



Founded by FLSE. Enabled by FLSE and nasen

THE NATIONAL SEND FORUM Minutes 9th October 2019
Browne Jacobson, 15th Floor, 6 Bevis Marks, EC3A 7BA

Present: David Bateson OBE (DB) *Chair*, Lorraine Petersen OBE (LP) *FLSE*, Carolyn Morgan (CM) *FLSE*, Rona Tutt OBE (RT) *NAHT*, Melanie Foster (MF) *NAS*, Catherine Ollington (CO) *NSN*, Steve Cullingford-Agnew (SC-A) *Equals*, Caroline Wright (CW) *RCSLT*, Kiran Hingorani (KH) *SWALSS/NASS*, Stephen Deadman (SD) *NAHE*, Michelle Haywood (MH) *WMSSEND*, Brendan Heneghan OBE (BH) *Engage*, Jane Carter (JC) *PDnet*, Sarah Hannafin (SH) *NAHT*, William Markey (WM) *NGA*, Kim Taylor (KT) *FLSE*, Penny Barrett (PB) *SSV*, Lucy Atherton (LA) *IPSEA*, Carol Kelsey (CK) *NNPCF*, Mark Blois (MB) *Browne Jacobson*,

Guests: Nick Whittaker (NW) *OfSTED*

Minutes: Andy Petersen (AP)

Welcome and Introductions

**For
Action**

DB welcomed everyone and asked each attendee to introduce themselves.

Changes in Representation, Guests and Links

Apologies

Chris Rollings *FLSE*, PRUsAP, NHS, SEN.se, ASCL, BILD, NASS, WSEND, nasen, BATOD/NatSIP, Rob Tozer.

4. Minutes of last meeting and matters arising

There were no corrections or matters arising. DB noted that he had yet to receive a presentation or briefing paper from BILD as agreed at the last meeting.

AP

8. OfSTED – Presentation from Nick Whittaker

(Note this item was brought forward in the agenda by the chair)

NW gave a brief introduction to his career path and an overview of his work at OfSTED.

NW gave an oral presentation including the following:

1. OfSTED 5 year strategy and its goal of improving the lives of children and young people. The inspection process exerts a pressure on school leaders but it is not expected that anything should be done just for OfSTED.
2. Local Area SEND Inspections – this was the 4th year of a 5 year programme with just over 100 of 151 local areas inspected. 50% of areas inspected currently have significant weaknesses. A programme of revisits for all those with a WSoA is under way, but there are no plans for further inspections beyond 5 years. A local area still requiring improvements

after a revisit will be referred back to DfE/NHS England for further consideration. KT commented that outreach work undertaken by Special Schools was not being recognised by inspectors. RT commented that not all areas had a Designated Medical Officer/Designated Clinical Officer and this caused issues with the commissioning of health services. EHCP assessments were not working well in those areas where a DMO/DCO was not in place. Discussion took place about the lack of joint commissioning between Education and Health in many local areas.

3. EIF – the new framework takes a strong stance on inclusion and developing cultural capital – access to a broad curriculum was considered important – judgement on Quality of Education is based on the decisions leaders make about what they are going to teach and how it will be taught based on the 3 “I”s (Intent, Implication, Impact). NW recommended that members looked at part 3 of the framework document of the Inspection Handbook outlining the inspection process in different settings. OfSTED will not specifically look at internal data but will seek to build a clear picture of what students are actually learning. As part of this process inspectors will perform “Deep Dives” in one or more subjects or units of progression (e.g. communication). The decision about the “Deep Dives” will be made during the 90 minute conversation with the HT on the day prior to the inspection. NW pointed the group towards the “Inspecting the Curriculum” document which describes Deep Dives in more detail.
4. The new framework is strong on the knowledge, understanding and skills in the curriculum and the experiences and teaching that realises those. It also stresses the ‘using and applying’ aspect of learning - the fluency with which skills can be deployed.
5. Members then sought answers to specific questions from NW.
6. DB thanked NW for his time in addressing the meeting.

5. Policy and DfE Update (RT reported)

1. **National Audit Office Report “Support for pupils with special educational needs and disabilities in England”** – this was published in September and is available at <https://www.nao.org.uk/report/support-for-pupils-with-special-educational-needs-and-disabilities/>
2. **Local Authority Ombudsman Report “Not going to plan?”** – was published in October 2019 and is available at <https://www.lgo.org.uk/information-centre/news/2019/oct/a-system-in-crisis-ombudsman-complaints-about-special-educational-needs-at-alarming-level>
3. **DfE** has launched major review into support for children with special educational needs – see <https://www.gov.uk/government/news/major-review-into-support-for-children-with-special-educational-needs>
4. **Public Accounts Committee** – inquiry on “Support for pupils with special educational needs and disabilities in England” is ongoing see <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2017/support-for-pupils-with-special-educational-needs-and-disabilities-in-england-17-19/>
5. **Education Select Committee** – the final report on their SEND inquiry is still awaited.
6. **SH** gave an update on the Engagement Model replacing P Levels – this was due in mid-November. Free training would be available prior to its introduction in September 2020.
7. **PB** had met with DfE in relation to the anticipated effects of Brexit on Special Schools. The meeting was asked to relate any concerns arising.

6. Schools Funding Reform Consultation

LP had submitted a response on behalf of the Forum.

7. Questions and observations for NHS SEND Lead Lorraine Mulroney

DB/LP had received no further questions or observations. LP suggested that members may wish to

All

consider a case study on how school's budgets are being used to fund health provision.

8. OfSTED – Presentation from Nick Whittaker

This item had already been considered at the request of the chair (see above)

9. Thought Leadership paper (AB)

AB had sent apologies and so this was item deferred until next meeting.

AB

10. Capacity (places and spaces) – Rob Tozer

RTo had sent apologies and so this was item deferred but DB outlined the thrust of RTo's paper – the suitability and capacity of the school estate vs the demand; the capacity in mainstream and its implication for mainstream inclusion; and a hypothesis about a national consensus on category of need and the costs of meeting them. DB said he would circulate RTo's paper.

DB

10a Additional Item: Regional centres of Excellence

The SEND index from UCL/WSS is no longer to be published. Therefore the forum can continue to discuss the research project around regional centres of excellence. The working party will meet on the 22nd October 2019. KH asked if he could join the group and this was agreed.

11. Update from members: successes, issues and events

Browne Jacobson – MB referred to the Local Authority Ombudsman's report in which 80% of parental complaints were upheld. There had been a 45% rise in complaints to the Ombudsman in the last 3 years. There had also been an increase in disability claims to the SEND Tribunal against schools and academies. There was an issue with the tribunals not being able to award damages but this is currently being tested as human rights cases can be awarded damages. This has implications for schools and insurers. The Ministry of Justice was currently working this through. LP asked MB how long SEND records should be kept. MB replied that this was grey area with potential for storage being required for up to 31 years – however he felt that a test of "reasonability" would be applied by the court, so long as schools had an appropriate policy in place which they observed. However in line with GDPR all personal records must be transferred as students' transition to their next establishment.

ENGAGE – BH detailed a number of upcoming conferences and events – details can be found at <https://engageintheirfuture.org/events-initiatives/>

Equals a very successful conference had been held focusing on "Curriculum at the Heart of Learning" in July. Because the conference had been so successful a further one had been planned for March 2020 in Manchester. The June 2020 conference would focus on the 14-25 agenda and "What does Independence mean for young people with PMLD, SLD and MLD". It was also now possible to advertise jobs on the Equals website. AP commented that this could also be done on the NSEND website.

FLSE – Eastern conference scheduled for Wyboston Lakes in 18/19 June 2020.

IPSEA – Currently running DfE funded law and SEND training for local authorities. A response had been recently formulated on the "Pupils Educated out of Schools consultation". IPSEA had recently acted in respect of a case in the Upper Tribunal about whether in situations where a school setting was inappropriate can education otherwise be named in an EHCP.

NAHE – The Annual Conference had been held in October. A further two Leadership Conferences were planned one in Oxford in November and one in Manchester in June 2020.

NAHT – have been involved in a number of campaigns – these include:

- Implementation of SRE curriculum and assessment
- Recruitment and Retention
- Funding
- Pupil Support and Safeguarding

The NAHT conference "Behind, Beneath, Beyond Behaviour" was scheduled for March 2020.

RT had attended the joint unions meeting where Anne Heavey (WSS) gave updates including the possibility of further additional funding for two years for WSS. NAHT had been involved in the DfE

expert group looking at accessibility guidance for KS2 SATS.

NAS – Recently launched a new report and campaign in partnership with the All Party Parliamentary Group on Autism, called ‘Not enough’, to demand better support and services for autistic people in England. This follows a parliamentary inquiry into the impact of the Autism Act 2009, 10 years after the Act was passed. NAS are calling on the Government to introduce specialist autism support in every local authority in England and to give them the money they urgently need to fix the crisis in social care, particularly for working-age adults. The ‘Not enough’ report highlights the lack of support available to young people to prepare them for life after school.

NAS are working with the DfE and the DoHSC on the development on an updated national autism strategy, which will include children and young people for the first time. The new strategy is due to be published at the end of this year.

NAS have written to the Secretary of State for Education in August, on the anniversary of the landmark Upper Tribunal ruling on discrimination against disabled children in schools, asking him to write to all schools in England setting out the implications of the ruling and their duties under the Equality Act 2010.

Currently responding to ongoing government consultations on guidance for schools on restraint and restrictive intervention, and on home to school transport.

NAS are planning to introduce a new ‘Autism inpatient mental health advice and casework’ service in the new year. This service will provide free information and support to people who have a family member who is detained (or is at risk of being detained) in a mental health hospital.

A new chief executive, Caroline Stevens, starts at NAS on 11 November. She has previously been chief executive of children’s charity KIDS, and is the parent of a son who is autistic and has a learning disability.

NSN – Unity Howard has been appointed as the new Director of NSN. Currently advising on alternative provision and promoting high quality provision in these settings.

Deadline for LA supported SEND Free schools ended. 39 local authorities are being assessed (37 special schools and 2 APs)

NGA – currently undertaking a membership survey. Main issue for governors is High Needs funding followed by availability of services for C&YP. In mainstream schools the funding gap has left schools without funding for other areas.

NNPCF –The AGM was to be held in November in Chester – it was hoped that 2 ministers would attend. A “Talking Point” briefing had recently been produced on employment.

PDnet – JC reported that there had been an increase in members recently and online activity had grown. Forum posts were getting lots of feedback with a focus on solutions. PDnet were currently awaiting the launch of a video in partnership with WSS. The annual conference was scheduled for June 2020.

RCSLT – were undertaking an awareness day on DLD with an emphasis on Social Media presence. Later in October there will be a stammering awareness day and a joint seminar with the British Stammering Association. Joint guidance produced in partnership with BATOD was at its final editing stages. RCSLT are currently reviewing the feedback from the consultation on commissioning of SALT.

SWALLS – were offering a number of events in the near future see <https://www.swalss.co.uk/events>

WMSEDF – good practice had been shared at the recent West Midlands meeting plus a presentation on the DfE careers hub and a presentation from a representative from West Midlands NNPCF. The final version of the Black Country insight report had now been published go to <http://educationobservatory.co.uk/black-country-education-insight-report/>

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

None

13. NSEND F

AP reminded members that subscriptions were now due – each organisation had been sent an invoice, but some had reported that they had not received the email. AP asked if any members present had not received their invoice. KH responded.

AP, All

- 14. Any focus for action and statements of agreement including future invitees**
Members stressed their interest in the Health agenda. Roll out of Mental Health Training from Anna Freud centre and local CCGs **LP/SH** to investigate. AI to attend next meeting. **LP,SH**
- 15. AOB**
None presented
- 16. Dates for 2019-2020**
04 December, 05 February, 25 March, 20 May, 08 July **PLEASE NOTE THAT ASSISTANCE IS BEING SOUGHT FOR SOMEONE TO TAKE THE MINUTES AT THE MEETING OF 5TH FEBRUARY 2020**
- 17. Venue 2019-2020**
Browne Jacobson will continue to provide a venue for NSENDF meetings, with grateful thanks.

Meeting Closed at 2.45pm