



Enabled by FLSE

THE NATIONAL SEND FORUM MINUTES 29th NOVEMBER 2017, 10.30am

Present: David Bateson (DB) *Chair*, Adam Boddison (AB) *NASEN*, Rona Tutt (RT) *NAHT*, Lucy Hayes (LH) *IPSEA*, Malcolm Reeve (MR) *AET*, Kiran Hingorani (KH) *SWALSS*, Penny Barratt (PB) *SSV*, Fran Alexander (FA) *PRUSAP*, Barry Payne (BP) *FLSE*, Richard Boyle (RB) *engage*, David Canning (DC) *BATOD/NatSIP*, Julie Walker (JW) *Sen.se*, Melanie Foster (MF) *NAS*, Michelle Haywood (MH) *WM Research SENDF*, Lorraine Petersen (LP) *Facilitator/FLSE*

Guests: Andre Imich (AI) *DfE*, Daisy Russell (DR) *NCB*

Minutes: Natalie Bambridge (NB)

1. Welcome and Introductions

DB welcomed everyone and new members.

2. Changes in representation, guests and links

DB welcomed Michelle Haywood as representative of West Midlands Research SENDF.
DB welcomed guests Andre Imich, DfE, who attends alternate meetings, and Daisy Russell of NCB.

3. Apologies

Apologies were received from Mark Dale-Emberton (MDE) *FLSE*, Rani Kaur (RK) *NGA*, Hugh Steele (HS) *FLSE*, Ian Hartwright (IH) *NAHT*, Anna Cole (AC) *ASCL*, Paul Simpson (PS) *BATOD/NatSIP*, Roy O'Shaughnessy (RO) *Shaw Trust*, Nick Carey (NC) *Shaw Trust*, Gemma Hope (GH) *Shaw Trust*, Claire Dorer (CD) *NASS*, Brendan Henegan (BH) *engage*, Unity Howard (UH) *NSN*, Mark Blois (MB) *BrowneJacobson*.

An invite had been extended to Bob Lowndes of Autism Education Trust but he was unable to attend.

4. Minutes of Last Meeting

Pg 3, 4 and 5: sentence correction.

Thanks were given to NB for minute taking.

Matthew Barnes (MBa) invited DB to attend meetings with Ofsted. DB extended an open invitation to MBa to attend NSEDF meetings.

DB expressed the opinion the discussion with Ofsted had gone well and there was general

agreement.

Matters Arising: DB relayed a message from MB stating that he has looked into the legal status of statements not transferred to EHCP by the 31st March 2018 deadline and he confirms that statements will remain legal. AI corroborated this, stating that Robert Goodwill has just released a letter confirming the same. It was questioned whether Post-16 pupils were protected also. AI said the general message is every pupil is protected.

The minutes were agreed and will be signed following the above amendments.

MR complimented NB on the quality of her minutes, a sentiment thoroughly endorsed by all.
(*amendment DB*)

5. Policy and DfE Update (AI)

AI circulated a slide of bullet points summarising the DfE's priorities moving forward from April 2018, following the transfer deadline.

AI and DR attended the National Network of Parent Carer Forums (NNPCF) conference. AI highlighted a lack of parent/carer representation on NSEND. DB said that this had been a discussion point before but not followed up because at the time it was undecided which representative parent group would be the best to approach. The Forum welcomed recommendations from AI. AI offered to email the chairs of NNPCF.

ACTION: AI

AI updated NSEND on the big issue of the transfer deadline. LAs are working hard, with a large number on track and small number facing a challenge to meet the deadline. The DfE are aware this is a major exercise and are keen to ensure quality as well as quantity of plans. It is evident, with each plan completed, LAs are learning and improving. The following queries were raised and addressed:

- How well does the EHCP translate into curriculum targets? AI said that curriculum detail is not seen in the plan, but specific courses may be specified if necessary, particularly in Post-16 plans.
- Some aspects of Health and Social Care are being put under the Education sections in care plans and this can give rise to disputes. AI said that the DfE have been working with IPSEA to provide training regarding the legal aspects of the Children and Families Act. What goes into each section of the care plans comes back to these legalities. However, if, for example, health needs are put into the education section, this does not absolve other Health from financial responsibility. LAs need clearer communication with schools.
- There is little provision in EHCPs for Post-19. AI said that Post-19 provision reform is in its infancy in terms of development. It is causing a challenge and requires huge work with Health and Social Care.

AI discussed the issue of SEND support within mainstream schools, highlighting the problems of some mainstream schools not welcoming SEND pupils and illegal exclusions. AI stressed the need for everyone to take responsibility for this problem and urged members to do more to challenge schools on behalf of parents and carers. The government has announced a review of exclusions and alternative providers. The following points were raised:

- What are the consequences of schools excluding SEND pupils illegally? AI explained that schools have three choices: fixed-term exclusion, permanent exclusion or no exclusion. Each choice has a consequence. All exclusions are challengeable by parents and wider organisations.
- Mainstream schools are often rated outstanding by Ofsted as they are not taking on SEND pupils. There is a need for a measure of inclusiveness. AI suggested this may be one of the outcomes of the exclusion review. Headteachers of inclusive schools need support and MATS need to look internally at this issue.

- Cases of success in challenging schools are often individual so not a big help as a whole. There is no financial consequence or penalty for a school that is quick to exclude. If a school is not protecting a child, parents will not want to send their child to return there anyway.
- Chances of a pupil becoming excluded need to be recognised at an earlier stage in order for support to be put in place.
- Schools need effective screening in place for social and mental health needs.
- There is a pressure on mainstream schools to get top data to achieve outstanding, but this is less likely if a school is inclusive.
- Concern was expressed surrounding social mobility and MATs, particularly in the case of non-inclusive feeder primary schools.
- Training is needed for mainstream headteachers to understand inclusive schools can get good results if they are able to explain themselves correctly.
- There is a need to look at the inclusion agenda and capacity.

AI agreed the system is not perfect but it is unacceptable to illegally exclude SEND children. SEND support is a big priority with the DfE.

AI said the DfE are focusing on improving quality of what is on offer and the outcomes achieved. Good news stories are often overlooked and require more praise and attention. AB said NASEN would be happy to push good news stories if they are shared with them.

The DfE are considering how they fund provisions and the value for money in terms of outcomes. There is an issue of capacity and how to realign. LAs are currently getting support for strategic planning.

Provider systems are becoming harder to manage as they become more diverse. Improvements are needed to achieve a more inclusive system.

In terms of working with partners, working with Health and Social Care is a challenge and moving slowly, but in the right direction. Leadership is at the top of all agendas. There is a long way to go but the education sector is a key player. Parents and young people are receiving ongoing support from the government, it has been agreed to continue funding for parent/carer forums for the next 2 years. Funding has been put in place for supported internships, particularly for more profound SEND. There is also more support for LAs managing transitions. It is due to be announced that further funding will be released to build capacity in the next 2 years.

AI updated the group on the single route of redress national pilot. Parents can only appeal about SEND aspects of EHCPs. The right to appeal issues with Health and Social Care was trialled but there were not enough cases to lead to a national finding, therefore an extension has been approved. Tribunals can make non-binding recommendations on Health and Social Care in EHCPs from April 2018.

It was questioned whether a revision of the SEND Code of Practice (CoP) would be considered? AI said there is no plan to revise the CoP at the moment, this would more likely be seen as a rewrite. It is possible to implement changes as supplementary guidance. Any trials need to be reported on subsequently, therefore any changes would take time.

DB noted that a theme of responsibility and accountability keeps returning. This is clearly a big issue and maybe something to consider for training in relation to Centre of Expertise.

DB thanked AI.

6. Lenehan Review (DR)

DR apologised for Christine Lenehan's (CL) absence and encouraged NSEND to invite CL to another meeting.

DR had previously circulated CL's review into Residential Special Schools 'Good Intentions, Good Enough' via email. DR gave an overview of the report and opened to members for questions:

- Putting a child into a residential school is often due to pressures on the family. Does the review consider more social care for families? DR confirmed the review does recommend more social care, but there is a need to look at who will fund this as education often pays for an area that should be jointly funded.
- Parents of SEND children often have negative experiences within mainstream schools. Mainstream schools are dealing with a wide range of SEND, what can they be expected to provide? DR suggested DfE need to look towards good schools and learn from them. CL has spoken with CD and is happy to continue this dialogue.
- PB spoke of a model set up with preventative measures, of identifying children who need tracking early. Commissioners are on board with the model but there is no budget in place: DR agreed that funding is a big issue. LAs fight at tribunals to use money differently but it is often too late by this stage.
- Not all families fight to get children into residential school, some fight to keep them out: DR said the review only reflects the views of those who took part. There is a big social care issue, joint social care needs to be seen as a support for children not a threat.
- The review seems negative towards all residential schools. There is evidence children do well in residential schools. There is a need to be careful of creating a negative view of residential schools: DR said the review does reflect some good practice and is clear there are less children boarding than before. The review is only a reflection of the schools, pupils and parents they spoke to. The message is not to say there is no place for residential schools, but rather we need to be clear as to who is attending these schools and why, costs and outcomes. DR welcomed comments and evidence of good practice to be sent to CL and Mark Geraghty if members feel the review is not reflective of their experience of residential schools.

DB thanked DR.

AI and DR left the meeting

7. Centres of Expertise – update (RT)

RT updated the group regarding the CoE discussion which took place after the previous meeting with a sub group. The group discussed areas such as definition, support across skilled services, possible purposes across assessments, distance from home and outreach. It is a moving scenario as new reports are being published and updated continually. CD was keen to be part of any further discussion.

DB said that some models are already in place around CoE and there are areas to pursue in terms of mapping. DB suggested CoE could create more places than building a new special school, making money go further. In this respect, a paper from Rob Tozer, who had previously presented to the Forum, was circulated prior to the meeting. LAs would welcome help but have budget constraints so there needs to be consideration of how to make money go further and still meet needs – maybe get an idea of LAs to approach.

8. Update from members: successes, issues and events

SWALSS (KH)

A conference is being held in January 2018 with Shaw Trust as keynote speakers and DB and MBa also speaking. Although this is based in the South West, all are welcome.

LH is joining KH in schools the following week to discuss EHCP issues with the aim of getting evidence-based feedback from schools.

NASEN (AB)

AB was invited to attend an HMI meeting partly as the current framework inspection was under review and they want to open SEND for discussion. Also, NASEN were asked to provide examples of

good practice effective in schools. AB circulated forms for other members to pass onto schools for completion.

KH and AB left the meeting

WM Research SENDF (MH)

MH thanked NSEDF for the invitation.

MH informed the group of her background and links to University of Wolverhampton. MH gave a breakdown of WM Research SENDF aims, including to influence local and national agendas on SEND, facilitate networks, further enhance learning and promote multidisciplinary working. WM Research SENDF is looking to work jointly on SEND projects and hopes to do this with NSEDF. The organisation is welcoming new members and ideas in order to move forward. Members were asked to email MH with any suggestions.

WM Research SENDF's first conference was held recently with many well know researchers presenting.

NAS (MF)

NAS have met with the All Party Parliamentary Group on Autism (APPGA) to publish an education policy report on how well the education system is supporting pupils on the autistic spectrum.

Outcomes have included:

- Children are being let down by the education system.
- Children often need to fail before being recognised.
- Reforms not being implemented properly.
- School and LAs need to adhere to the CoP.
- Need for a national autism and education strategy.

Robert Goodwill has assured NAS that the government will consider the recommendations along with other reports.

MF informed the group there has been an extension of SEND tribunal powers, with a national trial beginning in March 2018. The DfE have agreed that NAS Education Rights Service can attend training events DfE are providing for LAs. This will allow NAS to be fully informed and able to advise parents effectively.

NAS will have a role as a link to LAs and county councils to identify any gaps in provision. NAS will be working with CEOs, directors and Heads of Schools. Some LAs are starting to recognise how children with ASD are being failed within mainstream schools and are starting to think strategically. NAS has opened an independent school which is funded by building houses on the land. They are working jointly with health.

NAS has met with a parent forum group where ideas and new ways of thinking have been taken on board. MF would welcome a chance to talk with Sir David Carter (SDC) within a smaller, focused group.

AET (MR)

MR has been working on a MAT/SEND project funded by the DfE, a link for which was circulated with the previous minutes. This project comes to an end on 31st December 2017, with the hope of bringing 10 more MATs to the existing group during the period January to March 2018. A new bid has been put in for further work in this area beginning March 2018.

MR expressed a need to be careful of making a generalisation about MATs – non-inclusiveness is evident across both MATs and LA schools. There has been movement within the Academies Programme and they need to be more collaborative with each other and LAs. MR suggested talking to SDC, looking at the MAT framework, at how to support the role and bring more MATs on board.

FLSE (East) BP

FLSE East has been looking at moderation around assessment practices - FLSE has funded this and got schools working together.

FLSE East has been sharing good practice by taking groups of members to schools with good SEND

practice.

FLSE continues to run regional conferences and sit with SSV to push messages through to departments.

Members of FLSE have raised concerns of areas of funding being cut, such as transport. LH confirmed that the 3-mile rule does not apply if it is deemed unsafe for a SEND child to walk to school. If a parent has written evidence from a LA of removing transport on the grounds of living within 3 miles, IPSEA will be happy to follow this up.

The Post-18 funding issue seems to have been forgotten. LAs are often overspent on high needs, this is going to become a larger problem.

Members have raised concerns regarding wheelchairs needing a crash resistant certificate in order to be used to transport pupils on minibuses. LH was not aware of any legal aspect with regards to this and, therefore, questioned whether this was a local risk assessment.

IPSEA (LH)

IPSEA have a new CEO, Alison Fiddy.

IPSEA are providing training with the DfE in anticipation for the change in tribunals. This will be ongoing until January 2018.

IPSEA are running a course in January 2018 for schools and colleges with NASS.

The Jordan's Conference is begin taken on by IPSEA, due to be held in March 2018.

NAHT (RT)

The NAHT SEND Council met to discuss:

- Response to the select committee enquiry into alternative provision.
- Lenehan review
- Review on restraint – an update is expected by the end of 2017.

A joint conference with the Royal College of Psychiatrists is due to be held on 30th January 2018.

The NAHT Special Schools Conference is due to be held 9th March 2018.

It has become apparent the DfE are advertising various advisors to help schools with the uptake of EBacc. There is concern schools are putting children on the wrong courses.

RT has been busy judging entries for the NAS awards.

RT has met with the Autism and Girls Forum – research and schools are coming together.

RT has been working with the Autism Education Trust and are looking for school leaders for MATs to join – suggestions from NSEND leaders were welcomed.

BP left the meeting

BATOD/NatSIP (DC)

The BATOD conference is due to be held 17th March 2017.

BATOD have been working with UCL conducting a study of data on the performance of deaf children.

The European Community has issued information that, as more deaf children receive cochlear implants, their issues are often considered solved. However, this is not necessarily the case.

The National Deaf Children's Society are starting a campaign to raise awareness of a funding gap for Post-16.

There is an issue with acoustics within new build SEND schools. Building standards are good, but they are ignoring acoustic standards.

Sen.se (JW)

Somerset LA is pushing for SEND school pupils to be placed into mainstream schools and local colleges, but provisions are not there. They are trying to create capacity within special schools and support for mainstream schools. Somerset LA want to create a traded service to get expertise into mainstream schools with possible links outside of Somerset.

Engage (RB)

Sponsored by the government, a group are travelling to New Zealand to attend a SEND conference.

Engage are looking to organise a special schools Olympics in Birmingham to take place over 2 or 3 days.

A joint conference is due to be held July 2018 in Cardiff.

The South-East group conference is due to be held 4th May 2018, with Barry Carpenter as a keynote speaker. Spaces are still available with designated workshops. Engage are hoping to work with Barry Carpenter with regards to SEND caused as a result of alcohol and/or substance abuse. DC circulated flyers for the conference.

Engage are working with the 'Keep Out' project, focusing on complex needs.

PRUsAP (FA)

PRUsAP are issuing a response to the review on alternative provision.

PRUsAP are not holding a conference this year. They are focusing on their aims as an organisation and how to best to be effective.

PRUsAP are raising issues of funding and top-up-funding, it seems there are regional differences. As alternative provisions are part of the EHCP process, there are concerns they are not being represented properly in funding. Many Pupil Referral Units are seeing a reduction in funding.

FLSE West Midlands (LP)

The North-East and East region are doing well.

LP is responding to the Safeguarding Consultation recently published. LP will also look at the restraint guidelines once they are published.

The SEND Reflection Framework has been launched, which could be significant. It is a 12-month project with a report due in December 2018.

9. Updates from other affiliations, forums, trusts, alliances and partnerships.

There were no updates.

10. NSEND Website

LP reminded members to email details or links to any events for the NSEND website.

11. Any focus for action

AI to email contacts at NNCPF with regards to representation on NSEND.

DB to invite CL and MBa to next meeting (24th January 2018).

12. AOB

No other business to report.

13. Dates for 2017-18

Wednesdays 29th November 2017, 24th January 2018, 21st March 2018, 16th May 2018, 4th July 2018.

14. Venue 2017-18

Courtesy of BrowneJacobson, 15th Floor, 6 Bevis Marks, Bury Court, London EC3A 7BA

Meeting closed at 2.20pm.