

NASS response to the HM Government SEND & AP Green Paper Consultation

SEND review: Right Support, Right Place,
Right Time

22nd July 2022



About NASS

NASS is the national membership association for special schools outside local authority control. Our members include Non-Maintained Special Schools (NMSS), Independent Special Schools (ISS), Special Academies (SA) and Special Free Schools (SF).

NASS has over 375 schools and organisations in membership and is growing. We work with our member schools to support, promote, and improve special school provision and provide a voice for the sector via our engagement with key stakeholders such as Government, Ofsted and local authorities.

NASS welcomes the opportunity to respond to this consultation. We have submitted a response to the formal online consultation. This is also included here as Appendix A.

However, we felt that the questions did not always enable us to highlight the specific concerns of our sector, who did not see an understanding of their needs or position clearly reflected in the Green Paper. This paper forms a part of NASS's overall formal consultation response, and we request that it is considered in within the consultation process and analysis.

Contents page

| | |
|---|----|
| Introduction | 3 |
| The vision for specialist provision | 5 |
| A national SEND workforce strategy | 8 |
| The banding proposal and other funding proposals | 9 |
| Accountability | 13 |
| Streamlining the system | 15 |
| A modern SEND system? | 20 |
| NASS recommendations | 20 |
| Appendix A: Answers to the set consultation questions | 21 |

Introduction

Every child and young person (CYP) deserve access to timely, suitable and needs led education. For that to be the reality, we must ensure that we have a system that identifies and provides for those with the most complex needs.

The closing remarks of Chapter One of the Green Paper state:

“We need a strong specialist sector that supports those children and young people with more complex needs”¹

and

“{} to deliver {} changes in England so that every child and young person can achieve their potential.”²

This is an ambition we welcome and NASS and its members are committed to working towards this vision. At this point, we are not convinced that the proposals set out in the Green Paper will enable this ambition to be realised, nor provide a clear and sustainable role for specialist provision. We believe that some of the proposals set out in the Green Paper are likely to undermine existing provision and create further conflict between families and local authorities.

We know that the consequences of not tackling poor access to suitable and needs-led SEND provision can be lifelong, and impact children and young people, their parents and carers, siblings and the wider community³. We believe that specialist provision, used in a timely and appropriate manner, can enhance the outcomes and life chances of the children and young people who receive it.

Representing the views of NASS member schools

During the consultation period, NASS held a series of themed specific Focus Groups with its members. We also had colleagues from DfE and Natspec joining us for specific sessions. This consultation response is informed and underpinned by the views and comments made by our members.

Our key issues from the Green Paper

Our discussions highlighted the following key areas from the Green Paper that NASS and its members believe must be addressed, clarified or reconsidered by Government prior to any legislative amendment or implementation of proposals.

¹ HM Government (2022) SEND Review: Right Support Right Place Right time: p.25

² Ibid: p.25

³ Clifford, J. and Theobald, C. (2012) National Association of Independent and Non-Maintained Special Schools: Social Impact evaluation of Non-Maintained and Independent Special Schools using Social Return on Investment

- The vision for the role of specialist provision
- A workforce vision and strategy for SEND
- The banding proposal and other funding proposals
- Accountability
- Streamlining the system
- Post-16 and transition

We are aware that the proposed next step for the Government is to set out its response to this public consultation by publishing a national SEND and AP delivery plan. We believe that prior to this there is a great deal of work to be done to develop the Green Paper into a set of proposals that can have a real positive impact on the experience and education of a children, young people and families.

The vision for the role of specialist provision

Our concerns

The Green Paper correctly identifies the stresses and strains within the SEND system. However, we were disappointed by the lack of vision for how schools work together to increase SEND knowledge and expertise and for a clearly defined role within this for highly specialist provision. Whilst no one type of provision should expect detailed focus within such a document, it was frustrating to note that the only mentions of specialist provision within the Green Paper related to it being 'expensive'.

Special Academies, Free Schools and the role of MATs

Thinking first about Special Academies (and Free Schools), we do not believe that the Government has made a sufficiently persuasive case for why special schools would be more effective as part of MATs. Whilst we can see theoretical benefits to special schools being part of either mixed or special school groupings, we have not seen clear evidence of how either model works in practice and delivers advantages to children and young people beyond what is delivered by standalone special schools. Where an academy plays a key role within a locality in delivering both SEND placements and expertise to other schools, we can see the opportunities for mixed, locality-based MATs. However, care must be taken to ensure that special academies within mixed MATs maintain opportunities to keep practice and knowledge up to date and can benefit from access to peer networks of other special academies. If Government pushes ahead with these recommendations, NASS will seek to be the peer network for special schools that become part of mixed MATs.

There are already a number of successful special school MATs, several of which we have in NASS membership. We are only aware of a single special school MAT which has more than the envisaged 10 schools, as set out in the Schools White Paper. We are not convinced that special school only MATs need to be this big or what advantages beyond 'back office' functions are conveyed. NASS has many large groups of independent schools within membership. At their best, they create a strong peer network where practice can be developed and shared and create a strong ethos about young people's achievement. When such groups have strong leadership and management they can be a real force for good. Conversely, in the past, we have seen groups struggle under weaker leadership, becoming inward looking and insular. We do not believe that there is something inherent about the structure of schools which leads to good outcomes – it hinges on who is leading, managing and working in those organisations. To this effect, the Green Paper is silent on developing better SEND leadership and supporting schools to succession plan for sustained resilience.

We believe that high performing standalone academies and free schools should be allowed to maintain their current status and not be compelled to join MATs. Nationally, MAT performance, specifically in relation to SEND, is not consistently good enough and this creates a risk for any school forced to join a MAT.

The role of Non-Maintained and Independent Schools

We are unclear about where highly specialist provision fits into this model, e.g., Non-Maintained and Independent Special Schools and whether it is envisaged that they should be in some part of or affiliated to MATs. Where provision serves a wide geographical area, it is hard to argue that there are any benefits in locking those schools into locality-based MATs.

The specialist sector feels confused about how it is seen within the new system, or indeed whether it is seen at all. In our focus groups, member schools reported feeling that their role and value was poorly understood by Government and that opportunities to make best use of this had been missed.

Our schools are experts at meeting the needs of children that other schools have been unable or unwilling to meet. They have evolved to develop expertise in specific areas of SEND and associate issues, such as mental health conditions. They also operate in physical environments that have specifically been set up to meet the needs of students, for example, small class sizes with plenty of space for different activities and spaces designed to reduce sensory overload. It would be difficult for these conditions to be replicated in much larger, less specialist schools.

It is the view of our member schools that they are often not well used by placing local authorities. It is still too often the norm that placements are not made in our schools until children or young people have experienced failure in at least 2 other schools. This makes it less likely that the school will have the same impact that they might have had if a placement was made earlier. At the same time, due to lack of capacity in the system, schools are finding themselves in a position they have never been in before – being named by local authorities in EHCPs without consultation or agreement. We see this mis-use of specialist provision as being one of the clearest indicators of a failing system.

As specialist settings, special schools are best placed to identify the children for whom they can be most effective and achieve the best outcomes. This provision is scarce and should be used when it is the best option available for a child or young person, not simply because no other option is available. We would like to see power over admissions given back to NMISS so that they can veto placement requests that are clearly outside their stated student group.

Early intervention

We welcome the focus on early intervention suggested by the Green Paper. However, we would resist early intervention being reduced to lower-level interventions in attempt to 'stave off' more specialist placements. We would see early intervention working as follows in specialist provision:

1. A child or young person gets early access to specialist support which meets their needs. This results in them being able to access lower-level support at a later stage in

their school life, either in their current placement or by moving on to a less specialist, or even mainstream, setting.

2. Through accessing specialist support at an early stage, a young person has their needs met more effectively across their whole school life. As a result, they are able to achieve better outcomes than if their access to specialist support had been delayed.

The second definition must be included when we are considering early intervention. Many of our schools talk eloquently about the value-added of young people being part of peer groups where they belong and see themselves reflected in the people around them. This is particularly likely to be the case in schools for children with sensory impairments where the outcomes achieved by specialist settings are markedly better than those achieved by children attending mainstream settings.

Making wider use of specialist expertise

We were disappointed that the opportunity to define how specialist provision helps build mainstream capacity was missed in the Green Paper. Government has rightly identified that mainstream schools lack the capacity to consistently support children with SEND. It has not yet identified possible means of addressing that.

In 2019/20 NASS ran what we believe to have been the first ever SEND ‘incubator’ project with the Young Foundation. We supported 9 specialist schools to develop interventions that could be upscaled and replicated in other schools, allowing for specialism to be taken into mainstream settings. We were disappointed that the Green Paper makes no reference to innovation, although we are aware that Dame Christine Lenehan has called for a ‘SEND Innovation Fund’ to be created. We would support this and would be keen to share our experiences of delivering an innovation project as part of its development. There is a danger of the SEND Green Paper being ‘all stick and no carrot’ and we would like to see some investment in celebrating and disseminating the excellent SEND practice currently locked into schools. We have some good existing means of disseminating such practice, such as Whole School SEND, but no national programme that focuses on generating new knowledge and practice.

Many of our schools have effective partnerships with other schools in their area. However, current structures and systems do not always recognise NMIS as allies and many of our schools have reported the frustrations of not being given access to local groups, despite there being clear benefits for all parties. This speaks to some of our concerns, raised here and in our online response, as to how some of the new proposed structures will include our member schools.

A national SEND workforce strategy

Our concerns

Our members, and other SEND stakeholders, are experiencing a crisis of staffing. For the past 20 years, special school leadership posts have been difficult to fill with vacancies attracting few candidates and younger leaders not coming forwards to fill roles. In more recent years we have started to see these problems mount in other staffing areas such as residential childcare workers, teachers, learning support assistants and therapists. These problems have been exacerbated by the pandemic with many deciding to exit the workforce or seek much reduced working hours.

Earlier this year, NASS and ICHA conducted a survey of members exploring staffing levels in children's homes and residential special schools. These revealed how close to becoming unsustainable some provision is. Findings noted that 43% of the members of ICHA and NASS said that they were not able to operate at normal staffing levels when surveyed.⁴ NASS also asked members about recruitment. 34.09% noted that they had found it difficult to recruit and fill vacancies during the last 12 months and a further 56.86% had found it very difficult.⁵ We do not believe that the Green Paper measures can be implemented without a national SEND workforce strategy as a key part of the implementation plan. The system relies on people and relationships to work effectively – whether that is skilled local authority commissioners or skilled speech and language therapists. Whilst there are some examples of good practice taken to address these, e.g., the speech and language therapy apprenticeship, these are not yet at a point of being delivered routinely or across the country as a whole.

⁴ ICHA & NASS (July 2022) The Workforce Crisis in residential child care: A call for action from the sector p: 10

⁵ Ibid p:11

The banding proposal and other funding proposals

Our concerns

NASS and its members have significant concerns about the proposal outlined in the Green Paper for a 'New national framework of banding and price tariffs for high needs funding.'⁶ The strapline of the Green Paper is 'right support, right place, right time'. We believe that the proposed national banding framework will contribute to a system that offers children and young people and their families quite the opposite of that.

Banding proposal

NASS and its member schools do not support the introduction of funding bandings for High Needs placements. We see this largely as an attempt to reduce costs of provision rather than stay true to the ethos of needs-led and child-centred provision. We are particularly concerned that a system that seeks to standardise inputs and outputs does not work for highly specialised provision which is centred around the needs of individual children and young people.

We do not believe that Government has provided a credible or persuasive evidence base for why banded funding will result in better outcomes for children, young people and their families. We have considerable evidence that banding systems do not work. In fact, within the recent final report of The Independent Review of Children's Social Care published on the 23 May 2022, it is noted that:

'A system of price caps may control costs and reduce profit making but it would introduce a system of assessing thousands of children with unique circumstances into a small set of 'price bands'. This risks making the care system even less responsive in providing tailored care for children.'⁷

NASS and its members with Post 16 provision witnessed this directly in the mid 2000s when the Learning and Skills Council operated a national matrix to determine funding for students in further education. Within the first few years of the scheme's operation, almost all specialist placements had to be made 'off matrix' because the complexity of student needs could not adequately be covered or funded within the matrix bandings and descriptors. Government abandoned this system in 2013 as part of their last major funding reforms.

We have also seen several local authorities attempt to introduce bands and capped costs within the procurement frameworks that they use with Non-maintained and Independent provision. We can cite no examples of this resulting in better outcomes for children, access to a wider range of provision to choose from or sustained cost savings to the local authority. In

⁶ HM Government (2022) SEND Review: Right Support Right Place Right time: p.72

⁷The Independent Review of Children's Social Care (May 2022) p: 129

fact, many LAs who have tried to develop a local Banding framework acknowledge that any banding framework has many limitations.

The Banding Matrix cannot describe the needs of every child {}. The Matrix is not to be used to achieve a definitive answer.⁸

In the past year we have seen one regional consortium abandon its banded funding structure in recognition that it had not been effective. It's not clear that Government is making use of the learning from these past failures, or how this proposed funding system could be different. We can see no evidence that such a system would or could work well for specialist provision and we would like to work with Government to develop a more appropriate funding model for our sector. We cannot support the current proposals.

Multi-layered needs and complex placements

To have the right support there needs to be an understanding of not just the primary need of a child or young person, but also their other needs or comorbidities. We have particular concerns that mental health problems do not feature strongly in the Green Paper. We work with a very diverse cohort of schools but one unifying factor is that all schools, regardless of designation, are having to meet the complex mental health needs of their students. In the absence of appropriate or accessible support from CAMHS, most schools are having to develop and deliver their own 'in-house' mental health services in order to meet need. In some cases, schools are supporting children with acute mental health needs where the only other feasible option for placement would be an Assessment and Treatment Unit. Such placements are insufficient in number, deliver poor outcomes for children and young people and are significantly more expensive than school placements. Whilst this position was acknowledged by Dame Christine Lenehan in her 2017 report 'These are our children', few of the recommendations agreed by Government have resulted in changes for this group of children. We call on Government to create a specific focus on mental health in its follow-up to the Green Paper and to acknowledge the role that special schools currently have in plugging the gaps left by insufficient and inadequate mental health provision.

We have observed that placements often fail when there isn't support beyond the identified primary need of a child or young person. Whilst we welcome the stated intent to ensure that health and social care agencies play a more active role in funding and service provision, there is no detail on how this might work in practice where funding is concerned. Our members tell us of the bureaucracy created when funding for placements has to be split between education and health agencies. Payment is almost always delayed, often disputed between agencies and results in schools spending extra time and resource chasing payment. If the vision is for each agency to contribute its 'fair share', the practicalities of the system must be managed in such a way that the net result isn't simply schools spending valuable time on

⁸ Essex Banding Descriptors Matrix Explained [Review of Schools Forum Operation \(11 June 2008 meeting\) \(essex.gov.uk\)](#) accessed 31/05/2022

additional bureaucratic tasks and we must ensure that cash-flow for schools is maintained. Without this, there is a significant risk that any changes will destabilise provision.

Mitigating against regional variations

Although the detail isn't clear from the Green Paper, any National Banding System will need to consider variations in costs from one part of the country to another. Staffing and other costs can be much higher in the South East and London compared to the rest of the country but there are other geographical 'hot spots' where the labour market is distorted through a variety of factors such as housing costs.

We are concerned about the following statements within the Green Paper:

'All specialist providers will need to ensure the provision they offer is in line with the national SEND standards if they are to continue receiving placements funded by the local authority'.⁹

And

'{..} the extent to which local flexibility is required, (for example, scope to fund lower or higher than the funding tariff) whilst remaining within the national SEND standards.'¹⁰

In the absence of clear evidence of how this system might work for our sector, it is hard not to see this as a thinly veiled threat to 'put up or shut up'. This is almost the only specific mention of specialist provision in the entire Green Paper and we were disappointed by the tone of the statement and the absence of understanding of the sector and how it operates.

Safety Valve Programme and Delivering Better Value Programme

The Green Paper confirmed the continued spend on the Safety Valve Programme and Delivering Better Value Programme, created to help local authorities with large High Needs Block deficits to reduce spend. We note that this programme is in a relatively early stage of operation – only 5 local authorities were in the scheme at the point of publication of the Green Paper, when the decision to roll it out further was made. The evidence for the impact of the scheme to date is very limited. Whilst a couple of local authorities have made relatively modest reductions in the number of EHCPs issued, this has largely been achieved by refusals to carry out statutory assessments. Whilst we recognise that the approach introduced by Impower is wider than this, the bottom line of the programme is that costs need to be cut. There is a significant risk that this will not and cannot be done whilst maintaining a focus on improving the outcomes and experiences of children and families.

NASS has been involved in the development of the toolkit to be used within work with local authorities with the Outcomes First Consortium. This work has good intent, which we recognise, but is limited by the requirement to rely on a national data set which reduces 'outcomes' to outputs and does not capture impact. Whilst we welcome the intent for the toolkit to be used as the 'start of a conversation' with local authorities, we are concerned

⁹ HM Government (2022) SEND Review: Right Support Right Place Right Time p73

¹⁰ Ibid p73

that it is likely to be used in a prescriptive way that labels some local authority behaviours as 'good' or 'bad' without a nuanced understanding of context. High use of specialist placements is seen as a 'red flag' within the toolkit and we are concerned that efforts will be focused on reducing number of placements without an understanding of whether those placements are the right ones for those children or of how they came to be made. We have seen past well-meaning attempts to reduce spend result in delays in making specialist placements which led to markedly increased cost when placements were made at a crisis point and a significant reduction in the potential for young people to fully benefit from that provision.

Funding announcements

Although the Green Paper outlines some large sums of investment there is no new funding and a large chunk has already been earmarked for specific spends. There are two main funding announcements:

A £7 billion increase in school budgets over the next three years. However, this will need to cover the pledges in the Schools White Paper as well as general increase in costs for schools e.g. NI contributions. We are concerned that there are no specific funding announcement to support the implementation of the proposed changes outlined within the Green Paper.

A £2.6 billion SEND capital funding investment to create new SEND places. NASS is concerned that this proposal shows little 'real world' insight into the staffing and funding challenges faced when trying to sustain provision. The capital investment is often the most straightforward part of creating new provision and we do not think a plausible vision for creating new, sustainable provision in places where it is most needed has been set out in the Green Paper.

Omissions

Place funding (Elements 1 and 2) is not considered within the Green Paper. The current amount of £10,000 was set in 2013. Since then we have seen high inflation and wage inflation due to NI changes and staffing shortages. The net result is that this amount does not cover the baseline costs of offering a place and more and more placement funding has to be picked up through Element 3 – top-up funding. We are concerned that the High Needs Block funding will not be increased from 2023, creating a significant risk of funding not covering the costs of delivering provision. This is not a sustainable position.

Accountability: Will the proposals deliver clarity in roles and responsibilities?

Our concerns

The message that we have heard from our members, colleagues from across the sector and parents is that the Green Paper proposals fail to deliver clarity in roles and responsibilities.

Ali Fiddy, Chief Executive of IPSEA remarked whilst giving evidence to the Education Select Committee on the SEND review:

“What the SEND review seems to have done is completely disregard the overwhelming evidence that the biggest problem within the SEND system is the lack of accountability and a failure, particularly on the part of local authorities, to comply with the law at the most basic level.”¹¹

In 2020/21, the proportion of appeals decided at Tribunal in favour of the appellant was 96%. Michael King, Local Government and Social Care Ombudsman, also noted whilst giving evidence to the Education Select Committee:

{..} the fact that we uphold 85% of the complaints that come to us {..} suggests that people are not abusing the redress system. The redress system simply reflects significant real problems that exist upstream, so if we need to fix this, it isn't about fixing redress; it's about getting things right first time.¹²

We support these views and believe that the Green Paper is not starting from the right place in its proposals. Whilst the assertion is that the 2014 were the right ones, too much within the Green Paper seems intent on eroding these, e.g. limitations placed on parental preference.

Writing for Special Needs Jungle, Matt Keer estimated that local authorities collectively allocated around £60m of their resources towards defending SENDIST appeals in 2020-21. In all, since the SEND reforms became law in 2014, he estimates that LAs have spent over £250m of resource on SENDIST appeal defence with a further £80m-£90m of costs to the public purse borne by the judicial system over the same period.¹³ We do not think the Green Paper acknowledges the real cost of conflict within the system to the public purse. As a sector that is too often labelled as 'expensive' you might expect us to be concerned at what appears to be significant wastage of scarce resources in attempting to reduce access to specialist provision. We would welcome a re-think on how Government might reduce conflict within the system as a better use of public money.

¹¹ Education Committee Oral evidence: The Government's SEND Review, HC 235 Tuesday 24 May 2022

¹² Ibid

¹³ £253 million fighting parents at the SEND tribunal since 2014 reforms (Matt Keer – SNJ 10/12/2021)

National SEND Delivery Board

The proposed role for the delivery board, “to hold partners to account for the timely development and improvement of the system”, is unrealistic. The suggested diverse membership, with representatives from across the system, means that the board would effectively be holding its own members to account.

This should be DfE’s role, through the SEND directorate and the Regions Group. The National Delivery Board should then be responsible for monitoring implementation, reporting successes and failures to DfE, and proposing further changes to ensure that the legal framework is upheld. More robust funding agreements with LAs with effective sanctions (that do not involve reduced budgets that would penalise CYP and families) could be used as a lever to ensure effective implementation.

The National Delivery Plan should be based on a robust examination of why implementation has failed up to now, making it clearer how regional and local inclusion plans should be structured to address issues across the age range. There should be quality assurance of local inclusion plans with frequent updating and publication of progress.

Streamlining the system: EHCPs, Commissioning of services and proposed new structures

Our concerns

We titled our members' focus group session on streamlining the system "the good, the bad and the ugly". There are some much needed changes put forward to help strengthen and streamline the existing system, however, there are a number of areas of great concern that our members have raised during the consultation process.

Education and Health Care Plans (EHCPs)

Our members have continued to voice their frustration of dealing with a different EHCP form for each LA. Our schools all work with multiple local authorities with a mean of 12 and a range of 3-85. It is clear that one of the first steps required to improve the process for CYP and Parents, schools, LA, Health and Social Care partners is to develop a universal national EHCP form. We therefore fully welcome the inclusion of this recommendation within the Green Paper.

We would welcome the opportunity to work with DfE colleagues to help develop a form that it fit for purpose, recognising the experience and expertise our member schools have of working with multiple authorities. We particularly wish to ensure that EHCPs provide adequate consideration for transition and post 16 planning. EHCP may also provide an avenue to consider impact of Liberty Protection Safeguards (LPS) for those post 16 students if the proposed changes outlined in the consultation document¹⁴ are implemented.

We also cautiously welcome the introduction of the digitisation of EHCPs. However, there does need to be an understanding of accessibility and the impact of digital exclusion¹⁵ may have on equality of access. We would also wish to ensure that safeguards are in place to ensure that the EHCP cannot be amended without it being a co-production process between LA, Parents and CYP and schools.

Introduction of Mandatory mediation

We are concerned about the proposed introduction of the mandatory mediation as a new hurdle for families and CYP to access tribunals that will lead to an increase in bureaucracy, 'red tape' and delays in accessing suitable education provision.

The Green Paper notes that the national standards will set clear expectations on engagement, timescales and 'ensuring that local authority decision-makers attend meetings.'¹⁶

¹⁴ Changes to the MCA Code of Practice and Implementation of LPS: Consultation Document: HM Government 17 March 2022

¹⁵ Ofcom defines Digital Exclusion as three related aspects (Access; ability and affordability) that encompass a range of issues that are connected to digital exclusion - Digital Exclusion: a review of Ofcom's Research on Digital Exclusion 30/03/2022 p: 4

¹⁶ HM Government (2022) SEND Review: Right Support Right Place Right time p: 35

However, the Green Paper fails to outline the process for accountability. As mentioned before, the SEND code of practice 2014 already had many statutory duties that have not been followed consistently, and because no clear process of accountability has been set out, they have not been adhered to in many cases.

We also have concern about the following statement within the Green Paper (in box below). LAs and other stakeholders have often highlighted that the system is creaking under the demands for reviewing EHCP, therefore it seems perverse to suggest that any Multi Agency Panel that is tasked to review and make recommendations on EHC needs assessment to then be given the task of reviewing cases post mediation:

" If the national standards and mandatory mediation does not prove effective {...} we will consider whether it is necessary to introduce an additional redress measure in the form of an independent review mechanism. {...}. Cases would need to go through mediation first and then be reviewed by the independent local panel {can be the same Multi-Agency Panel as the EHC needs assessment stage} prior to a tribunal appeal being registered. We would need to consider whether this panel could make the binding legal judgements required to overturn previous local authority decisions and how this would apply across education, health and care".¹⁷

Regional commissioning of High Needs Specialist Placements

Local authorities have been exploring regional commissioning for the past 20 years. Unfortunately, it is difficult to highlight many examples of positive practice which have been sustained beyond initial projects. We would argue that some of the most successful commissioning work was undertaken during the period of operation of the Commissioning Support Programme, run by the DfE between 2006-10. We believe this is largely due to the provision of dedicated resource to free up staff time within LAs to work regionally. We had seen similar gains under the much missed SEND Regional Partnerships initiative which ran from 2002-2010. Again, we believe this work succeeded because it provided a dedicated resource to coordinate activity. Unfortunately, work in this area has been difficult to sustain once additional support ended – this has been a feature of most commissioning initiatives. Whilst resource plays a key part in this, we have also noted how difficult it is for groups of authorities to sustain commonality of purpose. Most regional initiatives end because individual local authorities disengage from the process to focus on local initiatives instead.

We still believe in the potential for regional commissioning – particularly for low-incidence provision that serves multiple local authorities. However, we believe that SEND commissioning needs to be seen as a role that requires a particular skills base. To that effect, we would like DfE to consider running a 'Commissioning Academy, using the Cabinet Office model, specifically for SEND commissioners. This will help develop skills but, more importantly, its Action Learning Set approach would encourage joint problem-solving and the development of professional networks of commissioners.

¹⁷ ibid

Local Inclusion plans

We are concerned about the lack of detail around local inclusion plans and their purpose. It is not clear how they differ in practice from the existing Local Offer, nor how they will address the limitations of that initiative. Whilst local provision makes sense for the vast majority of children with SEND, it is far less likely to be effective for children with very complex needs. To date, many local authorities have been reluctant to include specialist provision outside their own authority on lists of provision, even when this provision is what they would routinely use for children and young people with those specific needs.

DfE Regions Group

Although we welcome the opportunity to hold local authorities and others to account in terms of meeting their SEND, we are concerned about the lack of details in the Green Paper about the levers and powers to challenge granted to regional groups. The White Paper states:

“We will equip the Department for Education’s new Regions Group, described in chapter 4, to hold local authorities and academy trusts to account for local delivery for children and young people with SEND, make better use of data to understand system health and work with independent inspectors and health colleagues.”¹⁸

This leaves a lack of clarity about of and how specialist provision fits into this structure.

Local and National Inclusion Dashboards

We agree that having some checks and balances in the system is important and as the Green Paper proposes to make better use of data in the SEND system.

“Data collection in the current system is inconsistent: we do not always collect the right information, at the right time, in a way that enables local systems and leadership to respond to local needs before it is too late.”¹⁹

We are concerned that the initial key metrics proposed to indicate ‘value for money’ include high needs spending, high needs budgets surplus or deficits and percentage of spend in and out of area provision. We think such measures are fairly crude taken out of context. In the past we have seen well-intentioned policy aims such as ‘all looked after children should be placed within 20 miles of home’ lead to local authorities disrupting children in settled and effective placements, simply because they were not in the ‘right’ location. If Government is serious about the ‘right place’ element of its strapline, it has to allow for this place being

¹⁹ HM Government (2022) SEND Review: Right Support Right Place Right time: p69

specialist provision for children and young people who need it. We have seen little in the Green Paper that we think safeguards or illustrates a valued role for specialist provision. Since the dashboard will be used in part to identify local authorities that will be referred towards the Government's 'Safety Valve' scheme and we are concerned that the use of the non-maintained and independent special schools will be used as an indicator of LA performance with lower use being seen as 'desirable'. We are concerned that this perverse incentive will not be in the best interest of the needs of children and young people with complex needs and SEND.

SEND and Health

We welcome the proposed introduction of statutory guidance to Integrated Care Boards (ICBs) and the new guidance from NICE around the support that disabled children and young people with severe and complex needs should receive. However once again the Green Paper fails to recognise that within the existing SEND code of practice there is already a duty for LAs, health and social care partners to work in partnership. It is not clear at this point how the Green Paper proposals will build on this. At this stage, most schools are not fully aware of what ICBs will mean in practice and we hope Government will ensure that their implementation is closely aligned with implementation plans for the Green Paper.

LA Backstop powers

We are pleased to see that there isn't any suggestion within the Green Paper to give LAs the powers to direct admissions to Independent or Non-Maintained Special Schools (NMSS). Our schools provide specialist and needs led placements, and our schools are best placed to determine if they can provide a suitable and ultimately successful placement for a child or young person.

Whilst we acknowledge the capacity of mainstream provision to meet the needs of children with SEND is reduced by some school's reluctance to admit children, this is not the case with specialist provision. As noted earlier, our schools would benefit from greater control over admissions than is currently provided by the 2014 Act for NMSS and s41 approved independent schools.

Area SEND Inspections

The Ofsted 5-year strategy published on the 26th April noted that:

{We will} Develop and implement a new area SEND inspection framework that holds the right agencies to account for their role in the system and responds to the government's SEND review; this will include an enhanced focus on local strategic oversight and commissioning of alternative provision'²⁰

²⁰ Every child deserves the best start in life Pg:12 Ofsted Strategy 2022-2027

We hope the correct levers and powers, focusing from the perspective of meeting needs rather than cost reductions will be put in place and that the views of all partners, schools, parents and CYP are considered.

We will also be feeding our views to the joint Ofsted and CQC consultation (closing on the 11th September 2022) on the new inspection provision framework for children and young people with SEND²¹.

²¹ A new approach to area SEND inspections: Ofsted & CQC consultation document 13 June 2022

A modern SEND system?

First and foremost, there needs to be a cultural shift in schools, local authorities, health and social care partners for any new system to work. In terms of the proposals for EHCPs for example, we would seek that the quality of the content to be improved to include clarity of roles with a clear duty in terms of delivery.

We welcome the suggestion a new longitudinal cohort study focusing specifically on children and young people with SEND, and their families (as also recommended by the ISOS SEND Futures Report in 2020). This is important, not least as it is likely a key component likely missing from any local/national inclusion dashboards.

We do hope that this study will consider the whole impact of having the correct placement at the correct time. We will welcome the opportunity to work with DfE on this. NASS is also commissioning its own research around impact and value. We will of course share our findings when published.

NASS recommendations

- That the Government sets out a clear vision for where specialist provision sits within the proposed new SEND landscape.
- That Government launches a new SEND Innovation Fund to drive the creation and dissemination of new knowledge within the wider SEND system
- That Government issues a National SEND Workforce strategy as a key part of its implementation plan.
- That the SEND review team reconsider the proposals for banding system in light of strong evidence that such systems are fundamentally not suitable for use in a specialist and needs led service.
- We would support a new regional commissioning programme but this must have a clear focus on commissioning – identifying and responding to need – not procurement. This needs to be long-term and have sustainability of activity built into it from the start. It should also include a commissioning academy element to upskill the SEND commissioning workforce
- We would support further exploration of the management of low incidence placements switching from LAs to the Government. There is precedence for this with the Learning and Skills Council management of post 16 SEND placements in the early 2000s.

Appendix A: Answers to the set consultation questions

| Consultation questions | Response |
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| <p>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.</p> | <p>Whilst clarity for parents and young people on what they should expect from across education, health and care is desperately needed, we think the Government has not made enough of the existing powers and duties within the 2014 reforms. This in turn has led to a failure to hold organisations to account where they have not followed these. The SEND legal framework, in the form of the Children and Families Act 2014 and associated regulations, plus the Code of Practice and the Equality Act 2010 already sets out the requirements expected. Unless the SEND Review acknowledges the need for stronger accountability within the system any new National Standards will not achieve their stated aim. We would argue that the focus ought to be on accountability foremost, rather than re-defining existing standards, which we believe are largely fit for purpose.</p> <p>We also share concern with many others within the SEND sector about any national standard focusing on the allocation of special school places. As the title of the Green Paper states ‘Right support, Right Place, Right time’ – we are extremely concerned that the introduction of any formula to decide what, where and when a child or young person can secure a special school place risks taking personalised and individualised support and decision-making out of the process.</p> |
| <p>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?</p> | <p>We have concerns that existing SEND Partnerships are not specified as being inclusive of all providers within or serving the locality. Our independent and non-maintained special school members note the challenges of being excluded from existing local partnerships and we would like to see explicit mention of the need to include them with any partnership arrangements emerging from the Green Paper.</p> <p>Whilst Local Inclusion Plans may be helpful to ensure the needs of those with less complex SEND are met, care must be taken that they do not become a way of delaying or denying access to more specialist provision to those who need it. Whilst the aspiration to keep children close to home is a worthy one, we have concerns that this can be used to restrict access to the</p> |

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| | right specialist provision, simply on the basis of where it is located. |
| <p>3. What factors would enable local authorities to successfully commission provision for low-incidence high-cost need, and further education, across local authority boundaries?</p> | <p>Local authorities have been exploring regional commissioning for the past 20 years. Unfortunately, it is difficult to highlight many examples of positive practice which have been sustained beyond initial projects. We would argue that some of the most successful commissioning work was undertaken during the period of operation of the Commissioning Support Programme, run by the DfE between 2006-10. We believe this is largely due to the provision of dedicated resource to free up staff time within LAs to work regionally. Unfortunately, the work was difficult to sustain once this support ended – this has been a feature of most commissioning initiatives. Whilst resource plays a key part in this, we have also noted how difficult it is for groups of authorities to sustain commonality of purpose. Most regional initiatives end because individual local authorities disengage from the process to focus on local initiatives instead.</p> <p>There are multiple examples of regional, sub regional and local procurement frameworks for SEND – almost exclusively targeted at independent special schools. The key aim of these are to cut costs – so, logically, they may be where Government focuses its attention now. We have seen no clear evidence that such frameworks either save money or create more choice of placements for local authorities. They are costly and resource-intensive to implement and bureaucratic and we do not believe they are the way forward. Procurement is not commissioning and too much focus goes into how school places are purchased, not what a region actually needs to purchase.</p> <p>We would support a new regional commissioning programme but this must clear focus on commissioning – identifying and responding to need – not procurement. This needs to be long-term and have sustainability of activity built into it from the start. We would equally support exploration of the management of low incidence placements switching from LAs to the DfE. There is precedence for this with the Learning and Skills Council management of post 16 SEND placements in the early 2000s.</p> |
| <p>4. What components of the EHCP should we consider reviewing or</p> | <p>Our member schools work with an average of 12 different authorities with one working with 85. We</p> |

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| <p>amending as we move to a standardised and digitised version?</p> | <p>believe our members are, therefore, in a unique place to share with DfE what works and what doesn't in terms of EHCP forms. We would welcome the opportunity to advise DfE during the process of developing the new EHCP forms.</p> <p>We are concerned about the proposal to extend the timescale for LAs to publish a draft post annual review. This is already a source of great tension between schools, parents and LAs, with most LAs taking an excessively long time to issue amended EHCPs. We had welcomed the recent High Court judgement confirming the need for these to be issued within 4 weeks and are unclear about DfE's reasoning for going against this.</p> <p>We cautiously welcome the introduction of a digitised version of an EHCP but have concerns that the right technology and format must be developed that can be accessed easily by parents and carers via mobiles and other technology, with a clear understanding of the reality of digital poverty. There also needs to be clear standards on sharing, storing and editing the EHCP.</p> |
| <p>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?</p> | <p>We do not support the proposal for a 'tailored' list and there is a lack of real detail within the Green Paper on what this would mean in practice. We do not believe that current difficulties within the SEND system are caused by parents struggling to express a preference for a particular school. We note the Government's assertion that the 2014 reforms were the right actions, poorly implemented. If this is the case, we see no persuasive reason to erode parents' rights to express a preference for a wide range of types of school.</p> <p>We have little faith that lists written by local authorities will ever be anything other than an opportunity to push parents towards the least specialist, most generic support. We have strong concerns about how the role and value of specialism will be represented within tailored lists and how the lists will reflect low-incidence provision which may be organised at a regional or even national level. At a time when capacity in all special schools is limited, we cannot see the value of constraining parental choice. We are unconvinced that a list of schools without capacity to admit adds any value</p> |

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| | and is likely to prove to be a frustration to parents and carers. |
| <p>6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?</p> <p>Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree</p> <p>– 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.</p> | <p>Strongly Disagree</p> <p>National Standards – we accept the wish to make what support is available in each area more consistent and predictable. We also welcome measures to make key stakeholders more accountable for how the system is delivered. We are less convinced that the limited detail provided to date on what the Standards will cover will realise either of these ambitions.</p> <p>Mandatory mediation – we do not believe that this is likely to improve parents’ experiences of the system and there is a real danger that it will be seen, and used, as a delaying tactic by local authorities to avoid making placements in specific settings.</p> |
| <p>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.</p> | <p>If followed an implemented as set out, we do think current redresses are sufficient. We would reiterate how, in practice, the law is not always followed, plus the extreme lack of capacity to admit in special schools also contributes to delays in getting education ‘back on track’.</p> |
| <p>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?</p> | <p>NA</p> |
| <p>9. To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?</p> <p>Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree</p> <p>– If you selected Disagree or Strongly Disagree, please tell us why.</p> | <p>Neither agree nor disagree. We are not convinced that current problems in the SENCo role relate to training. We would have liked to see a much more comprehensive workforce strategy as a key part of the Green Paper and it is disappointing that the SENCo qualification is the one nod to workforce in the entire document.</p> <p>NASS and other SEND organisations have raised with DfE the significant staffing challenges being faced in Special Education – recruitment and retention in particular. Government needs to look beyond the SENCo role to staffing crises in teaching, learning support, social care</p> |

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| | and therapies. In the absence of sufficient and qualified staffing across SEND settings, the SENCo role becomes ever more challenging and ever less attractive to potential post holders. |
| 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 | Disagree. As noted above, we do not think that this is the right area for workforce intervention and strategy. We need to start with enhancing Initial Teacher Training (ITT) to ensure that all teachers are equipped to be a teacher of learners with SEND and learning differences, right from the start of their career. This has been a long-term plea from SEND organisations and we were disappointed to find no mention of it in the Green Paper. |
| 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 | Neither agree nor disagree. We do not believe that the Government has made a sufficiently persuasive case for why special schools would be more effective as part of MATs. Whilst we can see theoretical benefits to special schools being part of either mixed or special school groupings, we have not seen clear evidence of how either model works in practice and delivers advantages to children and young people beyond what is delivered by standalone special schools. We are unclear about where highly specialist provision fits into this model, e.g. Non-Maintained and Independent Special Schools. Where provision serves a wide geographical area, it is hard to argue that there are any benefits in locking those schools into locality-based MATs. As highlighted elsewhere, there is no detail within the Green Paper that creates a vision for specialist provision – both for its roles and how it fits within the structures proposed here. There is potential for the expertise within specialist settings to be used more widely but we do not believe this will be realised without clear consideration of how such schools should operate within the new system. We would welcome further discussion about this. |
| 12.What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in | We support the response of our colleagues Natspec in respect of this question: |

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| <p>and be supported to achieve an apprenticeship, including through access routes like traineeships?</p> | <p>Government should implement the 2016 Maynard recommendations on making apprenticeships accessible to those with learning difficulties, extending them to apprentices with other types of SEND and to those on traineeships. Eligibility for the flexibilities around English and maths qualification should be made available to learners with additional needs, beyond those with an EHCP, as is the case currently. Restricting eligibility in this way is closing down apprenticeships as an option for many young people who would benefit from this type of learning but are currently debarred because of the English and maths requirements. Government should, in any case, be wary of using the EHCP as a passport for holders to access certain types of provision or benefit, as it is creating a perverse incentive to gain or maintain an EHCP and does not take account of regional variations in the issuing of EHCPs.</p> <p>The DfE might also consider the circumstances in which supported internships can provide a route into apprenticeships for some young people and offer further guidance on this.</p> <p>Additionally, NASS would like to echo its response to the recent consultation on Post 16 qualifications and re-emphasise the need for a wide range of qualifications at level 2 and below.</p> |
| <p>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</p> | <p>Disagree</p> <p>We do not believe that there is persuasive evidence that formalising what already happens for children with SEND in AP – that they are placed for relatively long periods of time because their needs have not been met successfully elsewhere – will improve outcomes for that cohort. This is nothing to do with the skills of our colleagues in AP and more to do with our sense that it condones and normalises failures in mainstream settings, which the Green Paper sets out relatively little to address.</p> |
| <p>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?</p> | <p>Place funding should be equivalent to all specialist settings.</p> |

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| <p>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</p> | <p>Neither agree nor disagree.</p> |
| <p>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</p> | <p>Neither agree nor disagree.</p> |
| <p>17.What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these.</p> | <p>Transitions out of AP into appropriate placements – numbers and timeframes.</p> |
| <p>18.How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?</p> | <p>Our members have been very clear - we strongly oppose the proposals for a national framework for funding bands and tariffs.</p> <p>We are increasingly concerned that the focus on ‘reducing costs’ has meant that there hasn’t been much consideration in the Green Paper in terms of the practicalities of such a system, and the reality of developing a system whereby by nature it deals with highly individualised and specialised needs and provision.</p> <p>Under the pre-2013 national FE funding matrix for example, specialist college students were almost always funded outside the matrix because they could not be fitted into standard categories. We can also draw on multiple local authority SEND procurement frameworks</p> |

which have attempted to impose bandings and price caps, which have failed very quickly and been abandoned. No case has been made to date by DfE of how the proposed framework would learn from these lessons and be different.

The recent final report of The Independent Review of Children's Social Care published on the 23 May 2022, it noted that:

'A system of price caps may control costs and reduce profit making but it would introduce a system of assessing thousands of children with unique circumstances into a small set of 'price bands'. This risks making the care system even less responsive in providing tailored care for children.'

We agree with this conclusion and have not been persuaded by the case DfE makes for banding within SEND funding.

For our members, the unique offer and the 'value added' that they bring to the system is through providing tailored and needs driven education, social care and health care for their students. To that end, any new system would need to allow for the provision for those with the most complex needs to be costed 'outside the matrix' on an Individual basis, and as the Care review report noted, this will make for an even less responsive and needs led system.

There are a number of other key considerations worth raising if the Government continues to see the proposal for a banding framework as a viable option.

- There has to be a clear understanding of cost variations between different parts of the country.
- Clarity of what costs are being compared. Our member schools provide a number of other elements that are outlined within an EHCP e.g. Speech and Language and health care needs.
- A recognition that needs of a CYP may change and does not remain stagnant. There needs to be clear process in place to challenge and change.

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| <p>19. How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?</p> | <p>At this stage, this remains unclear – particularly due to the relative lack of clarity of where accountability sits with the Green Paper. Successful implementation is dependent on effective processes (currently undefined) and effective accountability. We are concerned that Green Paper appears to rely on additional investment in the Safety Valve and Delivering Better Value programmes to identify solutions, without there yet being clear evidence that these programmes deliver better outcomes for children and families over a sustained period of time.</p> <p>The proposed role for the delivery board, “to hold partners to account for the timely development and improvement of the system”, is unrealistic. The suggested diverse membership, with representatives from across the system, means that the board would effectively be holding its own members to account. This should be DfE’s role, through the SEND directorate and the Regions Group, with the national delivery board responsible for monitoring implementation, reporting successes and failures to DfE, and proposing further changes to ensure that the legal framework is upheld. More robust funding agreements with LAs with effective sanctions (that do not involve reduced budgets that would penalise CYP and families) could be used as a lever to ensure effective implementation.</p> <p>The national delivery plan should also be based on a robust examination of why implementation has failed up to now, making it clearer how regional and local inclusion plans should be structured to address issues throughout the age range. There should be quality assurance of local inclusion plans with frequent updating and publication of progress.</p> |
| <p>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?</p> | <p>At our consultation focus groups with NASS members, there was grave concern that the Review had failed to consider why the implementation of the previous SEND reforms did not achieve the desired impact. We feel that the drivers for change for this Green Paper centre on reducing costs, rather than improving outcomes for CYP with SEND.</p> <p>As we have mentioned previously there needs to be clear accountability and robust consequences put in place to eliminate the unhelpful and sometimes unlawful local interpretation of the law.</p> |

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| | <p>The National Audit Office (NAO) found that the government had not been clear on what it wanted the outcomes to be of SEND intervention to be in terms of the 2014 SEND reforms and their implementation. We are concerned that the SEND & AP Green Paper proposals will also suffer from this lack of clarity in outcomes. The focus has been too much on financial savings rather than what system will better serve the needs of all CYP with SEND and enable them to achieve their best outcomes.</p> <p>Any new national standards will need to be developed in partnership with all SEND stakeholders, and clearly communicated why and how they are different from existing statutory guidance and the Code of Practice. There also needs to be clarity in roles, responsibility, and clear levers in place to challenge and stop local practices overriding national policy and becoming accepted behaviour.</p> <p>As noted, we are also concerned that the proposals have failed to consider the impact on the workforce and the already critical lack of capacity in terms of suitable staff within education, and especially those who are qualified and wish to work with CYP with SEND.</p> <p>We are also disappointed that the proposals have not sought to strengthen the SEND part of the Initial Teacher Training (ITT) programme to ensure that every teacher understands best practice in terms of SEND education, but also the responsibility of each and every teacher to enable fair access to education for SEND children. Consideration also in suitable training for Teaching Assistants, who all too often become the sole educator of a CYP with SEND.</p> |
| <p>21. What support do local systems and delivery partners need to successfully transition and deliver the new national system?</p> | <p>First and foremost, there needs to be a cultural shift in schools, local authorities, health and social care partners for any new system to work. In terms of the proposals for EHCPs for example, we would seek that the quality of the content to be improved to include clarity of roles with a clear duty in terms of delivery.</p> <p>It is a shame that the Green Paper did not seek to introduce a sector wide improvement fund to help</p> |

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| | <p>develop good practice examples across all parts of the sector, including where local systems and delivery partners have found ways to work collaboratively and effectively. There is so many good practice examples, but with the focus on reducing spend these will become even more few and far between.</p> <p>NASS has conducted several innovation and pathfinder programmes to develop, foster and share examples of good practice that can be shared across the education sector. We would welcome the opportunity to be a part of a programme of innovation, learning and sharing for the benefit of all SEND CYP.</p> |
| <p>22. Is there anything else you would like to say about the proposals in the green paper?</p> | <p>We felt that the consultation questions above were not adequate to reflect our views to this important 106-page Green Paper consultation and did not cover some vital elements that needs to be addressed as part of the SEND review – particularly the role of specialist provision. We therefore attach a NASS consultation response that we request is read in conjunction with the answers we have provided above.</p> <p>We are concerned that the approach of the Green Paper has been not to look at how we can improve the system to enable all CYP with SEND to thrive through access to the best and most suitable education that our education system can provide, but to tackle the problems in the existing system by relaxing duties, increasing bureaucracy and developing a more fragmented system for providers, parents and CYP to navigate.</p> |