



Open Report on behalf of Heather Sandy, Executive Director - Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	17 June 2022
Subject:	Government Green Paper on Special Educational Needs and Disabilities and Alternative Provision

Summary:

On 29 March 2022, the government published a Green Paper with proposals on how to improve the Special Educational Needs and Disabilities (SEND) 'system' for children, young people and their families. The Green Paper also includes proposals about improvements to the Alternative Provision (AP) system.

The Green Paper is subject to public consultation which closes on 22 July 2022.

This report summarises the proposals.

Actions Required:

The Children and Young People Scrutiny Committee is invited to review and comment on the summary of the government's Green Paper.

1. Background

In September 2014, the Part 3 of the Children and Families Act (2014) introduced a raft of legislation aimed at reforming the way in which children and young people (0-25) with Special Educational Needs and/or Disabilities (SEND) are identified and supported (see Background Papers). The new legislation was a response to a review undertaken by Brian Lamb OBE in 2009 which identified significant flaws in the 'SEND system'.

The legislation put children, young people, and their families at the centre of decision-making with an emphasis on co-production of both services and individual plans. The SEND Code of Practice, launched at the same time, supported a focus on *outcomes* aimed at addressing long-standing concerns that young people with SEND do not do as well as their peers without additional needs.

In September 2019, the government commissioned a SEND Review in response to ongoing concerns that the 'SEND system' was failing to deliver improved outcomes for children and young people. The Green Paper, *SEND Review: Right support, right place, right time. Government consultation on the SEND and alternative provision system in England* was published by HM Government on 29 March 2022 (see Background Papers).

The Green Paper acknowledges examples of good practice seen throughout the review and recognises a system 'driven by a hard-working and dedicated workforce who are committed to delivering excellent support for children and young people with SEND'. However, it identifies three key challenges facing the SEND system:

- Challenge 1: outcomes for children and young people with SEN or in alternative provision are poor.
- Challenge 2: navigating the SEND system and alternative provision is not a positive experience for children, young people and their families.
- Challenge 3: despite unprecedented investment, the system is not delivering value for money for children, young people and families.

The Green Paper suggests that 'a vicious cycle of late intervention, low confidence and inefficient resource allocation is driving these challenges'.

The Green Paper sets out the findings and proposals of the SEND review, which are summarised as:

Chapter 1: The case for change

- Children and young people with SEND and those in alternative provision have consistently poorer outcomes than their peers.
- Experiences of the SEND and alternative provision system are negative.
- The SEND and alternative provision system is financially unsustainable.
- There is too much inconsistency across the SEND system in how and where needs are assessed and met.

Chapter 2: A single national SEND and alternative provision system

The Green Paper proposes:

- Establishing a new national SEND and alternative provision system setting nationally consistent standards for how needs are identified and met at every stage of a child's journey across education, health, and care.
- Reviewing and updating the SEND Code of Practice to ensure it reflects the new national standards to promote nationally consistent systems, processes, and provision.
- Establishing new local SEND partnerships, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a local inclusion plan setting out how each local area will meet the national standards.

- Introducing a standardised and digitised Education, Health and Care Plan (EHCP) process and template to minimise bureaucracy and deliver consistency.
- Supporting parents and carers to express an informed preference for a suitable placement by providing a tailored list of settings, drawn from the local inclusion plan, including mainstream, specialist and independent, that are appropriate to meet the child or young person's needs.
- Streamlining the redress process, making it easier to resolve disputes earlier, including through mandatory mediation, whilst retaining the tribunal for the most challenging cases.

Chapter 3: Excellent provision from early years to adulthood

The Green Paper proposes:

- Increasing the total investment in schools' budgets by £7 billion by 2024-25, compared to 2021-22, including an additional £1 billion in 2022-23 alone for children and young people with complex needs.
- Consulting on the introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos and increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise.
- Commissioning analysis to better understand the support that children and young people with SEND need from the health workforce so that there is a clear focus on SEND in health workforce planning.
- Improving mainstream provision, building on the ambitious Schools White Paper, through excellent teacher training and development and a 'what works' evidence programme to identify and share best practice, including in early intervention.
- Funding more than 10,000 additional respite placements through an investment of £30 million, alongside £82 million to create a network of family hubs, so more children, young people and their families can access wraparound support.
- Investing £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. We will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline.
- Setting out a clear timeline that, by 2030, all children will benefit from being taught in a family of schools, with their school, including special and alternative provision, in a strong multi-academy trust (MAT), or with plans to join or form one, sharing expertise and resources to improve outcomes.
- Investing £18 million over the next three years to build capacity in the Supported Internships Programme, and improve transitions at further education by introducing Common Transfer Files alongside piloting the roll out of adjustment passports to ensure young people with SEND are prepared for higher education and employment.

Chapter 4: A reformed and integrated role for alternative provision

The Green Paper proposes:

- Making alternative provision an integral part of local SEND systems by requiring the new local SEND partnerships to plan and deliver an alternative provision service focused on early intervention.
- Giving alternative provision schools the funding stability to deliver a service focused on early intervention by requiring local authorities to create and distribute an alternative provision-specific budget.
- Building system capacity to deliver the vision through plans for all alternative provision schools to be in a strong multi-academy trust, or have plans to join or form one, to deliver evidence-led services based on best practice, and open new alternative provision free schools where they are most needed.
- Developing a bespoke performance framework for alternative provision which sets robust standards focused on progress, re-integration into mainstream education or sustainable post-16 destinations.
- Delivering greater oversight and transparency of pupil movements including placements into and out of alternative provision.
- Launching a call for evidence, before the summer, on the use of unregistered provision to investigate existing practice.

Chapter 5: System roles, accountabilities, and funding reform

The Green Paper proposes:

- Delivering clarity in roles and responsibilities with every partner across education, health, care, and local government having a clear role to play, and being equipped with the levers to fulfil their responsibilities.
- Equipping the Department for Education's (DfE) new Regions Group to take responsibility for holding local authorities and MATs to account for delivery for children and young people with SEND locally through new funding agreements between local government and DfE.
- Providing statutory guidance to Integrated Care Boards (ICBs) to set out clearly how statutory responsibilities for SEND should be discharged.
- Introducing new inclusion dashboards for 0-25 provision, offering a timely, transparent picture of how the system is performing at a local and national level across education, health, and care.
- Introducing a new national framework of banding and price tariffs for funding, matched to levels of need and types of education provision set out in the national standards.
- Working with Ofsted/Care Quality Commission (CQC) on their plan to deliver an updated Local Area SEND Inspection Framework with a focus on arrangements and experience for children and young people with SEND and in alternative provision.

Chapter 6: Delivering change for children and families

The Green Paper proposes:

- Taking immediate steps to stabilise local SEND systems by investing an additional £300 million through the Safety Valve Programme and £85 million in the Delivering Better Value programme, over the next three years, to support those local authorities with the biggest deficits.
- Tasking the SEND and Alternative Provision Directorate within DfE to work with system leaders from across education, health and care and the Department of Health and Social Care to develop the national SEND standards.
- Supporting delivery through a £70 million SEND and alternative provision change programme to both test and refine key proposals and support local SEND systems across the country to manage local improvement.
- Publishing a national SEND and alternative provision delivery plan setting out government's response to this public consultation and how change will be implemented in detail and by whom to deliver better outcomes for children and young people.
- Establishing, for implementation of the national delivery plan, a new National SEND Delivery Board to bring together relevant government departments with national delivery partners including parents, carers and representatives of local government, education, health, and care to hold partners to account for the timely implementation of proposals.

The Green Paper was initially subject to a 13-week public consultation, closing 1 July 2022, but has been extended by three weeks following the late publication of the paper in other formats (09.05.22), including Easy Read and British Sign Language. The consultation now closes on 22 July.

There are 22 consultation questions (Appendix A). Responses can be emailed to sendreview.consultation@education.gov.uk or can be posted to: SEND and AP green paper consultation Department for Education 1st Floor, St Paul's Place Sheffield S1 2JP.

Following the completion of the consultation, the government will publish a national SEND delivery plan setting out the government's response to the consultation and how the proposals will be implemented.

2. Conclusion

The government published the Green Paper on SEND and AP at the end of March. The report summarises the proposals set out in the Green Paper, which is open to public consultation until 22 July 2022.

3. Consultation

a) Risks and Impact Analysis

Not applicable

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Consultation Questions to respond to Green Paper on SEND and AP

5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Children and Families Act 2014	Children and Families Act 2014 (legislation.gov.uk)
Green Paper - SEND Review: Right support, right place, right time. Government consultation on the SEND and alternative provision system in England	https://www.gov.uk/government/consultations/send-review-right-support-right-place-right-time

This report was written by Sheridan Dodsworth who can be contacted on 07775 705127 or by e-mail at sheridan.dodsworth@lincolnshire.gov.uk