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## THE NATIONAL SEND FORUM DRAFT MINUTES 22<sup>nd</sup> MARCH 2017

**Present:** David Bateson (DB) *Chair*, Roy O'Shaughnessy (RO) *Shaw Trust*, Mark Dale-Emberton (MDE) *FLSE*, Ian Hartwright (IH) *NAHT*, Rona Tutt (RT) *NAHT*, Lucy Hayes (LH) *IPSEA*, Kiran Hingorani (KH) *SWALSS*, Fran Alexander (FA) *PRUsAP*, Melanie Foster (MF) *NAS*, Lorraine Petersen (LP) *Facilitator*

**Guests:** Andre Imich (AI) *DfE*

Minutes taken by Natalie Bambridge (NB)

### 1. Welcome and Introductions

DB welcomed members and everyone introduced themselves.

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

Andre Imich attends alternate meetings and has joined today's meeting.

Kiran Hingorani attended his first meeting on behalf of SWALSS.

Lucy Hayes attended her first meeting on behalf of IPSEA.

Mark Dale-Emberton attended his first meeting as Chair of FLSE, the parent organisation.

Roy O'Shaughnessy, CEO of the Shaw Trust, attended his first meeting.

### 3. Apologies

Apologies were received from Claire Dorer (CD) *NASS*, Kate Williams (KW) *NASS*, Brendan Heneghan (BH) *engage*, Richard Boyle (RB) *engage*, Malcolm Reeve (MR) *AET*, Barry Payne (BP) *FLSE*, Hugh Steele (HS) *FLSE*, Mark Blois (MB) *BrowneJacobson*, Julie Moktadir (JM) *IPSEA*, Adam Boddison (AB) *NASEN*, Paul Simpson (PS) *BATOD & NATSIP*, David Canning (DC) *BATOD & NATSIP*, Anna Cole (AC) *ASCL*.

### 4. Minutes of last meeting

Correction to spelling of Lucy Vye.

Grammar correction to item 6 and item 8.

DB has discussed proposed NSENDF meeting dates for 2017/18 with MB.

The minutes of the last meeting (1<sup>st</sup> February 2017) were agreed. DB to sign following amendments above.

### 5. Policy and DfE update (AI)

**Children and Families Act 2014.** The next big focus is 31<sup>st</sup> March 2018. All statements must be transferred by this date. It is possible a letter may be going out to directors of child services regarding this. A letter will be going to LAs to ask how many statements are left to transfer and

how many statements are expected to be transferred by the closing date. So far, a high number of LAs have responded with confidence, the DfE are working with a small number of LAs showing a lack of confidence. Following on to April 2018, DfE will be looking at how to prioritise transfers. The following concerns were addressed:

- The legal status of statements not transferred by the deadline: AI confirmed that rights will continue to be protected.
- Some LAs may not be conducting an assessment process when transferring: AI said if the DfE are aware of where this is happening, they will look into these cases and follow up.
- Issues of transfers post-16/post-19/further education: AI said this area of reform is the area most in its infancy and is experiencing teething problems. There are issues with providers and the agenda. Improvements are being made and it is an area the DfE will continue to focus on.

**SEN Support** is an area the DfE want to prioritise. LAs have reported on increasing pressure on care plans and SEND support is decreasing. There are higher levels of exclusion and some schools not welcoming SEND pupils.

The following concerns were addressed:

- Grammar schools and safeguarding SEND pupils, negative impact on high performers unable to get into Grammar schools due to entry criteria. It was suggested the criteria needs to adjust more for SEN pupils.

#### ***LP joined the meeting***

- Parents are being encouraged to put more able SEND children into SEND schools instead of mainstream which is putting additional pressure on SEND providers in terms of capacity and recruitment. Could this be tracked on a national basis? AI agreed that SEND pupil numbers have increased and there is an issue with SEND schools taking pupils who could be placed in mainstream. There is a collective responsibility to raise and change this. LAs are in a difficult position as they have legal guidelines to follow.

#### ***FA joined the meeting***

**Capital Funding.** LAs now know how much they will be receiving. Although £250 million may seem a lot, realistically once split between 152 different sized LAs this is not a large sum. LAs are required to demonstrate they are consulting with parents and young people, gaining their views and opinions, though this can lead to conflict between what LAs and what parents/young people see as priority for funding. LAs are showing a willingness to spend the funding wisely, with some LAs entertaining the idea of pooling the money with other LAs for a more productive spend.

**The Free Schools Programme** continues separately and applications continue to be received.

**Centres of Expertise.** DB said that AI and Olivia Vandenberg and Marie-Elise Howells have been involved in conversations on this subject which were pertinent to Free Schools, the Capital Fund, the High Needs Funding paragraph mentioning cross-LA working and centres of expertise and the integration of health and education.

**Schools Funding Reform** consultations ended on 22<sup>nd</sup> March 2017. There has been a high number of responses which the DfE will need time to assess. There is expected to be a lot of change for phase 2.

**The Rochford Report** is awaiting approval to go out for consultation. There is a wider issue of lower attainers. No date has been set yet. The DfE need to send out news to confirm p-scales will continue to remain in place to 2018.

**The Lenehan Review** is in full flow. Christine Lenehan has had a lot of feedback, especially from parents. Both Christine Lenehan and Mark Geraghty are visiting and meeting with a number of organisations and parents as part of their review.

The following concerns were addressed:

- The need to look at life long support within local communities for SEND, in particular life time care costs. There is a need for strategic thinking, health, social and educational experts working together. Is there a body of expertise looking into the long-term implications of this? AI confirmed that dialogues are taking place between LAs and local health colleagues, this is part of the Children and Families Act. But it raises issues of

- assessing what works and LAs differing from each other.
- Improvement is needed for efficiency of public spending. There can be a contradiction between the provider and commissioner about local needs. There is a need to look to the future: AI confirmed the Lenehan review is looking at this, there is dialogue going on with health care.
- Following a Written Statement of Action, what is the next stage? AI explained there will be department monitoring that is subject to approval by Ofsted and CQC. This can be amended by the LA. There is a greater emphasis on health in reports.
- It is a long process to get around 152 LAs, can this be chased up? AI explained this is not the role of Ofsted, but LAs are held to account by the local public. Even areas without a Written Statement of Action are being taken seriously.
- LA are having an influence on shaping of free schools, how much notice is being taken if they are failing? Is the DfE taking note of what Ofsted say a school needs? AI explained the DfE look in detail at inspection letters but don't apply a blanket approach. Even the failing areas have points that are working well so it is not possible to generalise. LAs do not apply for free schools, but applications would not be approved without their support.
- Educational Health Care plans are putting pressure on Pupil Referral Units (PRUs) by naming PRUs in plans when they are being used in the short term during transition: AI confirmed that PRUs don't need to be named if being used for this reason, rather Health Care Plans can state they are looking for a specialist provision.

## 6. Sir David Carter (SDC), National Schools Commissioner follow-up

At the previous meeting SDC said he would put NSEND in contact with a representative of Opportunity Areas. Sarah Lewis (SL), Deputy Director of School Improvement and Opportunity Areas, has had a long 'phone call with DB and will be getting back to DB formally in writing. DB updated members on Opportunity Areas. DB has raised NSEND issues with SL and will keep NSEND updated once SL has come back to him. DB felt it had been a good conversation. DB opened for questions and discussion. Queries were raised as to the involvement of HMI in providing quality assurance and as a source of information and ideas.

## 7. Centres of Expertise

RT distributed a briefing and thoughts on Centres of Expertise. RT suggested the main difficulty is a lack of direction for SEND – government is keen on localism but it is hard to set up without a national overview of what regions mean.

Discussions took place and the following points were raised:

- A need for a role for teaching schools.
- A need for a national expectation/code of effective practice.
- A need for more efficient spending: perhaps a need to look at staffing that more serves the pupils.
- A need for parental support e.g. respite, residential schools. Schools are often providing parental support but with element of caution as unsure how much is their responsibility.
- A lack of SEND knowledge within mainstream schools, the system is failing children.
- CoE should provide a central SEN support, providing advice for both mainstream and special schools.
- The possible role of universities in terms of providing research.
- Looking at life post-education for young people with SEND.

DB proposed setting some time aside at the next NSEND meeting to focus on a CoE workshop with the potential to set up a smaller committee if all organisations did not have capacity to work on this further. The aim would be to come up with a proposal, suggestions for which included:

- Funding element
- Teacher and support staff training
- Providing solutions rather than opposition
- Include mainstream schools in discussion

## 8. Mental Capacity and Deprivation of Liberty

DB reminded members that we had worked with the independent expert Bernard Allen for the last two years and that now the Mental Capacity and Deprivation of Liberty report has now been published: <http://www.lawcom.gov.uk/project/mental-capacity-and-deprivation-of-liberty/>

## 9. Headship: retention and recruitment and Ofsted effects

RT informed members that both Mary Rayner and Leslie Cox have left their posts at Ofsted and have not been replaced. It is believed that Ofsted are reviewing the post.

RT expressed concerns that headteachers often lose their post following a bad Ofsted report which does not seem to be a solution to the problem and does not promote school improvement. A lengthy discussion took place and the following issues were raised:

- Headteachers are unprotected, they should be offered training and support to improve.
- Fewer teachers are aspiring to become headteachers as it is not seen to be a good job.
- A need for more value of workforce, more responsibility on employers' side.
- Possibility inviting a NGA representative to a NSEND meeting for discussions.
- Lack of funding to train school governors.
- Ofsted role going beyond inspection and moving into a more regulatory role.
- Safeguarding is playing a role in headteachers losing their positions.

DB suggested that we invite someone from NGA to the Forum. IH agreed to contact Emma Knight, Chief Executive of the National Governors Association.

**ACTION: IH**

***AI and MF left the meeting***

## 10. Shaw Trust (RO)

RO gave a presentation explaining the role of Shaw Trust (ST) and how it is has been giving access to work for vulnerable young adults for many years and the projects they are undertaking now to help get young people with SEND develop skills and get into employment post-education. This will be a joint venture with LAs where funding will be put in by ST and money will regenerate within 5 years with the aim of reinvesting this money to continue the scheme. The model has been approved by headteachers and unions and they currently have 6 LAs interested in becoming a pilot for the model. The project addresses concerns of young people becoming 'lost' post-education.

Members were very welcoming to ST and expressed excitement about the project.

In order to ensure the project delivers what is needed for young people, RO asked for the NSEND to produce a 2-3 page briefing of the main challenges for young people with SEND post-education.

A fit for purpose assessment needs to be agreed to ensure, a year before finishing education, students have an opportunity to recognise their strengths and weaknesses and gain parent views in order to shape their career/college path.

The project will need to look at barriers to employment for young people with SEND, consider what could go wrong and consider how success is measured. It would be useful to maintain links with SL and SDC with potential to build on this.

RO agreed to send notes to DB/NB to go out with minutes.

**ACTION: RO/DB/NB**

Steps for moving forward:

- NSEND to produce a briefing for ST.
- Invite Disability Minister to NSEND Meeting.

## 11. Update from members: successes, issues and events

### **PRUsAP (FA)**

The next PRUsAP conference is being held 29<sup>th</sup>-30<sup>th</sup> June 2017.

FA to email information to LP for posting on the NSEND website.

**ACTION: FA/LP**

**NAHT (RT)(IH)**

The Special Schools, Specialist and Alternative Provision Conference 2017 took place and was successful. NAHT are planning a similar pattern and date for 2018. Details of the Big Shout conference are now on the NAHT website. Responses to the latest policy statement on mental health can be found on the NAHT website.

#### **IPSEA (LH)**

IPSEA are setting up a small pilot programme looking into resources for young people 16-25 with SEND to see what provisions are available to them and opportunities for training, work experience and further education. LH asked if members know of groups of young people, to forward information to her. The initial focus is to assess standard knowledge in areas, targeting parents and young people. The proposed date for the focus groups is 10<sup>th</sup> April 2017.

IPSEAs response to the DfE guidance for LAs supporting 19-25 year olds with SEND is on their website. The response was not positive and IPSEA are in talks with DfE regarding suggested changes.

#### ***RO left the meeting***

#### **SWALLS (KH)**

There are various training events coming up – KH will forward details to LP to put on NSEND website.

#### **ACTION: KH/LP**

Diana Denman has now joined HMI. KH will now be representing SEN.SE and SWALLS at NSEND.

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

None.

#### **13. NSEND Website**

LP asked for all members to send a brief outline of their organisation to post on the NSEND website.

#### **ACTION: ALL**

LP asked for all members to send any organisation events for promoting to post on the NSEND website.

#### **ACTION: ALL**

All agreed minutes will be posted on the NSEND website.

#### **14. Any focus for action and statements agreed**

1-1.5 hours will be set aside at the next meeting to discuss Centres of Expertise.

#### **15. AOB**

ASCL have launched 'Refocusing Assessment' which provides good information about formative assessment. LP will send the link the NB to circulate with minutes.

#### **ACTION: LP/NB**

#### **16. Dates for 2016-17 are on the following Wednesdays:**

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

#### **17. Venue 2016-17**

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

**Meeting finished at 2.30pm**