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## THE NATIONAL SEND FORUM MINUTES 1<sup>st</sup> February 2017

**Present:** David Bateson (DB) *Chair*, Claire Dorer (CD) *NASS*, Mark Blois (MB) *BrowneJacobson*, Melanie Foster (MF) *NAS*, Fran Alexander (FA) *PRUsAP*, Julie Moktadir (JM) *IPSEA*, David Canning (DC) *BATOD/NATSIP*, Brendan Henegan (BH) *engage*, Richard Boyle (RB) *engage*, Penny Barratt (PB) *SSV*, Barry Payne (BP) *FLSE*, Lydia Vye (LV) *NAHT*, Rona Tutt (RT) *NAHT*, Malcolm Reeve (MR) *AET*, Adam Boddison (AB) *NASEN*, Gemma Hope (GH) *Shaw Trust*, Kate Williams (KW) *NASS*

**Guests:** Olivia Vandenberg (OV) *Central Capital Unit DfE*, Sir David Carter (SDC) *National Schools Commissioner*

Minutes taken by Natalie Bambridge (NB)

### Actions

#### 1. Welcome and Introductions

DB welcomed everyone and introduced LV.

#### 2. Changes to representation, guests and links

DB introduced LV and advised GM would be joining the meeting later.

Following a request from OV, it was agreed OV could join the meeting for item 6: SDC.

#### 3. Apologies

Apologies were received from Lorraine Petersen (LP) *Facilitator*, Anna Cole (AC) *ASCL*, Ian Hartwright (IH) *NAHT*, Diana Denman (DD) *SEN.SE & SWALSS*, Hugh Steele (HS) *FLSE*.

GH, JM and CD were delayed in arriving.

It was agreed to start with item 5 to avoid delaying the SDC.

#### 5. Capital Funding for Pupils with SEND (OV)

OV gave an overview of the special provisional funding – what it is for, how it was developed and views on the transparency plan. There will be an investment of £200million for SEN pupils for the period of 2018/19 to 2020/21. The investment is for creation of new places to support growth, improvement of existing facilities, mainstream resource units. The basic formula is based on demographic growth. The fund was split between each LA, providing an average of c.£1.3million per LA. The formula was developed by liaising with stake holders and organisations and it was agreed that a flexible method of allocation was needed. There needs to be considerations beyond 2020 and what measures to include. It is a transparent formula, enabling parents to see LA spending and also for LAs to earmark the funding for SEN.

OV handed out a draft plan and asked for views– members to email OV.

**ALL**

Discussions were held with OV and concerns/views were raised:

- lack of LA planning, monitoring of LA spending
- ineffectiveness of some LAs
- issue of capacity for SEN places
- lack of central control on spending
- the changing landscape in education across the country
- Free Schools
- decrease in SEN staffing
- demographic growth of SEN
- differing needs of individual pupils
- strategic planning and monitoring
- health funding aspects
- loss of funds through contractors
- use of statistical analysis to see historical pattern
- lack of national strategic leadership in SEN
- possible use of stricter guidance/wording regarding expected outcomes
- suggestions of regional or national SEN commissioners.

OV could not confirm a release date for the funding, but an announcement to LAs would be made soon. OV would send DB a latest iteration for dissemination and comment.

***PB and FA joined the meeting during the above discussions.***

#### **6. SEND: Issues and possibilities now and in the future (SDC)**

DB welcomed SDC and everyone introduced themselves. DB confirmed he had spoken with SDC via telephone prior to the meeting and sent a briefing paper.

SDC confirmed he is keen to engage frequently with NSENDF to gain members' views and to have an influence on all children's educational outcomes.

SDC began by explaining his background, his role as NSC and the role of Regional School Commissioners. SDC wants his role to be about school improvement, looking at school performance over a period of time before intervening. RSCs use headteacher boards (HTB) to provide support and local intelligence to help with improvement of academies. SDC aims to attract the strongest performers in the system to become sponsors or set up MATS. SDC raised points of questioning how to help MATS grow, working with the largest trusts, evidence-based performance and putting working schools together with failing schools.

Members raised questions and concerns with SDC:

- The growth of MATS; loss of autonomy when joining a MAT, especially for good and outstanding schools; mainstream schools not wanting SEND resource spaces once joined with a MAT; and MATS marginalising SEND in order to meet attainment levels: SDC recognised SEND pupils are getting 'lost' within mainstream schools and suggested a need for stronger MATS for better unity between mainstream and SEND schools.
- The need for strategic leadership for SEND, a better understanding of SEND and SEND leaders to review MAT model: SDC agreed there is a lack of SEND knowledge within the mainstream sector and a need to consider SEN training for SENCOs, leadership and headteachers. SDC suggested the possible need for a separate SEND strategy plan rather than putting SEND in the school strategy plan.
- Relationship between SEND and post-education employment: SDC recognised there is a need to discuss SEND beyond 0-25 and how to track SEND beyond education – this may marry in with the Opportunity Areas programme.
- Pressures on referral units and alternative provisions to convert to academies: SDC expressed a concern that MATS were recruiting alternative provisions for their own needs rather than the needs of the wider community and advised if a trust does not recognise the voice and expertise of a smaller unit, they should not join the trust.
- School Improvement and Ofsted; role of new regional deputy directors; Umbrella

Trusts; Hearts of Learning programme; pupils missing from tests data: SDC expressed that Ofsted does have a role in school improvement as a regulator. A model has been set up for 19 deputy directors (2/region, 3 centrally), recruitment will be a mix of civil service and headteachers. SDC confirmed Lord Nash will not approve an umbrella trust as the accountability model is too blurred. SDC is excited by HoL and its role in school improvement.

- SEND place planning; role of RSC in planning development in support of SEN; inconsistency of mainstream and SEND working together: SDC agreed we need to find a way to get mainstream sectors to talk/listen to SEND sectors – this is not in the RSC remit. SDC questioned whether HTBs have enough knowledge of SEND and suggested encouraging RSC to invite NSENDF members to meetings for feedback. SDC explained the role of HTB and recognised there may be a lack of SEN knowledge and representation within HTB.

#### ***CD joined the meeting***

- Coasting Schools agenda: It is the role of SDC and RSC to look at coasting schools over a period of time to look for improvement but also to consider other factors, such as staffing implications.

DB thanked SDC. SDC was keen to continue a dialogue with NSENDF and suggested attending 2 meetings per year and would put the lead for one of the Opportunity Areas in contact with DB.

#### ***SDC and OV left the meeting***

Members reflected on SDC's visit and discussions took place. Members felt positive SDC was keen to listen to SEN issues. It was seen there is a potential to work strategically with RSC.

The following issues were raised:

- A need for common SEND language across the education sector. MR agreed to look into this. MR
- Admissions – schools actively excluding SEND and inclusive mainstream schools being taken advantage of. It was agreed there is no incentive for mainstream schools to become more inclusive.
- NSENDF need to consider partnership with SDC and DfE.
- NSENDF to offer services of examining and advising on SEND policies.
- Asking SDC to research evidence that MATS include SEND.
- Need to ensure link between mental health and SEND.
- NSENDF needs to be more assertive on pushing matters of SEND.
- A Migration Advisory Committee Report on teacher shortages has been released. AB to forward link to members.

#### ***BP, PB and AB left the meeting***

- CD offered to draft a letter asking for actions from the Christine Lenehan review. AB
- A paper is due to be released later this year regarding young people and mental health, this may need influence regarding SEND. DB agreed to look into this. CD
- RT agreed to look into central expertise. DB
- RB agreed to look into therapeutic support within schools and whether this impacts on performance outcome. RT

MR suggested inviting TES to NSENDF meetings in order to raise awareness of ideas/get views published. It was discussed whether this would compromise members' views. RB

#### ***BH left the meeting***

#### **4. Minutes of Last Meeting**

The minutes were agreed and signed by DB.

#### **8. Update from members**

##### **Shaw Trust (GH)**

Due to time constraints GH would introduce Shaw Trust fully at the next meeting. DB to add

to agenda.

GH gave a brief introduction about Shaw Trust – a national charity working with SEN helping individuals to enter work and live independent lives.

Shaw Trust are currently working on:

- Responding to a Green Paper to harbour the disability and employment gap.
- Responding to industry strategy: careers advice in schools should give opportunities to all.

### **AET (MR)**

AET are currently working on a good practise guide about SEN for MATS.

### **NAHT (RT and LV)**

The Big Shout conference was a great success. TES were present throughout the day so NAHT are hoping to see a report later this week. The key issues surrounding autism in girls taken from the conference were:

- Diagnosis
- Educational training
- Research
- Mental health (particularly in adolescent girls)
- Parents and carers

### **JM left the meeting**

NAHT are also looking at the Bercow enquiry and the Wales SEN Bill.

The NAHT conference is being held on 9<sup>th</sup>-10<sup>th</sup> March 2017.

RT brought copies of the Understanding Attachment Difficulties Leaflet for members.

The National Autism Project report 'The Autism Dividend' is now available.

Discussions on a review of residential schools is due to take place next week.

### **engage (RB)**

engage are putting a project together to reply to Rochford report.

Constitutional issues were discussed at the last meeting, with two main issues arising:

- Succession: problem with recruiting new headteachers and deputies with understanding of social and emotional health problems.
- Moderation groups regionally.

The engage national awards have 9 categories this year, including the international award.

### **BATOD/NATSIP (DC)**

Talks with DfE regarding supply of teachers for deaf pupils in mainstream schools is ongoing.

NATSIP have been granted another one year of funding by the DfE.

The BATOD conference (held 10<sup>th</sup>-11<sup>th</sup> March 2017) has sold out.

### **CD left the meeting**

#### **NAS (MF)**

World Autism Week is being held 27<sup>th</sup> March – 2<sup>nd</sup> April 2017.

NAS are working with workplaces to help make their premises more autism-friendly and awarding an Autism Friendly Award.

The Anderson School Enterprise will be opening in September 2017. It has been approached by LAs to look at gaps in provision, particularly girls and women up to 25.

### **BrowneJacobson (MB)**

There seems to be a growing trend in legal claims brought against LA spending decisions.

MB is unsure of the reason for the rise but may be due to parents becoming more knowledgeable of school level decisions. It was suggested it may be that parents are becoming increasingly aware of pupil premium funding, though MB has not experienced cases of this first hand and there is no case law with decisions to learn from.

## **7. Schools Funding Reform**

CD had already circulated a response in December 2016. LP is formulating a response for FLSE. RT will be better informed next week when NAHT are due to look into it.

DB expressed concerns that the SEND voice was a very small part of the reform. There is no

mention of increasing numbers of children living with SEND. Members discussed fairness of funding distribution, insufficient resources and schools having to adjust to cuts without a sensible sense of time.

**9. Update from other affiliations, forums, trusts, alliances and partnerships**

Move item to next agenda due to time restraints.

**10. NSEND website**

Move item to next agenda due to time restraints.

**11. Any focus for action and statements of agreement**

Members discussed a need for strategic thinking moving forward.

A Pupil Planning Event is taking place on 6<sup>th</sup> February 2017, this may lead to more LAs opening to SEN.

***MB left the meeting***

**12. AOB**

An Early Years funding report has been released.

DB suggested to look into who wins the DfE contracts around SEND advertised for both operational and strategic roles recently.

**13. Dates for next meetings**

Wednesday 22<sup>nd</sup> March 2017; Wednesday 10<sup>th</sup> May 2017; Wednesday 5<sup>th</sup> July 2017.

**14. Venue 2016-17**

Courtesy of **BrowneJacobson**, 15<sup>th</sup> Floor, 6 Bevis Marks, Bury Court, London EC3A 7BA.

*Closest stations (all 5-7 minutes):*

*Mainline: Fenchurch Street and Liverpool Street*

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