

SEND Green Paper

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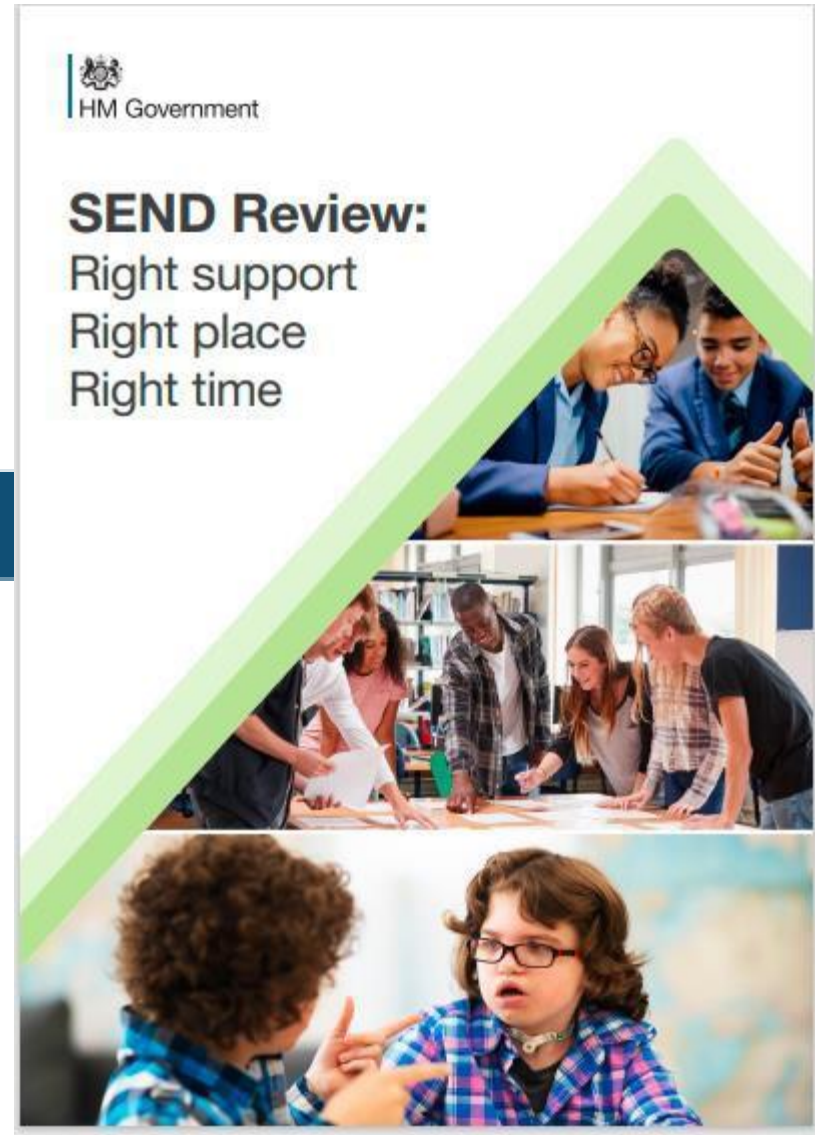
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July 2022

3. SEND Green Paper summary

Right support, right place, right time Government consultation on the SEND and alternative provision system in England

[SEND Review - right support, right place, right time \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



DfE SEND Review Findings

The green paper is the output of the DfE 'SEND Review', of which the findings were:

- **Alternative provision** is being used to supplement the SEND system
- There are **inconsistencies** in how needs are identified and met, which leads to
 - Lack of clarity, trust and confidence for families on what they can reasonably expect
 - Dependence on EHCPs and specialist provision
- **Increasing requests for EHCPs and specialist provision** result in:
 - Delays in accessing support
 - Reliance on independent/ out of area provision
 - Long journeys to get to school
 - Resources and capacity pulled to the specialist end of the system so less capacity for early intervention



Three main challenges acknowledged in the Green paper:

Navigating the SEND and AP system is not a positive experience for too many CYP and their families.



Outcomes for CYP with SEND or in AP are consistently worse than their peers.



The SEND and AP system is not financially sustainable

SEND Review - Problem diagnosis and theory of change



Symptoms

The green paper identifies three symptoms of a system under pressure: **poor outcomes** for children and young people with SEND and in alternative provision, **low parental and provider confidence**, and **financial unsustainability**.



Problem diagnosis

The green paper's problem diagnosis is that these challenges are driven by a vicious cycle of **late intervention**, **low parental confidence** and the **inefficient allocation of resource** across the system. This both drives - and is driven by - high levels of inconsistency in practice and provision, based on location, rather than need.

Our theory of change



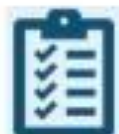
1. Improved mainstream

With high quality teaching and consistent expectations of support so needs are identified accurately and quickly reducing the risk of misidentification and escalation of needs.



2. Appropriate and affordable specialist provision

For children and young people who require it. This should be close to home where possible, preventing the need for long journeys and associated school transport costs.



3. Greater national consistency

On how needs are identified, recorded and met so decisions are taken based on a child's needs rather than where they live, with minimal bureaucracy in accessing the right support.



4. Strengthened accountability and funding reform

To ensure that all partners have clear roles and responsibilities in line with nationally consistent expectations, and are held to account for delivering these.

SEND and AP Green Paper: our goal is for children and young people with SEND to receive the right support, in the right place and at the right time



A new single national SEND and AP provision system across education, health and care

Statutory national standards on how needs are identified, recorded and met so decisions are taken based on a child's needs rather than where they live, with minimal bureaucracy in accessing the right support



Excellent provision for early years to adulthood

High quality teaching and consistent expectations of support reducing the risk of misidentification and escalation of needs, with investment in specialist provision for those who require it



A reformed national vision for Alternative Provision

Children and young people getting targeted support in mainstream or access to placements in AP.



System roles, funding reform and accountability

Strengthened accountabilities and greater transparency, with clear roles and responsibilities for all partners



Delivering change for children and families

A well-designed delivery programme that stabilises the system in the immediate term and delivers culture change for an inclusive system in the longer term

Implications for mainstream schools

Mainstream provision built on “early and accurate identification of needs, high-quality teaching of a knowledge-rich curriculum and prompt access to targeted support”. But there are “too many examples” where inclusive mainstream schooling “does not happen” it could be argued. The Department for Education admits accountability measures can be seen as a disincentive. This is combined with a perception that those who welcome pupils with SEND become “magnet schools” and “unsustainable over time”.

- Proposed new national standards will set out “when needs can and should be met effectively in mainstream provision” and **what support should be available.**

government will “steward and regulate” the system

- School performance tables will also be updated to consider “contextual information” about a school alongside its results data. This will “make it easier to recognise schools” that are “doing well for children with SEND”.

The Code of Practice will be reviewed and schools need to meet the changes within this policy .

Note: No more details are provided, suggesting ministers are open to feedback about how this would work best

Implications for mainstream schools (AP)

Mainstream schools will have a **“clear, tiered package of support” for Alternative Provision**. 3 tiers of support:

1. “targeted support” for children whose needs “lead to behaviour that disrupts theirs or others’ learning”.
2. “time-limited” placements in AP for those who need more “intensive support” to address behaviour or anxiety and “re-engage in learning”. Pupils would be dual-registered, and “supported to return to their original school as soon as is appropriate”.
3. transitional placements for children who won’t go back to their old school, but will be supported to transition to a different school “when they are ready, or to a suitable post16 destination”

Most local authorities welcome the focus on Alternative Provision within the Green Paper and they propose to carry out full evaluations of their alternative provision in local authorities to ensure that it meets the requirements of the Green Paper.

Note: No more details are provided, suggesting ministers are open to feedback about how this would work best

Implications

- Under the proposals, the government would introduce national SEND standards, standardised education, health and care plans (EHCPs) and national funding bands.
- Rather than councils setting “notional” special educational needs budgets for their schools, the Department for Education would instead use a “single, national formula”
- The government will decide who pays for support and how councils set funding levels, but it plans to consult on whether some “local flexibility” is required.
- Families and councils must engage in mediation on disputes over EHCPs before registering an appeal in the first tier tribunal
- Parents will also be offered a “tailored list” of settings for their child. Councils will allocate the “first available place” in order of the parents’ preference, but the settings “may be outside” the council region.
- The DfE’s new “regions group” - the rebranded regional schools commissioners - will be responsible for holding councils and trusts to account on delivering for cyp with SEND

Implications for LA's

As the with Schools White Paper, the local authority are already well placed to respond to the ambition of the SEN Green Paper with its new inclusion strategy . The corporate ambition of the inclusion strategy sits firmly within the Green Paper.

➤ **Challenge 1: outcomes for children and young people with SEN or in alternative provision are poor**

- Children in many LA's with SEN do less well comparative to nationally especially in secondary , however, detailed investigation of data for vulnerable groups (inc those in alternative provision) would be advantageous - and to consider how they could do even better for all children and young people in each LA with SEND i.e. Black African/Caribbean boys, children and young people known as being in the care system for example
- Preparing for Adulthood - LA'S need to ensure they have sufficient support for the transition from Post 16 into EET

Implications for your school

How do you track outcomes for SEND CYP in your school?

How do you compare these outcomes to national?

How are non academic outcomes tracked and evaluated ?

How do you respond in your school improvement planning to these outcomes?

How is staff performance management linked to any issues of less favourable outcomes for your SEND children including support staff

How do you develop your work force to meet the needs of children with SEND?

How do you develop, deliver and evaluate staff CPD?

Key to SEND outcomes is the relationship of these to overall outcomes for all children in your school – this there is a need to review your whole school data.

If these are below national, then you must ask why?

If your categories of SEND are different to national you must ask why ?

This is often an issue linked to poor identification of SEND (and therefore subsequent planning in lessons)and therefore you need to understand the national picture for each area of SEND, as well as data linked to those with an EHCP and those on school support.

Q and A

Implications

- ▶ **Challenge 2: navigating the SEND system and alternative provision is not a positive experience for children, young people and their families nationally**
- LA's needs to continue to work with the Parent Carer Forum and other parent groups in each LA to ensure continued parental confidence in the SEND system
- There is the potential to develop a survey for all parents with a child with a EHCP or receiving FFI funding which would help with the developments in this area at local authority level
- The SEND partnership board has links to parents and organisation's which support them and take feedback from this seriously. How can this be translated into action to target the key areas of parental concern in your LA and at a national level ?

Implications for your school

**Do you survey your parents of children with SEND at key points in the year?
Are these surveys linked to key themes and then after action do you resurvey
or communicate with them?**

Do you provide a feedback mechanism for EHCP reviews before and after?

Do you have a parent forum for SEND in your school?

**How well do you link to the local offer and SEND support groups and
organisation?**

**Do you provide a communication or drop-in system for parents informally to
meet and discuss key issues with staff?**

How is this information collated and feedback into leadership strategy?

How is this communicated to parents who have raised concerns?

How does this inform SIP?

How does this inform policy and whole school developments?

Q and a

Implications

► **Challenge 3: despite unprecedented investment, the system is not delivering value for money for children, young people and families**

- Does your LA have a forum (such as a SEND funding working group) to review / explore options with schools linked to current challenges of offering best value and to investigate the best funding mechanisms and needs of schools. Does your LA compare top-up rates from other local authorities with schools and review where the local authority sits within this comparison and address issues. Outcome measure are linked to value for money and sustainability issues .
- How would such a working group feed into the wider ‘schools forum’ of headteacher collaborative leadership with the local authority and the developments needed to meet the challenges of the Green Paper.
- Does your LA offer best value for money for children, young people and families compared to its outcomes?

Implications for your school

How do you conceptualise best value in your school?

Does your school review its SEND funding and how it effectively spends it in comparison to its outcomes ?

How do you know it being effectively been used for CYP with SEND?

If so how does this occur and how is this reported to governors?

How are SENCo's involved in the above process?

How are SENCo's being involved in wider leadership issues linked to funding across the school which may impact on the 'best value' concept in this challenging area of school leadership?

How is your SENCo effectively deployed to develop strategy, be a leader of SEND, develop your work force and improve outcomes?

How do parents and CYP input into the 'best value' evaluation process?

Q and A



Do you understand what happens in other local authorities linked to SEND?

The funding system in some LA'S are very different to any other local authority – discuss the implications of this with your SENCo

What types of recommendations are being accepted by schools forums outside of your LA linked to funding

- **Fair Share and SEN Notional Funding.**

- ▶ Where the funding for EHCPs in a mainstream school is 60% or more of the SEN Notional funding and the school has a deficit budget, the school will be given additional funding. The amount of funding will be determined by the number of EHCPs and the banded funding rates for the EHCPs, taking account of the school's SEN Notional funding and deficit budget.

- **Full funding of pupils in mainstream schools awaiting specialist placement**

- ▶ Funding would be from the term after the specialist placements panel where it is agreed that a specialist placement is appropriate. This is for pupils who have an EHCP and who have Banded funding of 'D' or above. The maximum top-up funding a school could receive would be £18,000.

- **Exceptional Circumstances Funding for pupils in the process of receiving an EHCP**

- ▶ This would only be applied to pupils where the school's provision map shows a need for Banded funding of 'D' or above. Schools will need to request this and provide the evidence to support the request for early funding. EHCP top-up funding to start 6 weeks early (i.e. at 14 weeks of the process), after the decision to issue has been made.

- **Wording of the EHCP**

- ▶ The final recommendation does not include additional funding for mainstream schools, but it does enable schools to use their SEN funding more flexibly, whilst at the same time ensuring that EHCPs are compliant with the SEND Code of Practice, ensuring that provision is individualised to the needs of the child, specific and quantifiable. Currently, the wording in the EHCP is: "The funding will support X amount of hours a week based on Banding TA hours. To be provided to ensure that all needs are met and (child's name) makes measurable progress". The agreed change to the wording in the EHCP is: "The funding will support X amount of hours a week based on Banding TA hours. This could be delivered in a range of ways, according to the needs of the child, including small group work, paired work, or short bursts of targeted 5 intervention with an adult. The support provided will be designed to ensure that all needs are met and (child's name) makes measurable progress.

Further implications and challenges for local authorities

Creation of Integrated Care Systems

- ▶ The current system of a Clinical Commissioning Group (CCG) will move to an Integrated Care System (ICS). We welcome the proposal in the paper for there to be a SEND lead on every ICS Board. There will be a need to set up a task and finish working groups in LA's to understand the implications of the Integrated Care System reform lead by social care and health with education as a core group member

Multi Academy Trusts

- ▶ There is an expectation that Special Schools and PRUs will be within Multi Academy Trusts by 2030 (see report on White Paper and Schools Bill). As part of the work with schools on the possible formation of LA MATS there will need to decide whether these MATs will be specialist only or mixed. Many questions still to be answered.

Next Steps

- ▶ Read the Green Paper
- ▶ Have you seen the provisional SEND strategy in your LA ?
- ▶ Reply to consultation and encourage others to do so within schools
- ▶ Set up a meeting with your SENCo to discuss the green paper
- ▶ What will the implications be for your school?

- ▶ Discuss at governor meetings the implications of this paper

- ▶ Co-produce planned ways forward involving parent/carers and pupil voice across LA / within schools to address the Green Paper concerns

- ▶ Review your outcomes in schools and develop strategy at the core of all school improvement planning to meet the challenges of the green paper

- ▶ Undertake a whole school review of SEND or similar activity of governance of SEND

- ▶ Review your SEND policy and how SEND is represented in your other school policies

- ▶ Make sure your SENCo is fully qualified with the NASENCo award [National Award for Special Educational Needs Co-ordination - Postgraduate - Courses - Leeds Trinity University](#)

Suggested Question Areas

- Mainstream provision for SEND and specialist provision and importance of benchmarks for the different provisions
- Alternative provision, the national and regional pictures
- SEND local partnerships – how these will evolve and schools role in these.
- SNEDCO role and changing qualifications available
- Overlap between SEND and safeguarding / EAL and importance of separating these out.
- SEND and the governing body, what governors need to know, the role of the SEND link governor
- Other points to note from the Green paper for governors to consider now

Have you undertaken a whole school review of SEND?

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https://www.wholeschoosend.org.uk/system/files/2021-07/SEND%20Review%20guide%202020.pdf

Set Microsoft Edge as the default application for reading PDF files? [Set as default](#)

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Page view | Read aloud | Add text | Draw | Highlight | Erase

SEND REVIEW GUIDE

A school-led approach to improving provision for all

11:16 06/06/2022

How effective is governance in your school linked to SEND?

The screenshot shows a Microsoft Edge browser window with the following details:

- Address Bar:** https://nasen-prod-asset.s3.eu-west-2.amazonaws.com/s3fs-public/send_governance_web%20%281%29.pdf
- Page Content:** The document title is "SEND GOVERNANCE Review Guide". Below the title is a circular image of two young boys in school uniforms playing with colorful interlocking blocks.
- Taskbar:** The Windows taskbar at the bottom shows the time as 11:23 on 06/06/2022. Open applications include Microsoft Edge, Outlook, and several other background processes.
- Browser Interface:** The top of the browser shows several open tabs, including "SEND Governance Re..." and "send_governance_wel...". A notification bar at the top of the page asks to "Set Microsoft Edge as the default application for reading PDF files?" with a "Set as default" button.


How do you as a school evidence your inclusion strategy?

The screenshot shows a Microsoft Edge browser window with several tabs open. The active tab is displaying a PDF document from the URL https://nasen-prod-asset.s3.eu-west-2.amazonaws.com/s3fs-public/demonstrating_inclusion_web%20%282%29.pdf. The document content is as follows:

DEMONSTRATING INCLUSION TOOL

Every Leader is a Leader of SEND

A collaborative tool to enable all leaders to understand and demonstrate inclusion in their settings



The bottom of the screenshot shows the Windows taskbar with various application icons and a system tray displaying the time as 11:17 and the date as 06/06/2022.

How effectively is your SENCo deployed?

The image shows a screenshot of a web browser displaying a PDF document. The browser's address bar shows the URL: <https://nasen-prod-asset.s3.eu-west-2.amazonaws.com/s3fs-public/Effective%20SENCo%20Deployment%20Guide%20new.pdf>. The PDF viewer interface includes a toolbar with options like 'Page view', 'Read aloud', 'Add text', 'Draw', 'Highlight', and 'Erase'. The document's title page is visible, featuring a dark blue background with white text. The title is 'EFFECTIVE SENCO DEPLOYMENT' and the subtitle is 'A guide for the SENCOs and their line managers'. Below the text is a circular photograph of two young boys in school uniforms sitting at a desk and looking at a book. The page number '1 of 44' is visible in the top left corner of the viewer.

1 of 44

EFFECTIVE SENCO DEPLOYMENT

A guide for the SENCOs
and their line managers

Working with staff in schools with specific tools linked to developing the Green Paper Agenda

The screenshot shows a Microsoft Edge browser window with multiple tabs open. The active tab is displaying a PDF document titled "SEND REFLECTION FRAMEWORK". The browser's address bar shows the URL: https://nasen-prod-asset.s3.eu-west-2.amazonaws.com/s3fs-public/send_reflection_framework_web.pdf. The PDF viewer interface includes a toolbar with options like "Page view", "Read aloud", "Add text", "Draw", "Highlight", "Erase", and "Settings and more". The document content features a dark blue header with the text "SEND REFLECTION FRAMEWORK" in white, bold, uppercase letters. Below the header is a circular image of a young boy in a school uniform and a woman, likely a teacher, looking at a document together. The Windows taskbar at the bottom shows the time as 11:19 on 06/06/2022 and various application icons.

In Summary

The intent behind the green paper is not revolutionary, it aligns with most LA SEND Strategy ambitions- does it align with your schools? Do you need to review policy, information report, SEF or SEND SIP?

Review how well your area is equipped as an LA to respond to the proposals -although the effectiveness of outcomes for children could further strengthened in the Green Paper .

Suggestions align with the improvement focused on in inspections - so decisions should be made on how to accommodate any new national initiatives into your short and long term planning especially around allocation of resources .

Legislation and associated guidance will raise the profile of SEND and inclusion with every partner across education, health and care. The structures proposed will bring welcomed clarity and accountability.

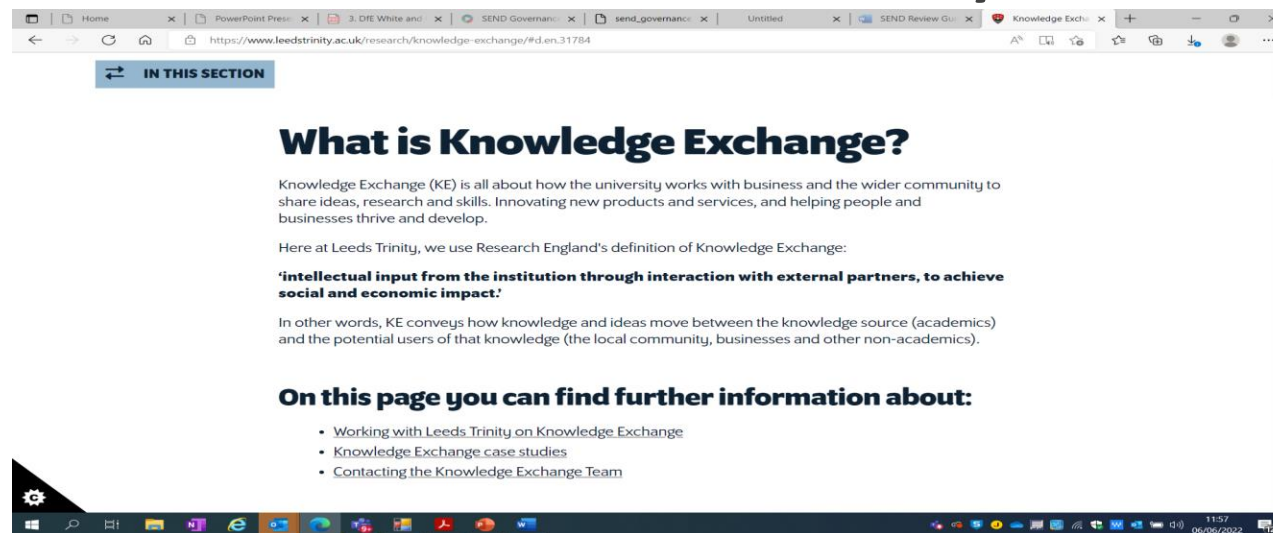
Aligning resources with the local authority strategy appropriately -will be key to ensure you can respond to increased intelligence, accountability and expectations.

DFE expects Local Areas to progress with realising the vision and intention behind these proposals now. This gives us an opportunity to reflect and review as a local area following the Ofsted SEND Area Review for your LA .

How can you gain external support to address the challenges of the green paper in your school?

Local authority services – consultancy companies- specialist SEND SIP's

Knowledge Exchange activity working with a University such as Leeds **Trinity:**



The screenshot shows a web browser window with the URL <https://www.leedstrinity.ac.uk/research/knowledge-exchange/#d.en.31784>. The page content includes:

IN THIS SECTION

What is Knowledge Exchange?

Knowledge Exchange (KE) is all about how the university works with business and the wider community to share ideas, research and skills. Innovating new products and services, and helping people and businesses thrive and develop.

Here at Leeds Trinity, we use Research England's definition of Knowledge Exchange:

'intellectual input from the institution through interaction with external partners, to achieve social and economic impact.'

In other words, KE conveys how knowledge and ideas move between the knowledge source (academics) and the potential users of that knowledge (the local community, businesses and other non-academics).

On this page you can find further information about:

- [Working with Leeds Trinity on Knowledge Exchange](#)
- [Knowledge Exchange case studies](#)
- [Contacting the Knowledge Exchange Team](#)

Inspection of whole school SEND – school to school
Consultancy work on specific aspects of your SEND strategy
Developing provision in SEND in schools
Coaching work with your SENCo or leadership team on SEND

For any more information on this topic please
Contact b.peartree@leedstrinity.ac.uk

Q and A