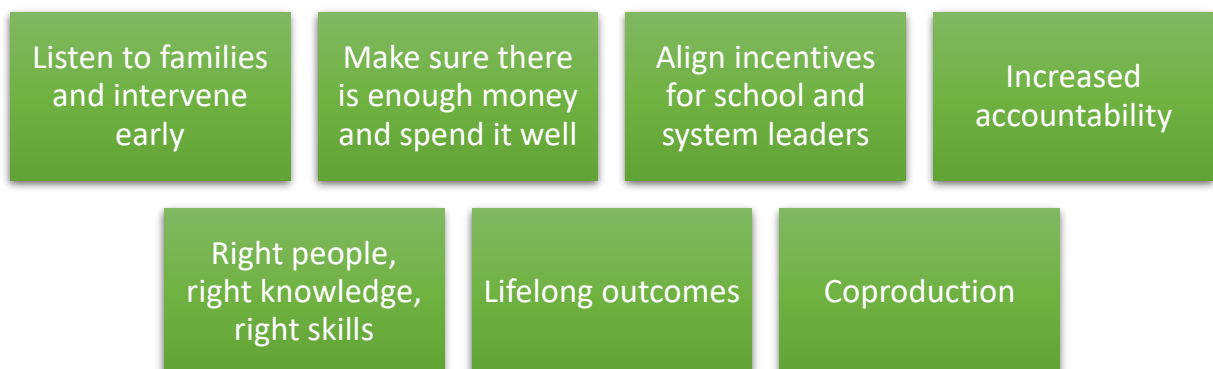
At the NNPCF conference on the 7<sup>th</sup> November, we held a workshop to provide an opportunity for our delegates to input into the ongoing cross governmental review into the SEND system being led by the Department for Education.

Although they were unable to participate in the session because of election purdah rules, the SEND review team were in attendance and we had coproduced the workshop prior to the session.

The session showcased the knowledge, experience and determination of parent carer forums – 196 delegates from 88 forums from around the country debated passionately and came up with practical and innovative solutions to reboot the SEND system.

We spent very little time discussing the issues – the whole sector is in agreement about what is not working. The workshop highlighted the unique contribution of parent carer forums in being able to propose solutions that will really work for families and service providers alike.

The NNPCF outlined seven key messages. Our feedback is structured around these themes:



## Listen to families and intervene early

The 2014 reforms placed the voice of children, young people and families with SEND at the heart of decision making. A lack of joined up working and dysfunctional behaviour from providers and commissioners has meant that this does not happen in too many cases.

Because families are not heard early, concerns become problems and problems become crises. This leads to untold damage to families who sometimes have to wait for years before services intervene. This may be because needs don't meet arbitrary thresholds, sometimes policy says the child needs to be 2 years behind before some services act or because many schools and local authorities insist on 3 cycles of plan, do review before escalating.

*"Spend the money early. Don't wait until concerns become problems and problems become crises."*

*"Not everything has to lead to an EHCP simply because there isn't anything before that."*

*"Early intervention in schools without a diagnosis."*

*"Listen to families. Parents know their kids the best!"*

### Listening to families

- New process / mechanism for schools, local authorities and community services to respond to parental views
- Fund information services for families effectively – families need to know their rights, services that are available and how to navigate what is an often complex system. This means local offer, SENDIAS, keyworkers

### Early intervention

- Spend more (and a greater proportion) of money on early help and design performance measurement metrics to encourage it. The key services that are mentioned time and time again are educational psychologists, speech and language therapy, occupational therapy and CAMHS



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- Mandated waiting times for more community services (e.g. SALT, sensory OT)
- Requirement for all local areas to review their early help offer and its effectiveness each year with PCFs
- Greater emphasis on the graduated response – more focus from inspectors and more training for practitioners. Help should start even before SEN support

## Make sure there is enough money and spend it well

For many areas, since the Children and Families Act became law, there simply hasn't been enough money in the system to deliver the support that families need. The announcement of some extra funding for the high needs funding block for the 2020-21 year, goes some way to alleviate this issue but this needs to be extended to future years and to other sectors that SEND families rely in such as Health and Children's social care to be have the greatest impact.

In addition, the funding that is in the system has not been used effectively. In a survey of parent carer forums in December 2018, only one third reported that they thought that their local area had a good understanding of the needs of the local population. Only 12% had shared priorities and so few areas were using the money that is in the system in a co-ordinated and targeted way.

*"Make it transparent"*

*"Make people think about the total cost to the public purse, not just their own budget"*

### Ensure that there are sufficient funds

- The recent uplift to high needs funding in education is very welcome. This must be maintained and increased as necessary
- However, more money is also needed in children's social care services
- The NHS Long Term Plan must ensure that the SEND workstream is given the right priority and is resourced properly
- Similarly, at a regional and local level, NHSE must ensure that SEND services get a high priority and appropriate funding from CCGs and STPs

### Better understanding of needs and shared priorities

- Compel local areas to work in a joined-up way:
  - Shared understanding of local need (SEND JSNA)
  - Shared priorities and outcomes
  - Publish joint commissioning plans

### Stop short-term decision making

- Clear mandate from DfE and NHSE about "who pays for what"
- Increased transparency and accountability around how the money is spent



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- schools publish how they use their notional SEND budget (mirroring pupil premium)
- Schools to remain financially responsible for children off-rolled or excluded
- Ring fence money for SEND
- Requirement to look at total (long term) cost to the public purse not just individual budgets

## Align incentives for school and system leaders

School and system leaders have been receiving mixed messages from government and inspectors. Many of the incentives are not well aligned with the SEND agenda which encourages and enables system leaders to adopt practices that are not inclusive.

Examples of this include disincentive to enrol pupils with SEND and identify SEND in mainstream schools if the costs of provision is going to be less than £6000, the academic focus of progress 8 measures.

Finally, the Department for Education has itself been perceived to be pursuing a “split” agenda – on one hand promoting inclusion and support, on the other hand having a focus on behaviour and discipline. DfE needs to speak with “one voice.”

*“Schools apply punishment instead of making reasonable adjustments”*

*“All departments need to sing from the same hymn-sheet”*

*“Funding is not clearly identified and protected”*

### Greater transparency

- Greater transparency of notional SEN budget
- Monitoring and publication of schools’ treatment of children with SEND e.g. %age of children with SEN in schools compared to local population, attendance, attainment, exclusion rates, part-time timetables, children in isolation.
- More flexibility / different measures to assess progress of children and young people with SEND. Not just progress 8 which is very academically focused e.g. holistic outcomes not just academic
- “Kite mark” for inclusive schools

### Inspection and intervention

- Greater powers for local authorities to intervene in local schools
- Monitor impact of new Ofsted schools’ inspection framework
- Real consequences for unlawful exclusions of children with SEND

## Increased accountability

Parent carer forums frequently report frustrations with system leaders who are not complying with either the spirit or the letter of the SEND regulations. They report unlawful practices such as blanket policies, a failure to coproduce when making decisions and SEND and many statutory services badly organised, funded and delivered.

Local authorities report that they have few levers to intervene in schools that they know are not behaving in an inclusive fashion

Moreover, individual families report that their concerns are too frequently dismissed, their children excluded from schools, mandated services not delivered. Too often families report having to go to the brink of tribunal before their valid concerns are addressed.

There appear to be few consequences for leaders in these cases. We would like to see stronger accountability across the system and greater consequences for failure.

*“Learn from accountability process for safeguarding”*

*“No school can be good or outstanding unless it is good or outstanding for SEND”*

*“Local Authorities must be responsible for all children and young people with SEND and must have the powers to fulfil those responsibilities.”*

- More consequences for poor performance in SEND and leaders must be held to account (similar to safeguarding)
- Local authorities need more powers to hold all educational settings to account for SEND
- The powers of the SEND tribunal extended to make binding judgements on health and social care services
- More use of experts by experience (including parent carer forums) on inspection teams

## Right people, right knowledge, right skills

Families tell us that too often, individual staff are not supported and equipped to deliver what is required of them. This is not only in relation to their knowledge of the legal requirements of the SEND system but also with regards to the cultural changes that need to be made with regards to coproduction with families – too many practitioners still regard their primary role as gatekeeping resources.

The workforce that supports SEND is large and diverse. For example, although there is an ambition for every teacher to be a teacher of SEND, little has been done to embed this across the system. Many SEND case workers are not properly trained and the Health sector is so diverse, they often struggle to work in an integrated, outcomes focused way.

*“Better CPD and initial core training about SEND”*

*“Stop trying to slot all children and into existing systems -should be outcome focused based on the wants and needs of the children and young people”*

*“Consider all needs – physical, mental and educational.”*

- An integrated workforce development strategy across education, health and social care services.
- This should include:
  - The law and regulations
  - Soft skills and disability awareness
  - Culture and attitude
  - Effective coproduction
  - An outcomes focus
- SEND training should not be regarded as niche. Leaders and practitioners need to understand that addressing SEND effectively will address the needs of the most vulnerable sections of society such as young offenders, pupil premium children, safeguarding. SEND awareness and training needs to be built into all these connected areas.
- Leadership and strategic planning training for all system leaders
- Co-delivered by parent carer forums to everyone involved in the SEND system



## Lifelong outcomes

Families describe their young people approaching school leaving age as “the cliff edge”. Upon leaving school, the offer from many local areas is not clear. Families are unable to see how the services and provision available will deliver the best possible outcomes for their young people. Part time education provision for their young person (often only 3 days a week) is a major concern. Families report that frequently that there is no or inadequate provision on offer for the other days. For some families this can result in parents having to stop or reduce paid employment.

Parent carer forums report that opportunities for employment, community inclusion and independent living are very limited.

Families are often thought to be behaving “irrationally” when insisting on young people remaining in education post 19. In the absence of a meaningful alternative, families will fight to hang onto what they know works.

*“Ask the young person, ask them young, ask them often, ask people who support the young person.”*

*“Have conversations about what is possible not what isn’t possible.”*

## Better planning and prioritisation

- Greater understanding of the 16-25 cohort as a part of the Joint Strategic Needs Assessment (JSNA) and joined up plans for their needs across the four Preparing for Adulthood (PfA) outcomes
- Gather and publish key employment and destination data from local areas
  - E.g. Access to work, supported internships, work experience in schools, outcomes when 25
- Create and commission local provider collaboratives to bring together different agencies to joint understand and meet need
- Greater drive on the disability confident scheme and a greater focus on the sustainability of employment

### **More flexible, person centred practice**

- A new multi-agency transition plan for those young people leaving education. This would include clear goals and support across the four PfA outcomes. For those seeking employment consider a new vocational support plan that details the support a young person needs to access work, training and volunteering (maybe an EHCEP?)
- More creative use of personal budgets to access vocational activities
- More flexible assessment of suitability for vocational courses for young people with SEN (not just the EHCP exemption for maths and English)
- Clearer guidance on ceasing EHCPs and ensure that local areas know the requirement to put in place 5 day provision, not just 3 day college courses
- Mandate colleges to offer more suitable, person-centred courses

## Coproduction

The quality and extent of coproduction is still too patchy across the system. Strategic and individual coproduction is the cornerstone of the 2014 legislation and is still not the norm across the system.

Too many forums still report that changes to provision and services are imposed on them without any notice let alone conversation. Future plans are not discussed or shared and that engagement is too often tokenistic.

All too often, individual families report that their concerns are not heard and soon escalate into problems and crises. Coproduction is the key to effective early intervention and the effective allocation and use of resources.

*“All people round table properly informed as early as possible to level playing field”*

*“Health is still top down and not coproduced -can't' always get reps on boards”*

- We need a single, clear and unambiguous definition of coproduction that is understood and adopted by all areas of the SEND sector aged 0-25. The National Association for Partnership Working provides an opportunity to develop this for the SEND sector.
- This should include both individual and strategic coproduction
- We need a consistent way of assessing and benchmarking how effective coproduction is in a particular area or service
- Leaders should be accountable and coproduction embedded into everything an organisation does
- Develop coproduction charters for all local areas that are co-produced by all parties - education, social care & health; children & adult services; and parents & young people
- Health is still behind on coproduction. A significant culture change is required to move away from the “ Medical Model” to a more open, person-centred one with a willingness to involve and listen to all stakeholders – parent carer forums report that they cannot get seats at the right tables and there is little funding from health. Too often health “participation” is



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tokenistic and involves just one person appointed to a board who may not have the support or mechanisms to represent the whole community

## And finally

We are getting a loud and clear message from our members that families are asking for perfectly reasonable things. Our families are not seeking incredibly expensive or unrealistic services and provision. Indeed, if families were listened to early on, it would save the need for more costly interventions later on.

Families are simply asking to be listened to and to be given a modest amount of additional support that enables them to lead an ordinary family life in which parents can work, they have the space to maintain their relationships, they can access leisure opportunities and have the occasional break and holiday.

Denied this very simple support, concerns rapidly escalate into problems and problems turn into crises.

In short, families are looking for the same outcomes for their children with SEND as they have for their other children. They want them to be happy, healthy, safe and be as independent as they can be. They want their children to belong and to feel like they have a future.

This SEND review provides a second bite at the cherry to deliver on the aspirations of the SEND reforms. We must not let it pass by.