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THE NATIONAL SEND FORUM Agreed Minutes 22nd May 2019
Browne Jacobson, 15th Floor, 6 Bevis Marks, EC3A 7BA

Present: David Bateson OBE (DB) *Chair*, Jackie Mullan (JM) *FLSE*, Chris Rollings (CR) *FLSE*, Lorraine Petersen (LP) *FLSE*, Adam Boddison (AB) *nasen*, Rona Tutt OBE (RT) *NAHT*, Melanie Foster (MF) *NAS*, Catherine Ollington (CO) *NSN*, Carol Kelsey (CK) *NNPCF*, Steve Cullingford-Agnew (SC-A) *Equals*, Caroline Wright (CW) *RCSLT*, Michelle Lowe (ML) *Shaw Trust*, Kiran Hingorani (KH) *SWALSS/NASS*, Penny Barratt (PB) *SSV*, Stephen Deadman (SD) *NAHE*, Michelle Haywood (MH) *WMSEND*, Bernard Allen (BA) *Engage*, Brendan Heneghan (BH) *Engage*, Ben Higgins (BH) *BILD*, Malcolm Reeve (MR) *WSEND*, Angela Ransby (AR) *PRUsAP*, Rani Kaur (RK) *NGA*, Lucy Hayes (LH) *IPSEA*, Julie Walker (JW) *SEN.SE*,

Guests: None

Minutes: Andy Petersen (AP)

1. Welcome and Introductions

DB welcomed everyone and asked each attendee to introduce themselves.

For Action

2. Changes in Representation, Guests and Links

DB welcomed new representatives ML, AR

MB was not in attendance so no further information was available as to whether ASCL wished to remain members

MB

3. Apologies

ASCL, BATOD, NATSIP, Browne Jacobson, NASS, NHS, PDNET, FLSE (CR)

4. Minutes of last meeting and matters arising

There were no matters arising.

5. Policy and DfE Update

Updates were provided on the following:

1. Funding for SEND and those who need AP - Call for evidence on the financial arrangements for children and young people with special educational needs and disability (SEND) and those who need alternative provision (AP). This consultation closes on 31 July 2019 – the meeting agreed to send a collective response to be finalised at the 10th July meeting and submitted by the 31st July deadline. Members should send their key points to LP for collation. KT commented that there were problems with LA deficits in the High Needs Block. LAs had been asked by the DfE as to how to reduce deficits. BA commented that there may be some funding available for post 14 provision.
2. BA – the Mental Capacity (Amendment) Act 2019 had received Royal Assent in April. Schools are going to have to prepare pupils for this. AR commented that this would be time

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consuming and funding would need to be ring fenced.

3. AB commented that two important reports were due in 2019 – the NAO report “Support for pupils with special educational needs and disabilities” and the Education Committee report on “Support for pupils with special educational needs and disabilities.” CK commented that there was a lack of transparency in the funding process – parents were unable to work out where the money goes. PB felt that there was a lack of focus on Special Schools. KT felt that Schools budgets were paying off shortfalls in Health and Social Care.

7. Timpson Review of Exclusion (*Note this item was B/Fwd. by the Chair*)

AB related that the inquiry was now complete. The review included a statement that the SEND Code of Practice will be reviewed by the end of 2020. The DfE were preparing a “snagging list” for this purpose. AB suggested that NSEND should prepare comments to inform this process. **Agreed** that members send items and concepts they think should be included to LP and DB for compilation. MR commented that behaviour should not be included in the new CoP.

CK commented that mental health issues were being equated with poor behaviour. She also felt that more could have been included in the report about “illegal” moves.

BH felt that poor behaviour results from unmet special needs.

SC-A was concerned that changes would place more pressure on SENCOs.

LH felt that the report should have taken a stronger line on informal exclusion. Also there was not enough focus on Children in Need/Disabled pupils.

LP commented that “one size” does not fit all and that the DfE was too focused on instructions from “gurus”.

BH commented that there was too rigid an approach and questioned how NSEND could influence this.

RT reminded the forum that Sir Alan Steer had produced a report which advocated “zero tolerance” to poor behaviour. This did not take into account the needs of SEND pupils.

PB commented that National Leaders in Education (who were experts in their field) were now being told what to do and say. Thus school actions were becoming more “centralised/prescriptive”.

CO commented that there was a need for high quality alternative provision. There was a lot of “illegal” provision in this area. Also Free schools had only two AP units and had no legal means of increasing this provision.

SD commented that schools were cutting down on “Inclusion Units” due to budget constraints.

During the meeting members considered whether the DfE could amend the four areas of SEN in the Code without amending primary legislation. After the meeting LH confirmed no amendment to legislation would be required.

6a. Whole School SEND Report 2018-19 and plans for 2019-20. (*Document previously circulated*)

MR presented the report to members and then answered questions.

6b. Purpose and Role of the Forum –AB (*note this item had not been included in the agenda*)

AB explained that he felt that there was a need to harness the expertise of the Forum. He suggested that the forum should focus on “Thought Leadership” and publish relevant papers to create debate and discussion around current issues. nasen were happy to fund such work if individual input was required. Ultimately AB felt that the forum should create a knowledge base.

AB’s proposals were supported by the meeting. **Agreed:** AB will present his Thought Leadership proposal paper on the 10th July. A topic for the first paper will be decided at that meeting.

8. Preparation for the NHS SEND Lead discussion with Lorraine Mulroney (LR) at the July meeting.

DB set the background to this item and suggested that the forum needed to decide upon questions for LR.

KT suggested that the offer for SEND from CCGs be clarified. In particular the KPIs associated with the offer should be clear. In addition KT suggested that the forum establish what protocol CCGs work to, and how does NHS England co-ordinate.

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AB

JW queried what support was available from the NHS for special schools. There seemed to be an assumption that Special Schools will do more with no additional resources.

RT queried whether there was a designated Clinical Office Post for SEND and whether there was a link to the mental health agenda. She also wished to know how NHS England held trusts to account.

CK queried what the NHS was doing to provide parents with an understanding of the differing roles involved in childcare.

LP queried how the NHS ensures that staff are trained in SEND.

SD queried whether trusts and CCGs were aware of the need to provide education in hospital for children and whether NHS can work better with LAs.

KT agreed to prepare a list of questions for LR for the July meeting.

KT

9. **Follow-up briefing paper by Bernard Allen** (*circulated with this agenda*).

BA and BH had agreed to meet to discuss this. Item to be moved to next agenda

DB,BA,
BH

10. **Anticipated UCL report and its implications for NSEND research into RCEs.**

This item was deferred as a result of UCL report not being published

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

WMSEND – their book “ResearchSEND in Ordinary Classrooms was to be launched at the University of Wolverhampton on 15th June. Further details were available on

<https://www.eventbrite.co.uk/e/researchsend-in-ordinary-classrooms-book-launch-tickets-62479695451>

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Everyone Festival was taking place on 6th July at Tickwood Care Farm in Much Wenlock. The aim was to stimulate a movement towards building an inclusive society, where people have equal opportunities. Further details were available on <https://www.eventbrite.co.uk/e/everyone-festival-tickets-62314158325>

The RESEARCHSEND conference was taking place at the Walsall Campus of the University of Wolverhampton on 9th November - WMSEND were looking for speakers if any members were available.

West Midlands “Good Practice” event with guest speaker Simon Mosely sharing good practice across the WM Region was taking place on 4th October.

Equals A conference was planned in July focusing on “Curriculum at the Heart of Learning”

The website now included a new page for job vacancies. Schemes of Work had been prepared for Maths and Science – Literacy was next to be prepared.

SEN.se – were working with Somerset LA on a SENCO Forum. SEN.se had been commissioned to prepare a paper on “Preparing for adulthood”. SEN.se had opened the first “pop-up shop” appeared in Yeovil’s Quedam Centre in April selling products made by pupils.

SWALLS – new website had been published. A conference was planned on Leadership and Management targeting Heads, Deputies and Governors. Paul Holland the driving force behind SWALLS was due to retire this summer.

NGA – were consulting members re DfE call for evidence around SEND funding and were reviewing their policy on the Governors role in exclusions.

NSN – were working with 39 LAs on Free School proposals. In addition NSN were collecting responses to the Timpson Review and would organise a “Round Table” meeting to discuss them.

RCSLT – were working with BATOD on joint guidance to Teachers of the Deaf. RCSLT were working on guidance for commissioners of SALT in schools. A stocktake of resources was in progress for DLD.

SSV – had met with Nick Whittaker (HMI and Specialist Adviser, SEND) in respect of the new Ofsted inspection framework. SSV were concerned that there was no focus on Outreach services and that not all schools data was to be reviewed.

Shaw Trust – working on the disability employment gap.

PRUsAP – were focusing on negative publicity around alternative provision. A “Rebirth” conference was planned for July which had been sold out.

NNPCF – forums were suggesting concerns re SEND resourcing, Local Area SEND inspection report revisits when the initial inspection had failed and DfE action resulting from this. Talking Points documents have been developed to aid national discussions. These are available on website at <http://www.nnpf.org.uk/about-the-nnpf/talking-points/>

Forums can apply for a grant of £15k providing the relevant LA has signed a Memorandum of Understanding committing to parent groups including NNPCF.

NASS - has launched the first ever SEND Incubator: a package of support designed to turn your school's promising ideas into fully-fledged 'services', that can be shared commercially or charitably to benefit more children and young people with SEND.

NAS – As part of the 10th Anniversary of the Autism act the APPGA was looking at developments since the act.

ENGAGE – the ENGAGE National Creative Awards entries were now being reviewed by judges. The 2019 National Conference will take place on Thursday 4th and Friday 5th July around the theme of "Engaging with Our Behaviour". Significant changes were taking place in the ENGAGE committee structure.

IPSEA – CEO had given evidence to Government Home Education Consultation. The number of SEND cases going to Tribunal were increasing so proposals had been made to reduce workload and improve flexibility.

Cases were being advised where pupils were being forced to do "twilighting" (4-6pm) which was a form of exclusion. Concerns had also been raised about transport where LA was requiring evidence from an Educational Psychologist that children were unable to walk to school.

NAHE – New website had gone live with the same address as the old site <https://nahe.org.uk/> NAHE had appointed a Director of Regional Resources. Peer Review pilots where groups of 3 hospital schools review each other were being trialled. NAHE's national conference was being held in London on 20/21 June <https://www.eventbrite.co.uk/e/senco-send-lead-network-meeting-tickets-61100606559>

There was also a "Working on Wards" conference in November in Birmingham

<https://www.eventbrite.co.uk/e/working-on-the-wards-day-tickets-62040272124?aff=ebapi>

Issues were also being experienced with the funding formula for Hospital Schools.

LP commented that Epilepsy Action had produced a toolkit for schools to support children with medical conditions go to <https://www.epilepsy.org.uk/training/for-schools>

NAHT - The launch of the book "Girls and Autism" had been successful. The annual conference had taken place in early May. In addition the Special Education Consortium has also met.

nasen - Ofsted are going to be carrying out a focussed inspection programme on SEND similar to that carried out in 2010 resulting in the report "A Statement is Not Enough".

The Education Endowment Foundation were to publish a guidance document interpretation of the Code of Practice in early 2020. "nasen live" was scheduled for July 2019. 100 family tickets were available. nasen's SEND Leadership Programme was being launched so that members could gain a National Professional Qualification for Senior Leadership (NPQSL).

<http://www.nasen.org.uk/professional-learning/send-leadership-programme/>

nasen will be celebrating the nasen awards across the SEND community on Friday 18th October at the Waldorf Hilton Hotel. <http://www.nasen.org.uk/about/awards/>

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

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

None

13. NSEND website

AP requested that members review their entries on the “Partnership” page of the website to check if the insertions were up to date. Where no insertion had been made AP requested that members submit a few words about their organisation

All

14. Any focus for action and statements of agreement including future invitees

LM (NHS SEND Lead) is unable now to attend the July meeting. She has requested that NSEND send her questions about health provision, training, responsibilities and funding so that she can make a written response. Member responses to be sent to DB/LP

AB to present is Thought Leadership proposal paper.

DfE 'snagging list' for adjustments to the Code of Practice. Members are invited to send items and concepts they think should be included to DB/LP.

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Risk and Restraint deferred until the 10th July so that Ben can present his views and open up a discussion then. Members are asked to keep the last paper from Bernard to themselves at this point ahead of information from Ben.

Funding review - a collective response also to be finalised at the 10th July meeting and submitted by the 31st July deadline. Members should send their key points to DB/LP.

<https://www.gov.uk/government/consultations/send-and-ap-provision-call-for-evidence>

15. AOB

None presented

16. Dates for 2018-2019

10th July

17. Dates for 2019-2020

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

18. Venue 2018-2020

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

Meeting Closed at 2.45pm