



Founded by FLSE. Enabled by FLSE and nasen

**THE NATIONAL SEND FORUM Minutes 27<sup>th</sup> March 2019**  
**Browne Jacobson, 15<sup>th</sup> Floor, 6 Bevis Marks, EC3A 7BA**

**Present:** David Bateson OBE (DB) *Chair*, Jackie Mullan (JM) *FLSE*, Chris Rollings (CR) *FLSE*, Lorraine Petersen (LP) *FLSE*, Rona Tutt OBE (RT) *NAHT*, Melanie Foster (MF) *NAS*, Catherine Ollington (CO) *NSN*, Carol Kelsey (CK) *NNPCF*, Steve Cullingford-Agnew (SC-A) *Equals*, Kate Williams (KW) *NASS*, Caroline Wright (CW) *RCSLT*, David Couch (DC) *BATOD/NATSIP*, Mark Hoda (MH) *Shaw Trust*, Mark Blois (MB) *Browne Jacobson*, Kiran Hingorani (KH) *SWALSS*, Penny Barratt (PB) *SSV*, Maggie Wagstaff (MW) *PdNet*, Stephen Deadman (SD) *NAHE*, Andre Imich (AI) *DfE*, Michelle Haywood (MH) *WMSSEND*, Richard Boyle (RB) *Engage*, Sarah Hannafin (SH) *NAHT*, Ben Higgins (BH) *BILD*,

**Guests:** Eimhin Walker (EW) *DfE*, Rebecca Ryan (RR) *DfE*, Bernard Allen (BA) *Engage*

**Minutes:** Andy Petersen (AP)

**1. Welcome and Introductions**

**For Action**

DB welcomed everyone and asked each attendee to introduce themselves.

**2. Changes in Representation, Guests and Links**

DB welcomed new representatives BH, SD, DC, MW

**MB agreed to contact ASCL to find out whether they wished to remain members**

**MB**

**3. Apologies**

ASCL, IPSEA, NGA, nasen, SEN.se, WSSSEND, PRUsApp

**4. Minutes of last meeting and matters arising**

There were no matters arising.

*An additional item was included by the Chair at this stage in order to expedite the business of the meeting. The item numbering of the minutes is therefore not coincident with the agenda.*

**5a. Mental Health: Delivering the Green Paper 2017**

- EW gave a summary of work undertaken by the DfE on this initiative. Two major proposals had been made (a designated senior mental health lead in each school and “trailblazer areas”) and she invited feedback from stakeholders.
- SH commented that there were questions about the size of the mental health lead role which bore a resemblance to a SENco. Would a specification be produced?
- EW felt that the role would not be a “practitioner” but more strategic in nature
- RT commented that she was also worried about the size of the role and lack of funding
- The meeting commented on the lack of health practitioners – on average there were only

- enough practitioners for every 20 schools
- DC queried who should be the designated lead and whether that individual should be a member of SLT or at least endorsed by SLT
- PB commented that Mental Health issues were especially hard in Special Schools.
- PB wondered if the new role would extend to staff mental health.
- SC-A was concerned that this role would be allocated to the SENco causing additional workload
- SD commented that his organisation was seeing an increase in mental health issues and had experienced waiting times of up to 4 weeks to access practitioners.
- MB queried the governance of this issue – would there be a lead governor for mental health? EW replied that this had not yet been considered.
- PB reiterated earlier comments on increased workload for designated staff. She also queried whether additional funding would be available.
- JM commented that special schools were already dealing with mental health issues but access to CAMHS support was particularly difficult. JM felt that a lack of Health and Social Care resources would limit the effectiveness of this new policy. RB/BH supported this comment stating that Health need to engage with the mental health agenda.
- CK commented that changes in the curriculum were having a negative impact on mental health issues.
- KH wondered whether the new policy had been discussed with Ofsted. EW replied that this area was not going to be an issue with Ofsted.
- Members commented that many schools already had an MH lead. However there was no specification for the role and each lead needed to be set a standard.
- EW commented that the initiative would not be prescriptive – it would be up to each school to judge what was required.
- CR queried what was going to happen with NHS MH support teams?
- LP commented that the initiative needed to consider training and accreditation. KH also queried whether training would be available for all schools. EW replied that training would be available for all mainstream schools but not independents.
- EW summarised her takeaway from the meeting:
  1. Need to work closely with schools (especially Special Schools/PRUs etc.)
  2. Need to consider governance
  3. Need to consider training and accreditation.
  4. Need to find a mechanism to share best practice.

## **5b. Policy and DfE Update (AI)**

AI discussed the following:

1. The Education Select Committee's inquiry on SEND was coming to conclusion; however no date had as yet been set for their report.
2. THE NAO was carrying out a review of SEND with a focus on the Value for Money achieved from the £6.1Bn spend. Particular attention was to be given to High Needs Funding.
3. A Judicial review on HNF was in progress; however AI felt that this could take a long time to complete.
4. OFSTED framework was currently out for consultation until 5<sup>th</sup> April – AI encouraged all organisations to respond if possible. The results of a pilot programme in schools had proved reassuring.
5. Research was going to be undertaken on "SEN futures" – DfE were currently seeking tenders for long term research (up to 10 years) with individual pupils across all settings with a wide cross section of outcomes.
6. Tribunal Extended Rights Project – 1 year to go to gather evidence to see if this becomes a permanent part of the tribunal system.
7. RT asked if there was a date for the publication of the Timpson Review on school exclusions

– as yet no date had been set for publication.

8. Local Area Reviews - 83 reviews had been published, 40 of which required written statements of action. It was hoped that this would act as a catalyst for improvement. Re-visits were now being undertaken, 18 months after original inspection. To date 2 have taken place, 1 with a satisfactory conclusion (Rochdale) and 1 with an unsatisfactory conclusion (Suffolk). It was hoped that all inspections would be completed by 2021. CK commented that Local Area inspections were not being taken seriously.
9. KW commented that there were 2 issues – pressure of numbers and parents insisting that pupils be sent to special schools but no appropriate placement was available. The increase in the number of young people post 16 has had an impact on the HNF budget in most local authorities. The extension to 25 is also having an impact. AI commented that an EHCP is not a right, particularly after age 19.
10. Questions were asked about the new free special schools – was there a national oversight on where there are gaps in provision? AI commented that information from the bids was being used to assess provision for different needs. The driver was the local area who should be able to identify need. PB commented that she was not sure we have ended up with the right provision in the right places.
11. SD stated that the teacher pay award was only being part funded and this was putting increased pressure on schools. Also schools were having to fund health provision which was decreasing the education budget. AI commented that this had been highlighted by the select committee and the NAO.
12. Comment was made that under 5s with very significant needs and an EHCP were unable to access services or transport AI stated that the DfE were aware of this but there were different approaches around the country. If the EHCP stated full-time provision then the LA must provide full-time. Transport is not a statutory entitlement for under 5s and there are no plans to change this currently.
13. CR asked about the engagement profile and the statutory nature of this once implemented. (CR circulated the paper produced by Equals and FLSE see <https://flse.sendforum.org/resources/> ). Specialist provision needs a toolkit of assessment to support individual needs. PB raised the practicalities of the engagement profile. The pilot appeared to have concluded outcomes which were not as expected. AI responded that every child should be required to be statutorily assessed. The final content would be available soon.

## 6. Restraint And Restrictive Intervention

BA made a presentation on the current situation on Restraint And Restrictive Intervention. Issues discussed included:

1. Injury rates were increasing.
2. A coherent framework and guidance was required for all parties on restraint. The goal was to reduce restraint actions but this might have a collateral effect by increasing injuries. Staff wellbeing needed to be considered.
3. People needed help to manage their own biological systems.
4. Many incidents were now subject to court proceedings
5. BA listed reviews that were currently in progress.
6. It was apparent that there was confusion about what constituted restraint – this could include chemical as well as physical actions.
7. Concern that insurers were refusing cover.
8. Restriction of liberty by the use of safe rooms.

Discussion took place about the above.

## 7. Steve Cullingford-Agnew information item

*A group of like-minded advocates for people with profound and multiple learning disabilities came together several times in 2016, in order to identify a means of ensuring a stronger voice for people,*

*at a national level, and to aim to ensure that people received good quality service and support regardless of where they lived and who was providing their support. 'Supporting people with profound and multiple learning disabilities' CORE & ESSENTIAL SERVICE STANDARDS is an excellent resource in order to ensure that people with profound and multiple learning disabilities have access to consistent high-quality support throughout their lives, when supported by any service provider.*  
<http://www.pmlmlink.org.uk/wp-content/uploads/2017/11/Standards-PMLD-h-web.pdf>

**8. Presentation by Lorraine Mulrooney – NHS Leader of SEND (by telephone)**

1. NHS developing 5 and 10 year long term CYP plans. A programme director had been appointed who would bring together 10 work streams.
2. These would result in changes in geographical regions and senior leadership.
3. SEND indicators were being prepared in preparation for OFSTED/CQC inspections.
4. It was intended that the NHS would introduce dedicated regional officers (Chief Nurses) who would have responsibility for SEND in conjunction with Lorraine.
5. A new governance structure would also be introduced, with a board appointed who would be held to account for performance of the CYP plan.

Comments were made by the meeting about difficulties in getting support from CAMHS. Also the variability of skills and expertise available. Members felt that the plans would require a great deal of vision which was not apparent on the ground. SD commented about the availability of space for hospital schools and that some areas charged for schools whilst others did not. LM commented that there was also an issue around specialist hospitals as well, all of which were on differing LSAs with different trusts.

LM to attend NSEND meeting of 10<sup>th</sup> July to give further information to members.

**DB/LM**

**9. Update from members: successes, issues and events- All**

**FLSE** – The eastern region were organising a conference in June 2019 on “Innovation In Special Schools Working Differently – Making A Difference”.

**ENGAGE** – holding a National Conference in July on “Engaging with our behaviour... Building Resilient Communities”. ENGAGE National Creative Awards celebrates its fifth birthday this year. It is a unique scheme that encourages the students and staff at engage in their future member schools to get creative around a particular theme. Participants can choose to express that creativity through poetry, short story writing or photography. RB appealed for NSEND members to nominate any potential candidates for the awards.

**ALL**

**BATOD** – The National Conference 2019 had recently been held focusing on “Deaf Education – Past, Present and Future”. The aim was to bring teachers of the deaf together. In addition BATOD had recently been involved in a national review of mandatory qualifications for teachers of the deaf.

**EQUALS** – was looking to support SEN in mainstream schools more. A conference was planned in July focusing on “Curriculum at the Heart of Learning”

**NAHT** – holding a conference titled “Girls and Autism - Many Voices” and “Leading on SEND - Diversity, Difference, Dynamics” in April. RT had also attended a SEC meeting with Nick Whittaker, HMI, Specialist Adviser; SEND to discuss the new OFSTED framework.

**NAHE** – were trying to join up a variety of health education services together. Felt that health education institutions needed to achieve a level of consistency. NAHE were working with OFSTED and DfE in order to achieve this goal. The aim was to award a quality mark to hospital schools. NAHE were also working on obtaining consistent funding from DfE. NAHE intended to hold their annual conference in October.

**NASS** – were holding an event in May on “Adverse Childhood Experiences in Education – helping

schools to understand and support”

**NNPCF** – forums are suggesting that there is a danger that local area inspections are losing their impact – LAs are reacting to WSOAs with complacency. NNPCF have made some key representations to officials at the Department for Education (DfE). There had also been considerable discussion about CAMHS which is a key area of focus for the NNPCF who have responded to the Children and Young People Green Paper on Mental Health.

**PDNET** – holding a conference in June on “Living my life my way - Promoting independence and positive outcomes for learners with physical disability”.

Shaw Trust – A successful workshop had been held in February in conjunction with DWP re SEND Employment. The trust was holding an IT competition for disabled young people – more information available at <https://www.shaw-trust.org.uk/en-GB/The-UK-IT-Challenge>

**SWALLS** – A new website had been published which was able to offer new services. New courses were being offered focussing on leadership. SWALLS was also offering a consultancy service to schools. A SW regional conference was planned.

**WMSEND** – A research conference had been held on 2<sup>nd</sup> March. WMSEND had also been represented at an ASCL conference. Research conferences were planned at Sheffield University , Eden Academy and Derby University.

**10 Update from other affiliations, forums, trusts, alliances and partnerships**

None

**11 NSEND website**

AP updated the meeting on minor changes to the NSEND website. AP stressed that updated content was now required and asked that members supply him with details of their forthcoming events. AP stressed that due to the new “dynamic events page” format only a link to details on member websites could be accommodated. Also there were still some partners who had not supplied brief details about their organisation. If members were able to contribute or share resources for inclusion on the new site then this would also ensure that it remained topical and relevant.

**All**

**12 Any focus for action and statements of agreement including future invitees**

As noted above

**13 AOB**

None presented

**14 Dates for 2019-2020**

09 October, 04 December, 05 February, 25 March, 20 May, 08 July

**15 Venue 2018-2020**

Browne Jacobson will continue to provide a venue for NSEND meetings, with grateful thanks.

**Meeting Closed at 2.45pm**

