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THE NATIONAL SEND FORUM Minutes 07 December 2022

Virtual Zoom Meeting

Present: David Bateson OBE (DB) *Chair*, Rona Tutt OBE (RT) *NAHT*, Caroline Wright (CW) *RCSLT*, Carol Kelsey (CK) *NNPCF*, Julie Walker (JW) *sen.se*, Stephen Deadman (SD) *NAHE*, Tina Wakefield (TW) *BATOD/NATSIP*, James Waller (JWal) *Equals*, Rob Williams (RW) *NAHT*, Jane Carter (JC) *PDNET*, Malcolm Reeve (MR) *Firmament Ed*.

Guests Max Milroy-Mason (MMM) *DfE*, Rachel Edworthy (RE) *DfE*, Eva Sharma (ES) *DfE*

Minutes: Andy Petersen (AP)

1. Welcome and Introductions

For Action

DB welcomed and thanked everyone for joining the meeting

2. Protocol for meeting

DB went through some protocols for the meeting

3. Apologies

Lorraine Petersen, Andy Petersen *FLSE*, Annamarie Hassall MBE (AH) *nasen*, Catriona Moore (CM) *ipsea*, Clare Dorer (CD) *NASS*, Jo Harrison (JH) *NNPCF*, Andre Imich (AI) *DfE*, Kiran Hingorani (KH) *SWALSS/NASS*, Chris Rollings (CR) *FLSE*,

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. National Standards: follow-up to discussion in September with Max Milroy-Mason (DfE Policy Advisor, SEND and AP Unit)

MMM introduced himself. He stressed that everything discussed was confidential. MMM gave a summary of the paper issued in September on National Standards. The purpose of the paper was to clarify national standards and develop a more consistent system around early identification of need, enabling timely access to quality support.

DfE were proposing that the scope of the standards would be twofold. First there would be strategic planning elements to be used by strategic leaders to plan whole school setting or area approaches, resources and training to enable operational practice that will clarify who is responsible for securing appropriate provision.

The second covered operational delivery, to be used on a day-to-day basis by frontline professionals to accurately identify needs soon after they emerge and implement evidence led practice to meet those needs. DfE proposed to prioritise the creation of standards that were the most likely to improve mainstream practice.

DfE understood the importance of involving a wide range of partners and experts in creating national standards. So a multidisciplinary team of professionals has been set up to develop and write the content of the standards. In addition there was a virtual reference group, which acts as a feedback loop to gather insight and perspectives from the wider sector, with a large membership across children, young people, parents' health etc. Finally there was a strategic steering group that was responsible for revising and signing off the new standards.

On the 29th of November, the Secretary of State shared that DfE will be publishing the response to the consultation in an improvement plan, early in the new year.

DB explained NSEND concerns about the gap between policy and reality on the ground. NSEND was anxious not to be negative but would try to be helpful.

RT queried when the reply to the consultation was likely to come out and whether the response to the consultation and the implementation plan would be two separate items.

MMM responded that he was unable to give further information on publication other than "early in the new year".

ES joined the discussion at this point and proceeded to introduce herself. She was Head of the policy work on national standards. MMM and RE were part of her team. Her background was in school systems policy, she had worked on the recent school's legislation and had spent a long time working on schools funding.

CK queried whether national standards will require any legislation. Also if they do how realistic was it that DfE might get that through before the end of this Parliament? ES responded that it was the DfE expectation that legislation would be needed to underpin any standards that were mandatory. However there was a long way to go in considering what sort of accountability framework would be required. There was still work to be done with the SEND sector to establish the standards. In addition testing and refining of the standards would also be required before legislation.

CW commented on the operational standards – MMM had mentioned that these would be focused on evidence based individual interventions for children. RCLT felt that they should also include universal and targeted level interventions.

DB queried how much the DfE was working in collaboration with departments such as health. ES responded that she felt that health would need to be involved but it was still quite early in the process.

DB commented that there seemed to be little in the Green Paper about the current state of SEND, where it had come from and where it would be likely to go.

MR joined at this point.

DB gave an example that in 2016, the average number of pupils in special schools was 108. It was now 139. Additionally over the last 13 years there had been a 50% increase in numbers in special schools.

Thus there was a huge increase in need which was uncomfortable for policy makers and funding. Again an example would be that in a school where there were very physically dependent children, you would probably need twice as many staff as say 10 or 15 years ago, purely to satisfy the moving and handling

regulations. Many practitioners could not achieve anything with the young people we were working with in our schools without the input of speech and language therapists and physiotherapists and occupational health professionals. The availability of such help often depended on geography.

SD commented that that his members had no control over the admissions to their units – thus the concept of measuring progress against national standards was very difficult. Thus there was a variety of need in hospital teaching and also a variety of provision which was difficult to benchmark against national standards.

ES commented that DfE could conceptualise it more as a kind of minimum standard of provision that needs to be available rather than a judgement against a particular standard.

JC commented that it was important that DfE ensured their reference group has the right, specialist organisations represented. There were lots of different specialist organisations, representing low incidence, organised disabilities and special educational needs that needed to be involved. JC was also concerned that not all settings had access to specialists. There was a very uneven picture across the country, particularly in relation to physical disability. As local authorities had reorganised, they had stripped back and only retained services that were mandatory.

ES responded that DfE were developing national standards, rather than the wider objective of ensuring the system could deliver against those, which would be the subject of further discussion.

MR commented that the growth in requirement for specialist provision was in part due to mainstream schools being unable to meet need. Much more needed to be done on leadership and training for SEND in mainstream schools. Thus there was a problem with staff in mainstream schools being insufficiently experienced in dealing with SEND pupils.

JW commented that she agreed with previous respondents that the key issue was about resources to deliver the national standards. She was concerned to hear that DfE had not as yet joined up with Health. Resources available had shrunk and there was no funding available to meet needs. Whilst she agreed with MR about the need to upskill the mainstream workforce the amount of professional development that it takes to keep learners safe doesn't enable us within the current inset requirements to do anything other than that. By the time teachers had done manual handling, positive behaviour, peg feeding etc. there was little time to practice a specialism. Recruitment was also a problem since support staff were so poorly paid.

DB commented on the growth in serious need and the impact this had had on school's budgets.

ES responded that upskilling of the mainstream work force was core to DfE thinking.

CW commented that there were huge challenges with recruitment and retention of speech language therapists at the moment. The number of Speech and Language Therapists hadn't been increasing enough to match the increasing need. CW felt that it needed to be made really clear that health and Education should be jointly responsible for SLT. Children with SEND should be made a high priority for health.

RW commented that nine out of 10 of his schools would say that they were having to top up funding that should have been coming through health or social care. Accountability, outside of the education sector, I think was absolutely critical.

ES responded that DfE were very clear that standards could not be expected to have an impact if DfE don't consider the resource question.

CK commented that she agreed with MRs comments. However she felt that parents were not always the experts in what their child needed. If a parent didn't know how to deal with their child's needs at

home, they could undo good practice happening in school. Local authorities needed a handle on what the offer was to parents to help them understand their child's needs, and meet them, particularly for children with neurodiverse conditions and health issues.

ES responded that she would take back to the wider team the need to “upskill” parents.

RW made comments that could not be minuted due to the poor quality of his audio.

7. SEND Review: discussion about Q3 in the Green Paper (p.31) linked to the Forum’s work on Regional Centres of Expertise. ‘What factors would enable local authorities to successfully commission provision for low incidence high-cost need, and further education, across local authority boundaries.

RT gave ES the background to the forum’s work on RCEs. RT agreed with ES that the starting point for SEND should be in mainstream schools. A regional perspective was necessary to ensure that the best provision was available for low incidence high-cost needs. Because these conditions were low incidence, there weren't enough specialists or children to have a peer group in every local authority.

The project was considering severe disabilities, for instance, autism, dyslexia, communication difficulties, as well as the profoundly deaf, the registered blind, the seriously physically impaired.

The working party was mapping the availability of such resources and was offering RCEs as a positive suggestion, which would have a positive effect not only on specialist provision but also mainstream schools. Thus the intention was to ask the question how the most can be made of alternative provision.

MR commented that he had produced data to support the work of the working party in the southwest region.

DB commented that the project was attempting to get the most possible out of existing resources.

ES responded that she was happy to engage with the group further on this issue, but queried what further input was required.

RT responded that a meeting with whoever would be interested in progressing the project would be helpful so that NSENDF could discuss the detail of how it actually might work in practice.

MR agreed and felt that in the light of the Green Paper this was a good time to look at this suggestion.

DB felt that it was important that the aims of the project supported national policy. DB promised to send ES the relevant papers.

DB

ES agreed to read the papers and establish who within the DfE directorate would be equipped to give a comprehensive response.

ES

8. The new framework for Area SEND Inspections (RT)

RT gave an update on a report on the consultation for Area SEND Inspections. Comments by Amanda Spielman(AS) suggested that the last set of arrangements had been based on how local areas were implementing the SEND reforms. This new framework was intended to address how the local people working with SEND, were actually improving the experiences of children and their families.

AS had also suggested that the DfE needed to focus on accountability in the SEND reforms. AS had reported on the hierarchy of visits that were now going to take place. Written “statements of action” were to be replaced by “Priority Action Plans” which would determine the inspection regime for the future.

AS had also commented that there were to be a series of thematic visits as with mainstream schools, - the first one was to look at alternative provision. When visits took place, they would choose 6 children to look at in depth.

JC commented that her schools were involved in the pilot scheme. Children with a wide variety of problems had been selected for a “deep dive”. Meetings with frontline professionals had been difficult to organise due to other commitments.

9 Special school size and organisational data related to MATs.

MR commented that this information had been taken from the national database of schools. There were several interesting points especially the size of special schools within Academy trusts. If members of the group found this information interesting MR would be happy to prepare further information.

DB agreed that this would be useful.

MR

RW made comments that could not be minuted due to the poor quality of his audio.

CK commented that she would prefer looking at the four broad areas so that the numbers gave a view of the “big picture”.

JWal commented that his members had concerns of the “homogenising” of practices within specialist MATs which sometimes led to inappropriate outcomes.

JW commented that the narrative needed to be changed so that it considered not only what a specialist school could bring to a MAT but what the MAT could do in return.

DB agreed that the relationship needed to be reciprocal.

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

No reports received.

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

No reports received.

12. NSEND operation

No issues arising

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

Nothing to report

14. AOB

13. Dates for 2021-22

Next Meetings to be held on 1st Feb 2023(Venue/format) to be arranged

Dates for 2022-23 are on the following Wednesdays 10.30-14.45 ((10.00-12.30 when virtual):

29th Mar 24th May 5th July

Meeting Closed at 12.10pm