



## THE NATIONAL SEND FORUM Minutes 22nd May 2024

### Virtual Zoom Meeting

**Present:** Lorraine Petersen OBE (LP) FLSE, Chair, Rona Tutt OBE (RT) NAHT, Stephen Deadman (SD) NAHE, Jackie Mullan (JM) FLSE, Sue Hewitt (SH) FLSE, Keiron Hingorani (KH) SWALSS, Sibel Djemal (SDJ) Batod/Natsip, Penny Barrett (PB) SSV, Julie Walker (JW) SENSE, Margaret Mulholland (MM) ASCL

**Guests:** Patrick Agius (PA) DfE, Chloe Johnson (CJ) DfE, David Curtis (DC) DfE

**Minutes:** Andy Petersen (AP)

#### 1. Welcome and Introductions

LP welcomed and thanked everyone for joining the meeting.

#### 2. Protocol for meeting

LP went through some protocols for the meeting.

#### 3. Apologies

Catriona Moore (CM) IPSEA, Rob Williams (RW) NAHT, Annamarie Hassell (AH) nasen, Malcolm Reeve (MR) WSS, James Waller (JW) Equals/FLSE NE, Jane Carter (JC) PDNet

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

The minutes were agreed.

#### 5. Policy and DfE update

LP introduced CJ who gave a presentation on the **Change Programme**.

LP queried how LAs outside the partnerships find out what was happening in their area. CJ responded that team leaders tended to join local forums to share information.

MM queried how the learning focus was sustained. Also how did the partnership ensure that changes filtered into wider teaching and learning? CJ responded that ordinarily available provision and inclusive mainstream were the kinds of things DfE were trying to understand from the schools, the local authorities, parent carers and young people. Thus, a wide perspective was being explored. MM queried the changes in trust descriptors – CJ agreed to take this away and examine it further.

SD commented that LAs did not have significant influence over academies and thus how would changes be achieved. CJ agreed to take this away and examine it further.

RT reiterated earlier comments about how changes were communicated to schools and asked for further information. RT also queried how schools were “carried along” with the changes. CJ responded

about the “REACH” newsletter and felt that the sharing of information would be “ramped up throughout the summer.

JW queried whether there were plans to change the inclusion metrics of mainstream schools. CJ commented that this was still under consideration.

LP queried how a general election would affect this initiative – CJ responded that this was under consideration.

### **Consultation On Strengthening Protections in Unregistered Alternative Provisions (DC)**

DC gave an overview on the consultation. DfE were trying to clarify the circumstances in which unregistered provision could be used and strengthen the national and local oversight of when the provision is used and in doing so strengthen protections for the young people it supports. DfE propose that all providers of this provision will be subject to localised quality assurance frameworks, and those frameworks be underpinned by new national standards. It was envisaged that OfSTED would play a role in this quality assurance. There were also proposals covering unregistered provisions settings delivering special education provision under EO TAS arrangements. DfE were concerned as to whether children should receive education in one setting rather than several as currently happens. EOTAS providers would also be subject to national registration and regulation rather than local.

LP queried why every setting used for the education of young people would not be registered.

DC responded that DfE wanted to build on current best practice from LAs rather than set up a completely new registration process.

SD commented that this linked to the change programme with which NAHE was involved. They were finding that sending staff out to such organisations was very time consuming. NAHE would welcome a “tailored list” that obviated this necessity.

LP commented that OfSTED needed to be involved in the consultation as well since currently they expected schools to undertake these checks rather than LAs.

RT queried whether it was actually possible to regulate such a vast range of unregistered providers. DC responded that this was the key question. Some LAs had indicated that this was possible and DfE were currently researching this issue.

MM queried whether introduction of a regulatory framework might have the unintended consequence that schools would not use these facilities due to increased bureaucracy, DC felt that DfE hoped that schools would be reassured by the involvement of LAs and OfSTED in accreditation.

**RCEs** LP explained to PA the background to this topic and invited him to attend a future meeting to discuss further. PA agreed to this.

## **6. Current Issues for discussion**

Ofsted Consultation – Big Listen

LP highlighted the size of the consultation and so, had focused on special educational needs, disabilities and alternative provision. LP was prepared to make a response to the consultation on behalf of NSEND but requested that members views be included in such a response.

LP explained that the first section was about reporting. Members felt that this was very important. LP went through each section to gain the Forum’s views.

- “Make it clear how effective the provision or services including whether it is meeting children, learners’ individual needs” Members felt that this was also very important.
- “Make it clear how well the provider or service understands the outcomes for learners with SEND or in AP, and what understanding informs the provision they offered to support children and learners” Again members regarded this as very important.
- “Explain how well the provider service is performing in relation to the quality local send or support services, for example, where the health or local authority provision is weak for the school’s provision is strong”. Again, members regarded this as very important.
- “Explain how effective setting or service supports children learn to be staid and prepares them to move on to a suitable and appropriate challenging next phase of education and or adulthood.” Again, members regarded this as very important.
- “Explain how effective the provider service works with parents and carers in response to children’s ambitions. Expanding how effective Advisor service works with partners to address the needs of children and send in the local area.” Again, members regarded this as very important.
- “Work with leaders and practitioners during the inspection to understand whether the school AAP service or wider local area partnership is meeting the needs of children, young people with send. Again, members regarded this as very important.
- “Work with leaders and practitioners during the inspection to understand whether the school IP service library is offering a positive experience with children and people send that will improve their future outcomes. Again, members regarded this as very important.
- “Use any available data on the outcomes for children, young people to understand whether the school is offering them a positive experience to improve their future outcomes. Members regarded this as very important.
- “Use feedback from parents and carers and children where appropriate to understand where the school is meeting the needs of children, young people with send.” Members regarded this as very important.

LP suggested that at this point the response should include the need for inspectors to have SEND experience. KH suggested that the opening discussions with inspectors should include an explanation of the context of the school and the needs of the cohorts attending.

The next section related to impact and started with “Ofsted holds early years settings to account for the quality of their Send Provision.” SD suggested that a lack of SEND experience on the part of the inspectors would prevent an effective inspection.

RH commented that the OFSTED regime was supposed to be to improve standards but inspections were not carried out in this way. LP also commented that there seemed to be a difference in inspections depending on geographic area.

LP commented that it would perhaps be best if the group neither agreed or disagreed with the OFSTED questions and justified this in the comments.

- “Ofsted holds local areas to account for how well they support children with SEND and other vulnerable children, including the provision of services they commission for children.” JM commented that the infrequent nature of local area inspections did not lend itself to a suitable impact.

- “An unintended consequence of Ofsted inspection and regulation. Is that mainstream schools exclude suspend off role or place off site pupils with send”. Members agreed with this comment.
- “An unintended consequence this inspection regulation is mainstream schools are less inclusive of pupils with Send, so they're not offered tailored provision off site or in special schools.” Members agreed with this comment.
- “The number of good or outstanding Send or AP providers and services in England gives a strong indication of the overall quality of the Send and or AP system.” Members agreed with this comment
- “Ofsted should be able to inspect groups of providers as a single entity to understand their overall impact on children and learners. These include multi-Academy trusts and owners of large independent school providers or residential care homes”. Members agreed with this comment.
- “Ofsted should have an oversight role for smaller, unregulated settings such as an unregistered AP.” Members agreed with this comment.

SD suggested that the response should include a recommendation that mainstream schools should be required to be inclusive – this would probably drive improved inclusion in future.

## 7. Regional Centres of Expertise (RCEs) next steps – Feedback from RCE Working Group

No update given

## 8. Update from members: successes, issues and events

**SSV** – No update.

**SENSE** – continue to work on supported employment, now have a HEAT map identifying opportunities. A research project on parental involvement was being undertaken with the support of the Laurel Trust.

**NNPCF** – more incidence of young people who were unable to attend school due to lack of provision. Some consultation was being undertaken about the change programme but this was inconsistent. PCF members were struggling with criticism from local groups in support of SEND.

**NAHT** – annual conference had recently taken place. Sir Martyn Oliver had spoken at the conference. An emergency motion had been passed about OfSTED.

**FLSE (E)** – Conference was due soon which it was hoped would be well attended. Work was being undertaken with ECTs and it was hoped that this would progress in the forthcoming year. JM commented that capacity in special schools was a big issue.

**Batod/Natsip** – NatSip is involved in discussions with the VI CYP Network (all major VI organisations led by Guide Dogs) about the government Safety Valve and Delivering better Value Programmes to ensure fairness and equity and that the needs of children and young people who have low incidence disabilities are not overlooked.

SD wanted to bring to the attention of the group an article by Brian Lamb published in the Teaching Times – [Improving SEND provision through using the Equality Act 2010.](#)

If members subscribe to CPD offered by The National College they are now able to participate in new NatSIP training webinars with a focus on VI and MSI. A module on deafness from NDCS is already available.

**NAHE** – meeting schedule published for next 6 months. A peer collaboration had been launched between various hospital settings. SD was doing work with challenge partners – visits to mainstream school had taken place and encouraging results found due to the “buy-in” of senior leaders.

**SWALLS** – A conference for deputies had been held and a range of course were being held for SEN teachers, governors and business managers.

#### **9. NSENDF Operations**

LP explained that because of low turnout at today’s physical meeting she was minded to move to online meetings only. A decision would be made at a future meeting.

LP commented that PA had agreed to attend future meetings and would encourage other DfE staff to attend where appropriate. Thus, it would be helpful if members could let her know in advance of any items that they wished to discuss so that DfE attendance could be arranged.

SD suggested that bandings and tariffs would be a useful topic.

All

LP

#### **10 AOB**

No topics for discussion.

#### **11. Next Meeting**

The next meeting in July has been cancelled due to the election.