



THE NATIONAL SEND FORUM Minutes 28 September 2022

Virtual Zoom Meeting

Present: David Bateson OBE (DB) *Chair*, Rona Tutt OBE (RT) *NAHT*, Caroline Wright (CW) *RCSLT*, Carol Kelsey (CK) *NNPCF*, Jo Harrison (JH) *NNPCF*, Julie Walker (JW) *sen.se*, Stephen Deadman (SD) *NAHE*, Tina Wakefield (TW) *BATOD/NATSIP*, James Waller (JWal) *Equals*, Rob Williams (RW) *NAHT*, Annamarie Hassall MBE (AH) *nasen*, Jane Carter (JC) *PDNET*, Penny Barrett OBE (PB) *SSV*, Catriona Moore (CM) *ipsea*, Clare Dorer (CD) *NASS*,

Guests None

Minutes: Andy Petersen (AP)

1. Welcome and Introductions

DB welcomed and thanked everyone for joining the meeting

2. Protocol for meeting

DB went through some protocols for the meeting

3. Apologies

Malcolm Reeve *WSS*, Carolyn Morgan *FLSE*, Margaret Mulholland *ASCL*

4. Minutes of last meeting and matters arising

The minutes were agreed without alteration.

5. Policy and DfE update

There was no DfE update

6. SEND Review: National Standards discussion: the strategic and operational issues

DB suggested that it would be useful if the group prepared the ground for when Lily Brown attended with the NSENDV view on what the strategic and operational issues might be surrounding national standards.

CM queried whether NSENDV were fully in agreement with the imposition of national standards. IPSEA's position was that there was already a very clear framework in place in legislation, regulations and the Code of Practice. IPSEA therefore questioned what the purpose of these new national standards would be. The Government suggested that it was to reduce local discretion and variation. However, in law that discretion did not exist. In practice local authorities had exercised local discretion to vary their practice from what the law required were behaving unlawfully. So IPSEA did not support

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the drive to implement new standards and felt that the motivation underlying it was to raise thresholds, and to make it harder for children and young people to get the support that the law currently entitled them to in an effort to contain costs.

DB felt that the failure to comply with existing regulations stemmed from a lack of enforcement.

CK commented that there was a particular issue around identification of needs, particularly in relation to mainstream settings, in that most children don't have needs recognised until they go to school. This relied on a teacher or a member of staff being able to recognise that need. Thus staff need adequate training which often wasn't available. There was a need for clarity about what the expectations were that schools should offer on an individual basis. There was also a question mark about the length of time young people had to wait to be assessed.

CK (in chat) I would also say as you have heard me say before that how to talk to parents about what needs have been recognised is key. First conversation is so important.

RW commented that often the problem was a mental health issue and the role of the school was to pick up the issue and connect the young person to appropriate practitioners. Thus, external support in terms of interpretation and clarifying what the needs were, was important. If the system was a truly needs based system based on national standards then it should be feeding back information to the government so that they knew where they needed additional resourcing.

JH commented that there was heavy reliance on MLD in the school census which was key in developing a "label" for a particular child. This also informed commissioning within a local area. JH felt that there was a need for greater accountability so that national standards were enforced. Thus, JH felt that national standards was not the right way to go and there was a need for greater accountability which was lacking in the Green Paper.

CM (in chat) Absolutely agree with Jo's point on accountability - big gap in the SEND system and in the Green Paper.

RW (in chat) Agree with accountability issue - if each sector is properly equipped with the resources to deliver their duties in supporting pupils with SEND (including staff capacity), they need to be held to account. Critical to this is clarifying the leadership in each sector who take responsibility for decisions - including the way in which parental and pupil voice is an integral element.

RT commented that she was not sure whether the Green Paper would highlight the way forward to overcome disparity of provision between schools.

DB commented that the mere identification of a need did not necessarily lead to a satisfactory intervention to address that need.

JH (in chat) I agree it's not just about standards but about commissioning the right services and provision - and we know that workforce crisis is impacting on delivery of current services

CW commented that RCSLT saw potential gap for SEND support standards, however they were concerned that there was a risk that they will simply skew service provision to meeting the standards rather than meeting the needs of children and young people. Also from a practical point of view you could set whatever standards you wanted, but there was a workforce crisis in the NHS, not just in speech and language therapy but also across education and social care. So unless there were more professionals to do the work and they were funded appropriately. The standards would not make a difference.

DB suggested that the meeting move on to "appropriate provision for need".

AH echoed CW's comments on workforce provision. AH felt that national standards needed to be on more than one level and avoid a "checklist" approach which won't support change or support schools. There was also a need to consider how categories of need would be determined.

CK agree with AH and felt that strategic commissioning had been difficult to develop. She was hopeful however that CD would be able to develop better understanding and it was vital to assess what types of interventions actually worked.

CK further commented that the Department of Education were not good at forecasting need thus making it difficult to make appropriate provision.

DB agreed but felt that the department had the intention to forecast but could not deliver.

CM (in chat) DfE definitely need to do this - but shouldn't LAs also do their own strategic analysis of the needs in their area, so they can commission the necessary provision in advance, rather than having to react to crises.

CK (in chat) Agree Catriona - LAs need to do that and some do and some don't but you need funding for provision and that is a national issue.

DB suggested that the group move on to address the third statement "standardised processes for accessing and reviewing support".

AH commented that there was a collective desire to move away from the "postcode lottery", however DfE were giving "mixed messages" by supporting regionalisation. AH felt that a national standard was not going to work with the processes that were being put in place. The national standards would not sufficiently address the varying picture around the country.

CK disagreed with AH and felt that there were processes around accessing and reviewing support at individual local authority level that could be standardised. An example was EHC plans which would benefit from standardisation.

AH (in chat) Agree completely with standardising plans, certainly EHC plans, also standards for what should be ordinarily available in school, FE, all settings - especially for SEN support. do not wish to sound against National Standards - it is right that there should be a benchmark. It's important that National Standards are greater than a list of services. also, need to be applicable to all phases, all settings. If the intention of National Standards is to achieve consistency, better and earlier identification of need and address timely access to 'quality support', there must be clarity about the 'quality' of support, a focus on outcomes rather than a list of services.

DB commented that there had been a politicised view of categorising children with SEN and a more neutral view needed to be taken.

RW commented that it was fine to have a national standard and identify where there were gaps that need to be addressed but resource needed to be available to make changes and improvements happen.

DB commented that there was a suspicion amongst policy makers that schools were inflating their SEND requirement in order to get greater funding.

JC felt that having access to timely specialist expertise was important and that local authorities have access to a wider range of services.

CM commented that whilst children have a primary right to education, they don't necessarily have a primary right to health in the same way. If a child had an EHC plan then its requirements must be provided. However schools needed to be more robust in their interaction with local authorities and

emphasise that it was the local authorities responsibility to make sure that every bit of the plan is delivered. Schools also needed to communicate this message to parents and make it clear what they are doing. CM was concerned that the introduction of a new set of standards was a distraction and was potentially going to reduce the amount of support available.

DB suggested that the group move on to the next topic “Co-producing communication”.

CK commented that this issue was key. She had been part of a group that had produced another co-production toolkit specifically targeted around SEND, which had noted varying understanding and application of co-production in local authorities.

JH agreed with CKs view on co-production. She felt that there should be a national standard for co-production. However some things didn't warrant Co-production, she felt that sometimes schools could be so tied up with co-production that they lost the essence of what they were trying to communicate.

DB commented that perhaps a definition of co-production was needed.

CK(in chat) Agree not everything needs to be co-produced and we need to be clear about strategic and individual co-production.

RW commented that good advocacy for young people was important since some families could not access the process.

CK commented about the publication of local offers on websites and in some instances, authorities were not trying to communicate but were simply publicising their policy documents. The local offer needed to be made clearer and its existence communicated to parents.

DB suggested that the group consider “Standards for Transitions”.

CD commented that there were already toolkits available to cover this area. She was also concerned that much of the Green Paper would not be enacted due to the influx of new politicians in key roles. The Green Paper had not received endorsement from stakeholders and the new political atmosphere made her reluctant to commit too much time to national standards.

CD was also concerned that the SEND review was treasury led and was really about cutting costs.

CM (in chat) Obviously I entirely agree with Claire. Let's not reinvent the wheel; let's insist on implementation of existing framework.

LP (in chat) Claire - I agree with you totally - we have no idea what our new Ministers are going to take forward - We already have a good system there just needs to be accountability at all levels

CK (in chat) Agree Claire we have no idea what the status of the SEND review now is and we would be better concentrating on getting what we have right.

RW (in chat) posted a link to the new Ministers in the DfE - <https://schoolsweek.co.uk/meet-the-ministers-whos-who-in-liz-truss-first-dfe-lineup/>

RT commented that if the group intended to invite Lily Brown from the DfE to the meeting then she should be made aware of some of these issues/comments before attending. RT was concerned that the push for regional working may not fit in with national standards. How could this be reconciled with the stated intent of cost neutrality?

CD (in chat) NASS has just commissioned a new research project on cost and value of SEND provision. Report due March 2023!

DB commented that he intended to prepare such a list of questions following receipt of the minutes.

CK commented that it appeared that the impact of COVID on children and young people had fallen off the radar. Young people were coming into school with serious difficulties in speech and language. Mental Health was also a serious issue. CK was interested to know what the DfE were doing in the background to address this issue in addition to raising academic levels.

RW agreed with CK and was concerned that the DfE were not considering the impact of COVID on young people.

7. SEND Data 2022

DB introduced this topic.

LP commented that the data collected was limited data and was not useful. Everything seemed to be rising. The categories used did not address the complexity of need of young people with SEND. Gathering the right data was important to make sure that forward planning could be undertaken.

DB commented that there was no discrimination between those with cognitive impairment and those with or without SEND needs. He found the data later in the census to be discriminatory against those young people who are achieving magnificently but could not achieve examination success.

RT suggested that AI be given work on assessing whether autism or ADHD were the primary need?

CK commented that the data did not give any context by establishing what was the accepted incidence rate of particular needs.

AH commented that the national annual data drop was important and useful to look at trends and this in conjunction with other datasets would assist in planning at local levels. Nasen were also looking at other data sets that were publicly available to establish a better picture to help with planning at local levels. Nasen felt that they needed to do more of this particularly in the area of workforce planning. Nasen had noted a reduction in the number of children with MLD – this was attributed to schools growing confidence in their identification.

RW commented that there was a need to be wary of how government used data in order to paint a certain picture.

8. RCSLT latest paper

CW introduced the paper – she explained that there were actually 2 papers which covered the two broad areas that RCSLT were calling for government to take action on as part of the schools bill. For the first paper RCSLT in conjunction with ICan and Voice21 were trying to get government to recognise the fact that if they want to improve literacy and numeracy then they needed to start with speech, language and communication, which is the foundation of both of those things. The second paper was around access to the specialist workforce, calling for government to ensure that early years settings and schools have access to a broad specialist workforce. RCSLT were currently seeking support for this lobbying. CW would welcome support from members of NSEND who could communicate with CW.

DB queried why there was a shortage of speech and language therapists.

CW replied that growth in the workforce had not kept up with the growth in need. CW felt that the government did not understand the complexity of workforce planning in this area.

DB queried whether specifying speech and language training as part of initial teacher training would be helpful.

CW felt that it would.

CK commented that the drift towards private provision had been unhelpful. In addition the previous minister's removal of speaking and listening from GCSE English language had also been unhelpful.

CW agreed and commented that there was no formal mandated measurement of speech and language, past the early year's foundation stage. Thus, removing a reason for schools to focus on speech, language and communication.

CD (by chat) Schools in our sector who employ SaLTs direct are having huge problems recruiting. It's the single biggest concern reported by NASS members in a recent survey. Would love to see more initiatives such as the apprenticeship. Feel there is no real Govt vision to tackle whole range of workforce issues.

9. Update from members: successes, issues and events.

NAHE – had opened a new provision for children with mental health. An early intervention package had also been implemented as well. A conference was planned on the Friday the 14th of October in Birmingham.

NAHT – a conference was planned on the 19th (*unable to minute topics due to poor sound quality*) A campaign was under way in respect of pay and funding and its disproportionate effect on SEND pupils.

Link (from chat) <https://www.naht.org.uk/SEND>

NASS (by chat) -It's project and conference season for us. Mentioned new cost study - we have commissioned Sonnet Impact for this. On Friday we launch our new pilot with Education Support on embedding staff mental health and wellbeing. In November we launch 2 new mobile apps for sleep problems and SEND. NASS conference in Brighton next week - DfE and Ofsted speaking. No wonder I'm knackered!

nasen – nasen live had been a success. LP had been a keynote speaker. A survey had been sent to schools to ascertain where their speech and language needs were being supplied from. AH invited members to take part in a “data observatory”. The nasen magazine was being made easier to share – AH again invited members to contribute.

NNPCF – Evidence was mounting that the focus on 100% attendance was a pressure point for parents.

9. Relevant updates from other affiliations, forums, trusts, alliances and partnerships

Nothing to report

10. NSEND operation

LP informed the meeting that LP/AP would be unavailable at the next meeting. DB responded that the meeting would probably be virtual so AP would be able to prepare minutes from a recording on his return

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

Nothing to report

12. AOB

13. Dates for 2021-22

Next Meetings to be held on 7th December (Venue/format) to be arranged

Dates for 2022-23 are on the following Wednesdays 10.30-14.45 ((10.00-12.30 when virtual): 1st Feb 29th Mar 24th May 5th July

Meeting Closed at 12.05pm