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THE NATIONAL SEND FORUM DRAFT MINUTES 27th September 2017, 10.30am

Present: David Bateson OBE (DB) *Chair*, Brendan Henegan (BH) *engage*, Julie Walker (JW) *Sen.se*, Malcolm Reeve (MR) *AET*, Lorraine Petersen OBE (LP) *Facilitator/FLSE*, Rona Tutt OBE (RT) *NAHT*, Rani Kaur (RK) *National Governors Association (NGA)*, Penny Barratt (PB) *SSV*, Adam Boddison (AB) *NASEN*, Unity Howard (UH) *New Schools Network (NSN)*, Mark Blois (MB) *BrowneJacobson*, David Canning (DC) *BATOD/NATSIP*, Kiran Hingorani (KH) *SWALSS*

Guests: Joanna Hall (JH) and Matthew Barnes (MBa) *Ofsted*

Minutes: Natalie Bambridge (NB)

1. Welcome and Introductions

DB welcomed everyone.
All members introduced themselves.

2. Changes in representation, guests and links

DB welcomed JW as representative of Sen.se and welcomed RK (NGA) and UH (NSN) as new members.
DB introduced guests from Ofsted JH, Deputy Director and MBa, HMI SEND Specialist Adviser and thanked them for accepting the invitation.

3. Apologies

Apologies were received from Mark Dale-Emberton (MDE) *FLSE*, Barry Payne (BP) *FLSE*, Hugh Steele (HS) *FLSE*, Michael Surr (MS) *NASEN*, Ian Hartwright (IH) *NAHT*, Anna Cole (AC) *ASCL*, Fran Alexander (FA) *PrusAP*, Roy O'Shaughnessy (RO) *Shaw Trust*, Nick Carey (NC) *Shaw Trust*, Gemma Hope (GH) *Shaw Trust*, Claire Dorer (CD) *NASS*, Lucy Hayes (LH) *IPSEA*, Melanie Foster (MF) *NAS*.

4. Minutes of Last Meeting

The Sub-group meeting would be taking place following this meeting.
DB would be attending the West Midlands SENDF the following week.
Pg 3: Sentence correction.
Pg4: Spelling correction.
Replace 'SEN' with 'SEND'.

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

5. Policy and DfE update

RT raised concerns for SEND statements not transferred to EHCP before the deadline of 31st March 2018. It was suggested that, due to the Education Act 1996, statements should remain legal until all are transferred. MB offered to look into this in more detail but was confident statements would remain legal until transferred regardless if they go beyond the deadline.

RT informed that the NAHT SEND Council met on the day of the Rochford Review release and are happy with the DfE's outcome. This is a pilot approach with further work to be done.

DB informed that CD had wanted to discuss funding and questioned JH whether Ofsted take a view of funding when arriving at their judgements in Local Area Reviews? JH responded that Ofsted consider funding from an outcome perspective but not in terms of reporting. Discussions took place regarding SEND funding and various concerns expressed.

6. OFSTED (JH & MBa)

JH began by confirming that SEND fits into a lot of Ofsted remits and there is a range of specialist advisors on the team.

A new SEND framework is being launched with the Care Quality Commission (CQC). A report is due to be published in October 2017 based on the key messages taken from evidence from inspectors. Following 39 inspections, there have been common themes of significant concern. In terms of a local area receiving a statement of action, the local area has to provide an action plan ensuring it covers the areas identified and a suitable time frame. The DfE is notified in order to provide extra support. JH is yet to be informed as to whether the 5-year programme will be renewed.

MBa set out the main findings of the reports:

- Implementation of reforms are too varied across key stages, particularly those who need SEND support rather than EHCPs.
- Concern for the proportion of SEND pupils who are absent or being excluded from school, including concerns of unofficial exclusions being used as a coping mechanism in mainstream schools.
- Effect on mental health services and the level of threshold a child needs to receive support from the mental health services. Ofsted will be looking to Wales and the outcome of their approach.
- EHCPs and the variability of the statutory assessment process, particularly the variability of outcomes. There seems to be a weakness in health and care and determination to get transfers completed within the deadline leading to concerns of timeliness over quality.
- Access to therapy is poor in too many areas, often due to budget restraints or being unable to fill vacancies.
- Parental dissatisfaction is common due to varying factors: higher anxiety levels are a challenge; parental lack of confidence in the ability of mainstream schools to meet their child's SEND needs; parents often want to talk with schools' staff and SENCOs regardless of whether the local area has an effective support team; varying implementation of personal budgets.

Following discussions with 39 local areas, there were three main areas of concern:

1. Leadership strategy to implement reforms is weak and ineffective, often in terms of management and this in turn shows EHCPs to be poor.
2. Leadership evaluation is being undermined due to poor understanding of outcomes, particularly in health and care. Sometimes the focus is too much on education.
3. Weak mechanisms of accountability.

MBa highlighted the areas that are going well:

- Targeted areas of Early Years is strong, often because they are already working with health and care. The strength is seen particularly for those with higher needs.
- Local areas are getting better at listening to parental views and forums for stronger EHCPs.
- Local areas who are getting production of EHCPs right have strong strategic leadership.

JH confirmed the report is due out October 2017.

JH will forward links for Ofsted LA SEND Myth Busters.

The following concerns and issues were raised by members and JH and MBa responded:

- Health care is a repeated concern of NSENDF and reflects the fundamental difference in legislation between the rights to education and the rights to health. Wanting to improve and actually making a difference at ground level are two different things. SEND is a small area of concern for the NHS: JH said a recent meeting on health budgets has triggered thinking on where children are in terms of plans and budgets. It is gathering momentum but this will take time.
- With regards to areas identified as strong, was intervention included in this? MBa said there is policy on identifying assessment needs. Identifying after Early Years becomes more variable as going further into school.
- With regards to the written statement of action, how does Ofsted follow through with this? JH explained that once a written statement of action is active it gets sent to a senior HMI and CQC where they agree jointly whether to sign it off. If it is fit for purpose, the LA publish the action plan on their website for parental and public access. If the action plan is not fit for purpose they are offered a second chance with guidance from the DfE. If this fails, the DfE will intervene and issue a personal advisor. Ofsted remain updated throughout the process and raise issues with LA contacts whenever they meet.
- 5 years on, the programme may not be renewed: JH expressed hopes for a bigger appetite for further inspections.
- Will the report be reflective or make recommendations? JH confirmed there is a section in the report that raises key challenges. There are also vignettes of examples of strong practices.
- SENCOs are struggling to get support from LAs. Is there a view on how this can be improved? MBa confirmed Ofsted is aware SENCO roles are not always being supported. Ofsted can only judge what is happening, not provide advice but LAs are increasingly aware of the bigger role of SENCOs so there is hope for a stronger link between LAs and SENCOs.
- Is there any mention of 19-25 in the report? JH said there is a theme of transition throughout the 39 inspections. There are specialist advisors in the FES teams, but the report does show big gaps in provision and outcomes.
- There is an issue around SEND support in mainstream schools. There is a need to identify leadership strategies for reform and provide support for leaders. It is apparent that effective SENCOs are both effective leaders and have effective leadership support: MB said the report provides key messages around SEND support, particularly for headteachers. JH said a 6-year ITT framework completes in 2018. Maybe it needs to be questioned what level of SEND training is provided in ITT as there is an opportunity there.
- There have been two major reforms with an attempt to integrate a better SEND code. Was this a successful exercise? From a legal perspective a SEND code would be a good idea but in practise there doesn't seem to be a way around this: MBa suggested that Ofsted would echo that view but a statement may be better. In some cases, a SEND code is not seen as necessary as there would be too wide a spectrum.
- There seems to be a high degree of variability in the development of personal budgets and sometimes a lack of interest from leadership: MBa said families and front-line staff need

educating on how to use personal budgets to their advantage. JH said colleagues from different areas are sharing experiences to try to resolve the real issue.

- With regards to mental health, are there any examples of areas doing well/best practice? MB said there were some areas where thinking was further forward, but nowhere showing actual impact. JH said this is an area still growing momentum. Devon is showing as an area with high spending per head on mental health which shows good joint communication but there is no real big impact.
- Will Ofsted be looking at first aid and mental health training? JH confirmed this will feature in the report and this may be something Ofsted will start to inspect.
- It was suggested Ofsted put SEND as an area of inspection, similar to safeguarding, so there is a minimum expectation: MBa suggested safeguarding has sometimes become a tick-box exercise in inspections so that the paperwork is better than the practice and would not want this to be the case for SEND. JH suggested it would be best to move away from the tick-list approach.
- What is expected of the quality of trend data? JH said what has become apparent is the disconnection of strategic leadership teams with local knowledge. MBa said the best local areas have SEND as central to their strategy.
- There has been an increase of SEND places and this has impacted on schools: JH said inspectors are being asked to look at off-role and home-educated children.
- Is there anyway NSENDF can improve areas seen as weak? JH said there were two new frameworks coming in 2019 and a potential new way of reviewing MATS. Ofsted will be meeting with stakeholder groups to get ideas and opinions of weaknesses. NSENDF has a powerful voice. MBa said parents talk about problems of dealing with LAs, there is a need for parents to understand what Ofsted is reporting on and why. JH suggested NSENDF meeting with parent/carer forums to get their voice heard. Ofsted often use social media and webinars to respond to parents' needs. JH questioned whether Ofsted reports resonate with NSENDF as there is a need to be agreeable in order for NSENDF to help with improvements.

DB thanked JH and MBa for attending and felt this was a very useful dialogue.

7. Update from members: successes, issues and events

Engage (BH)

The Engage conference took place and was successful.

A conference is being held at William Henry Smith School on 23rd October 2017.

There is a one-day conference being held on 24th November 2017 in Barking and Dagenham to look at developing comprehensive strategy.

The South/South-East conference is due to be held in May 2018.

The National Co-Conference is being held with SEBDA on 5th-6th July 2018.

The National Awards and National Creative Awards continue this year with great success. The Creative Awards this year are titled 'My Globe, My World' and a group of children are being taken to Oman.

Engage has been asked to organise a conference in New Zealand in April 2018 as there is no coordinated provision in New Zealand. This is positive for sharing good practice and also politically as a chance to discuss joint thinking.

Sen.se (JW)

Sen.se are focusing on a lack of strategy/SEND leadership within LAs; working with LAs in preparation for SEND review; capacity building for most complex people and the 19-25 agenda.

The Sen.se conference is due to be held in March 2018 looking at Everyone's a Leader and Preparation for Adulthood.

AET (MR)

AET are working with 8 MATS on a MAT/SEND project. Funded by the DfE and supported by London Leadership Strategy/Whole School SEND, the working group have developed an inclusion framework for MATs and have trained 100 SENCOs to be SEND Reviewers both within and across MATs .

The Inclusion Framework looks at 5 key areas of activity viz Leadership, Identification, Tracking and Monitoring Progress, QFT and Interventions, Developing Provision. For each of these there are a series of questions that can be asked about MATs with regards to dealing with SEND. The plan is to run across this across the MATS involved with the aim of getting another 10 MATS on board. The framework is suitable to operate across any grouping of schools; not just MATs.

MR will send link to NB for circulating.

ACTION: MR/NB**FLSE (LP)**

North East and East regions remain pro-active with lots of events posted on the website.

NAHT (RT)

NAHT are working on reactions to the Primary Assessment and Rochford Review. RT updated members on this.

There has been a SSC meeting to re-establish a post-16 working group.

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

The NAHT Special Schools Conference is due to be held 9th March 2018, with various NSEND members contributing.

NGA (RK)

NGA hold a SEND conference every two years with the aim of raising awareness across governing boards to avoid SEND being pushed down the agenda.

It is in NGA guidance that every school governing board should have a governor with SEND experience on board.

RK is happy to disseminate any information from NSEND back to NGA.

SSV (PB)

SSV aim to send out a weekly email to special schools, though there is an issue with schools updating their contact information.

PB writes regular blogs and is happy to include items should any NSEND members want an issue voiced.

SSV are collaborating with NSN to hold two conferences to discuss free special schools.

SSV hold regular meetings and are due to meet the following week with the DfE.

SSV meet with Sir David Carter termly, it is positive that he is interested in SEND.

NASEN (AB)

NASEN are working jointly with NGA to provide training in SEND.

NASEN are working with others on a MAT SEND Leaders programme, to be launched soon. There is a pilot cohort trialling until March 2018.

NASEN and the DfE have funded work with Early Years until March 2018. Webcasts and videos can be used in training.

A SEND Caseworker Award has been launched with 3 cohorts all starting in January 2018. Booking is now available.

Booking for NASEN Live 208 is now available.

NSN (UH)

The DfE have launched a new pilot with 19 free schools preapproved and are now looking for applicants. Any interest can be forwarded to UH.

BrowneJacobson (MB)

Funding of £500,000 has been made available for claims within the education sector relating to the

Equality Act. This funding should take claims through to tribunal level.

BATOD/NATSIP (DC)

BATOD met the previous week with representatives from across the UK which raised issues of SEN support, exam modification and workforce development. MR's review papers were produced and the CPD has agreed to provide funding with support from the DfE.

SWALLS (KH)

SWALLS have set up a programme of training events.

SWALLS have collaborated with IPSEA to gain views of schools and parents experiences of EHCP transfers with the aim of producing guidance material for parents.

SWALLS are holding a conference in January 2018 with Shaw Trust as a keynote speaker.

8. Update from other affiliations, forums, trusts, alliances and partnerships.

There were no updates.

9. NSENDF Website

Members were asked to send information and links regarding events to LP for posting on the NSENDF website.

LP confirmed the agreed NSENDF minutes are posted on the website for public access.

LP to add NSN and NGA logos to the website. UH and RK to forward logos to NB.

ACTION: UH/RK/NB/LP

10. Any focus for action and statements of agreement

MR to forward links to NB.

UH and RK to forward logos for NSENDF website.

11. AOB

No other business to report.

12. Working sub-group meeting: Centres of Expertise

A smaller working sub-group is to be held following the current meeting.

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 12.50pm and was followed by the working group on outward-facing centres of expertise.