

SEND Green Paper Consultation Response – Together Trust

Introduction

The Together Trust, as a charity based in the North West, has been championing and caring for people with disabilities, autism, and complex health needs for over 150 years. Every year, we deliver individual care, support, and education to almost 3000 children and adults.

To outline some of our services (for context about our response):

- We maintain three schools which provide specialist support to children with SEND and are all rated Good by Ofsted.
- We provide therapy and specialist support to children and have a team of sleep practitioners, speech and language therapists, positive behavioural practitioners, and educational and clinical psychologists.
- We operate a short break (respite) service for parents and families.
- We run an inclusive day centre for adults aged 18 to 30 with autism, learning disabilities and/or complex health needs.
- We care for children through our residential children's homes and fostering services.

We believe that we have a responsibility to raise awareness of the issues faced by the people we support. Therefore, we welcome the opportunity to respond to the government's proposed SEND reforms through this consultation response.

Our engagement on SEND reforms

To gather views about the Green Paper proposals, we consulted with:

- Parents and carers

We created a 'Your say on SEND' survey for parents and carers of children with SEND living in England. The survey was open to responses from early June – July.

We made the Department for Education's consultation questions more accessible by using simple language and asking about lived experience. We received 90 responses in total and have included these testimonies and data points throughout our submission.

We also attended a session on the SEND Review proposals for parents and carers run by PACT Stockport.

- Our workforce

We ran a series of workshops with Together Trust staff to gather their professional expertise on the proposals within the Green Paper.

- Professionals from local authorities and schools

We ran a workshop on the Green Paper for SEND professionals working in Cheshire East and gathered their perspectives on the proposals.

- Other organisations and the DfE

We attended a series of workshops hosted by other organisations.

These include:

- a consultation session run by the Department for Education
- Q&As with the minister hosted by Special Needs Jungle
- a legal webinar run by Seashell, sessions hosted by the Disabled Children's Partnership.

Our response

What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children & young people with SEND and their families? This includes how standards apply across education, health & care in a 0-25 system.

- 1.1. The Green Paper rightly identifies that the quality of SEND support families receive across the country is variable.
- 1.2. We agree that a more consistent and transparent system across the country is needed but developing new national standards will not be a silver bullet. The SEND Code of Practice already contains legal requirements and statutory guidelines set out in the Children and Families Act 2014, the Equality Act 2010, and the Special Educational Needs and Disability Regulations 2014.
- 1.3. Local authorities, schools and organisations already need to 'have regard' to legislation when they make decisions which affect children with SEND and their families. Yet compliance with the law is patchy, leaving parents and carers waiting for too long to access support.
- 1.4. Any new standards need to address the accountability gap in the current system, instead of making it harder for children and families to access the support they need. Within the Green Paper, there is a suggestion that compliance with SEND standards could be measured and enforced by Regions Groups, but there is a lack of detail about:

- The range of enforcement action which will be available to Regions Group where a local authority is underperforming against its local inclusion plan and/or the national SEND standards.
 - Who the Regions Groups will be comprised of, and whether there will be a mechanism for children and families to participate in the design and delivery of their activities.
- 1.5. There is an opportunity for national standards to make it clearer to families what rights and support they are entitled to. We surveyed ninety parents and carers about how difficult it had been to understand what support their child could access, using a sliding scale of 1-5, with 1 being 'very straightforward' and 5 being 'incredibly difficult'.
 - 1.6. Half of parents and carers (50%) rated it a 5 (very difficult), and 77% rated it either a '4' or '5'. Consistently, they told us that they had been forced to engage with specialist help, whether that was hiring lawyers to go to a SEND Tribunal or working with their local SENDIASS to make sense of their rights.
 - 1.7. Any standards produced should use clear language and be adapted into accessible forms for children and adults with disabilities. Standards should be qualitative rather than minimum, and once they have been drafted, they should be subject to further consultation.
 - 1.8. Standards should not weaken existing legal protections found within the SEND Code of Practice or existing statutory framework, and the Department for Education should lay out clearly how new standards should interact with existing legislation, such as the Children and Families Act 2014.
 - 1.9. If the Department for Education co-designed SEND standards with children and families, they would have the opportunity to clarify standards around areas of the system which are particularly challenging. Some of the parents and carers who responded to our survey said that they would like to see:
 - 'Local authorities, schools and health care professionals following the law'
 - 'A SEND system which is easier to understand and access'
 - 'A simplified model where one referral is made'
 - 'I would make sure the system is clear and transparent for all, it is full of jargon and barriers'
 - An individually tailored support offer to meet a child's need that is dictated by their needs and not the resources available'

- 'Easier to access with all info in one location, not needing to look across 16 different websites which aren't linked or advertised for support'

We would welcome a further conversation with the Department for Education to share the full findings from our parent and carer survey.

How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

- 2.1. At the moment, section 26 of the Children and Families Act states that 'Local authorities and clinical commissioning groups (CCGs) **must** make joint commissioning arrangements for education, health and care provision for children and young people with SEN or disabilities.'
- 2.2. Local partners should already be looking at what support children living in their area need, any gaps, and planning future service delivery around these considerations. Outputs from local joint commissioning arrangements should be made publicly available through the Local Offer.
- 2.3. Despite this, parents and carers who responded to our survey told us that they continue to face long delays and barriers in accessing support. When we asked them what changes they would make to the SEND system, they said:
 - 'Waiting times need to be improved for access to professionals, educational psychologists and mental health support'
 - 'Support pathways need to exist for ADHD, OCD, autism, anxiety...'
 - 'All agencies should communicate effectively with each other for the child's mutual benefit'
 - 'To inform all parents and carers what support is available and how they can access it through GPs, health visitors and nurseries...'
- 2.4. From our conversations with parents and carers, agencies who are meant to work together appear to work in silos. For families this results in the system not being 'joined-up'. One parent told us 'My son was diagnosed with autism as a very young child. Why then did we face year long delays when it come to accessing help for him as a teenager? Local authorities had years to plan and get the right support in place for him, but they didn't act until it was urgent.'
- 2.5. There is the opportunity for new local SEND partnerships to have a broader remit than partnerships which currently exist (for example, on integrated care). There should be representation from parents, carers and families who have lived experience of navigating services within local SEND partnerships. This will strengthen the groups accountability and assist in recognising gaps in provision.

- 2.6. Partners must have clearly defined roles and expectations. If the partnership is to be successful, they must have the resources they need to properly 'carry out an assessment of need and existing provision' and create a local inclusion plan without cutting corners.
- 2.7. Section 4.10 of the SEND Code of Practice says that 'local authorities should publicise in their Local Offer the ways in which they will involve children, young people and parents in developing and reviewing it'. If the proposals in the Green Paper become law, local offers may need to be adapted to reflect changing policy. Children, young people, and parents must still be involved in the development of the Local Offer, and local authorities must communicate any changes in a timely and accessible way.
- 2.8. The Department for Education must make it clear how new local SEND partnerships will work in relation to local inclusion plans, national SEND standards, existing joint commissioning arrangements and existing local offers to create a 'joined-up' approach for families.

What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

- 3.1. At an event we recently attended run by PACT Stockport it was highlighted by both local authorities and parents and carers that the quality of EHC's is not dependent on place but on the level of training, resources, and competency of professionals in performing their role.
- 3.2. Even within the same LA boundary, parents and carers have vastly different experiences of the SEND system. Training offers for local authority SEND Officers would be a welcome addition to national standards, in line with the new training offer for SENCO's proposed within the Green Paper.
- 3.3. Creating a national standard around EHC's would not necessarily address their variable quality or shorten the length of time it takes for them to be produced, especially if there is no way of ensuring that the standard is complied with. Within the existing SEND Code of Practice there are already written timescales for when processes should be completed.
- 3.4. According to the Department for Education 'the whole process must take no more than 20 weeks, [...] with exceptions to the time limits in certain situations' (DfE, 2022). However, data shows that 40% of EHC plans nationally are not issued within the 20-week timescale. Some LA's, such as Bedford, issued 100% of EHC plans within that timescale, while others fell significantly short of the standard, including Staffordshire (13.5%), Hampshire (5.9%) and Bristol (0.8%).
- 3.5. The parents and carers we spoke to about proposed changes to EHC plans welcomed the idea of a standardised template. Similarly, seven in ten (70%) said that they would benefit from having access to a digitised version of their child's EHC plan. A paper version must continue to be offered, as not all parents have access to a digital device.

- 3.6. Access must be a key consideration for any changes in this area. One in ten (10%) people don't speak English as their first language, and 2% of adults have a learning disability. As such, care should be taken to ensure that changes to EHC plans are communicated in the way that makes sense to parents, carers, and families.
- 3.7. Together Trust staff have told us that they encounter large variations in the way that EHC plans are written, and access to support outlined in the plan is too often contingent upon the geographical availability of services, professional competency and parental knowledge of entitlements.
- 3.8. Similarly, only one in six (16%) of the parents and carers we surveyed thought that all of their child's needs were reflected in their current plan. The same proportion (16%) said that their child's plan was completely outdated. The rest of parents and carers were somewhere in the middle, with the majority (39%) saying that their child's plan was 'somewhat accurate'.

Parents and carers said:

- 'The people writing the EHC plan did not have the training they needed...'
 - 'So much of the information was copied and pasted. Sometimes the name of children in their class would appear where my son's name should be'
 - 'It takes a year or more for local authorities to update my child's EHC plan and therefore it's always out of date. The SEND team is difficult to contact, and no one has ever attended a review'
 - 'High staff turnover and shortages of specialist professionals across the country is resulting in resource being stretched across more children than desired, meaning that individual plans are not always realised. This is a gap not properly addressed by the Green Paper proposals.'
 - 'Making sure my child gets his hour of speech and language therapy makes me feel like I am taking away time from other children, whose parents may not fight for their support as hard as I do for my son, but he needs that help, he has the right to it, it's on his EHC plan'.
- 3.9. The Government proposes to change the timescales for issuing of draft plans following annual reviews, as a recent a High Court judgement affirmed that local authorities must issue proposed amendments to the plan within four weeks of a review meeting, in line with existing timescales.
 - 3.10. However, this change does not form one of the Government's consultation questions on the SEND Green Paper. Therefore, many people may not address it within their response. A separate consultation has since been created on this point. Many people with an interest in this agenda will respond only to the larger consultation on the SEND Green Paper, given that the

second consultation has not been as widely publicised and is inaccessible (in its language).

- 3.11. We asked parents and carers whether the 4-week timescale for issuing draft plans should be changed, and they overwhelmingly said no. However, many shared the view that the current timescale did not reflect the reality of how long it currently took for the plan to be issued, and some parents and carers said they were willing for the timeline to be extended if the finalised plan was of a higher quality and enforceable.

They said:

- 'The process needs shortening, not lengthening. It took us years to get an EHC plan in place'
- 'An extension means that our children go without the support they need for a longer period of time'
- 'I think given huge delays in amendments already it could help relieve pressures and backlogs'
- 'I think each case is different, and some are more urgent than others so should be prioritised somehow'
- 'All considerations are irrelevant whilst there are no real consequences (other than saving money) to breaching the deadlines'

How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents' confidence in the EHCP process?

- 4.1. Within the SEND Green Paper there is an insufficient level of detail about who will be involved in creating a 'tailored' list of school placements. The question suggests it will be both parents and the local authority, but the narrative suggests it will be local authorities, who will decide based on what's available within the local inclusion plan.
- 4.2. This is a clear departure away from the current system, where families have the right to request that a particular school or college is named in the plan, and this can only be refused by the local authority if it falls within three legally defined circumstances.
- 4.3. Where a specialist placement meets the needs outlined in a child's EHC plan it should be named alongside suitable mainstream provision. We disagree with the idea that parental choice should be limited.
- 4.4. Most of the parents and carers we surveyed (42%) thought that local authorities providing a tailored list of schools for them to give 'an informed preference' on was a bad idea. The rest were split between being unsure

what difference the proposal would make (30%) and being supportive of the proposal (28%).

- 4.5. More support should be given to parents and carers in understanding what their options are when choosing a school for their child. Parents and carers we spoke to told us how they had gone 'round in circles' with schools in their area, who oftentimes did not follow-up on requests for tours of their school or respond to emails about the SEN support which was available.
- 4.6. One recommendation made by a parent was access to an independent advocate at key stages, such as when a child transitions from primary to secondary school to help them understand the options available to their child. We believe that this would make a significant difference to families.
- 4.7. In the Green Paper, section 27 refers to 'inappropriate or unlawful practices where 94% of local authorities said that resistance from some schools to admit or retain pupils with additional needs or vulnerabilities happened occasionally or regularly.' Of the parents and carers we surveyed, 62% said their child had experienced discrimination by a school.

They told us:

- 'My son missed out on a whole year of education due to being at home with a medical condition. His school failed to provide any type of work to do at home and he is now far behind his peers'
 - 'Her mainstream school wouldn't acknowledge her SEN'
 - 'My child ended up withdrawing from school because the discrimination and bullying caused severe mental health issues'
 - 'School refused to accept autism diagnosis and blamed my child for meltdown (child was threatened with sanctions, accused of truancy), rather than putting accommodations in place'
 - 'Rather than supporting myself and my child we were left in limbo. I was threatened with fines, prison and when no improvement came, social services became involved'
 - 'I waited so long on a waiting list for a diagnosis for ADHD and Autism and therefore was originally turned down for a EHCP my child ended up in a mainstream high school that she should of never of gone to. It couldn't meet her needs and she was lost in a very difficult system. She has been completely let down by the educational system and lost valuable years of education.'
- 4.8. We had 58 detailed testimonies from parents and carers who had struggled to get their children the support they needed. Oftentimes their child had missed years of their education, been excluded, and experienced punitive measures like the use of 'isolation' in an attempt to manage behaviour. This is partly an

issue with training of staff, but parents and carers also told us that it was a culture issue too.

- 4.9. Across many of the responses there were repeated trends. While we agree that standards need to be raised in mainstream schools, and therefore welcome the government's focus on improving this provision, many parents and carers have told us that their child benefitted enormously from attending a specialist school.
- 4.10. Ultimately, the decision about schooling must be person-centred and underpinned by the best interests of the child and family, not financial pressure or absence of the right provision.
- 4.11. There is also a need to improve the current 'consultation process' relating to naming of providers. Colleges are sometimes named despite their inability to meet the needs of a particular young person and on the basis of inadequate information about the individual. These placements often breakdown as a result.
- 4.12. We recommend that Ofsted inspections become more focused on SEND. Schools should not be rated good or outstanding if they do not provide good or outstanding SEN support.

To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation? Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree

– If you selected Disagree or Strongly Disagree, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.

- 5.1. There is a need for any new national standards to overcome the accountability gap in the current system. We do not believe that new standards by themselves will strengthen the right to redress, but if introduced they should clearly communicate what the avenues for redress are, what remedies are available, and how the process will work, alongside enforceable timescales.
- 5.2. The Department for Education should be clear about how these standards will interact with, or replace, the right to redress which currently exists within the Children and Families Act and the SEND Code of Practice.
- 5.3. We acknowledge that the recommendation on mandatory mediation has been contentious and suggest that the Department for Education pays particular attention to responses from parents and carers who have themselves gone through the mediation and SEND Tribunal process to settle a dispute.
- 5.4. Similarly, contributions from parent carer groups and organisations representing a large proportion of people who have undertaken mediation and

Tribunal's should be carefully considered, alongside responses from the professionals working in that field.

- 5.5. We have selected the 'neither agree nor disagree' option because the feedback of parents and carers we have spoken to on the proposal has been mixed. Just over half (56%) of the people we responded to our survey said that they would support mediation being a mandatory step for all those taking a case to the SEND Tribunal.
- 5.6. Only a small number of parents and carers (10%) who responded to our survey had been through the mediation process themselves. However, of those who had gone through mediation (n=9), 77% (n=7) said that they thought it should be a necessary step and had positive experiences of it.

Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people's education back?

- 6.1. Overall, 62% of the people we surveyed said that they felt that their child had been discriminated against at some point within their school journey.

They said:

- 'When my child attended mainstream school the headteacher would constantly phone me up and ask me to take him home because they couldn't cope with his anxiety and needs. It stopped me from being able to work, made him feel he was failing and was no good for the rest of his class who he disrupted with tears, meltdowns, and panic attacks'
 - 'He missed out on a whole year due to being at home with his medical condition and the school failed to provide any type of work to do at home and as a result he is now 3/4 years behind his peers'
 - 'My son was off 2 years due to high anxiety in state school. I got criticised by staff and the local authority and had a break down as was constantly accused of bad parenting'
 - 'My child was seen as a school refuser, I myself had to contact HYMS via my doctor with concerns around anxiety/possible SEN'
 - 'My child ending up withdrawing from school because the discrimination and bullying caused severe mental health issues'
 - 'Their needs were not met and the EHCP (legal document) was not followed. My child is now not in school as they were unwilling to make reasonable adjustments'
- 6.2. At the moment, parents and carers can bring a claim to the first-tier Special Educational Needs and Disability Tribunal in relation to admissions, the

provision of education and access to any benefit, facility or service, or exclusions made by schools (in specific circumstances outlined by HM Courts and Tribunal Service).

- 6.3. The tribunal does not currently accept claims relating to admissions to academies and free schools. We believe that all schools should be subject to the same rules, in line with the principle of the Equality Act, that no person should face discrimination based on a protected characteristic. Some of the examples we heard about potentially unlawful practice occurred within schools outside of the scope of the SEND Tribunal.
- 6.4. Parents and carers often do not feel able to represent their child's claim at a SEND Tribunal and engage with professionals or barristers to represent them at great personal expense. Those without a formal education or the resources to pay for representation are potentially at a disadvantage.
- 6.5. Despite that, 96% of Tribunal cases are currently won by parents and carers against local authorities (Law Society Gazette, 2022). Most of them relate to local authorities' failure to assess a child, or disputes on the content of an individual's education, health, and care plan. However, a percentage will relate to discrimination by school.
- 6.6. IPSEA, a charity that provides free legal advice to children and families, says 'there are only two ways that the rate at which SEND appeals will fall, one is if local authorities [and schools] comply with the legal framework and make lawful decisions, the other is if thresholds for assessment and support are made higher' (Law Society Gazette, 2022). The government must not make it harder for parents and carers to access support.
- 6.7. Finally, the Green Paper does not make it sufficiently clear what the remedies available from a SEND Tribunal are, which makes this question inaccessible for those who do not work as a SEND professional to answer without referring to other pieces of legislation and policy. We are aware of a legal challenge against the Department for Education on this basis.

What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?

- 7.1. We welcome the focus on early years within the SEND Green Paper, and the proposal for 5,000 newly trained and qualified SENCOs to work in early year settings to help identify children who need additional support at an early age.
- 7.2. Some of the parents and carers responded to our survey said that they felt that their child's needs had been identified at a late stage because their concerns had not been taken seriously. Others said that years had passed before their child received the support they needed, because of delays at every step of the process, in the EHC Plan process, in assessment, diagnosis etc.

They said:

- 'If I could change something, I would make sure that parents were listened to when raising concerns that a child's needs are not being met, rather than fighting battles for years trying to evidence it while your child suffers and struggles'
- 'Children and parents must be able to get an assessment much quicker - I am a retired special needs teacher and I have two grandchildren with special needs'
- 'We need a larger workforce to support early intervention allowing for a greater standard of living for all'

7.3. This month, we presented a workshop on the SEND Review proposals to professionals and parents at a conference in Cheshire East (n=27). Many of the people in attendance were SENCo's. We asked them whether they had:

- Read the SEND Review
- Whether they'll be responding to the SEND Review
- To sum up their overall impression of the SEND Review in a sentence

7.4. One in five (20%) told us that they had read the full SEND Review, while most (67%) had seen a summary. Just over half (56%) said that they or their organisation planned on responding the Government's consultation. We feel that there is a need for the Government to make the proposals, the consultation process, and the timeline for reform clearer, especially for those who do not work in the SEND system as a professional.

In response to the final question, they said:

- 'Early identification is key. But what does this look like?'
- 'It doesn't address the real issues and if current legal framework isn't enforced why do we think a new one would be?'
- 'If it can even up the inequalities in the current system it will be a good thing!'

7.5. Our therapy and specialist support services team have also told us that significantly more investment and resource must be geared towards early years support beyond SENCO training.

7.6. Family Hubs offer an opportunity to embed early SEND support in the community. The recent Independent Review of Children's Social Care recommended that the Government invest £2bn in rolling out family hubs across the country and embedding multi-disciplinary teams within them who are qualified to offer a broad range of 'family support' at a single point of entry. Parents and carers may benefit from having a known physical place in their community which offers a holistic range of support.

- 7.7. Family Hubs should be able to refer families to specialist services such as SENDIASS and mediation. They could also play an important role in publicising the Local Offer and providing parents with information about school provision in their area, amongst other things.
- 7.8. Finally, to strengthen early years practice, the Government must take steps to address the recruitment and retention crisis that exists in many of the professions tasked with supporting children with SEND in early years.
- 7.9. The NHS Long Term Plan recognises that there is a significant shortage of speech and language therapists across the country, and research by Special Needs Jungle suggests that only '40% of existing SENCO's feel the role is manageable for one person at primary level', and '12-14%' of SENCO's leave the role every year'. Retaining and attracting the right people to provide early years support to children with SEND should be a firm priority for the SEND Review.

To what extent do you agree or disagree that both specialist and mixed MATs should coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT.

- 8.1. There is insufficient evidence in the Green Paper as to the 'benefits for schools, parents, carers and pupils of having a well-regulated trust-led system' (page 49).
- 8.2. The proposal of new local SEND partnerships should function to allow partners, including schools, to share best practice on a regular basis.
- 8.3. Every school that is part of a MAT should have the resources to have independent SENCO's and its own SEN provision.
- 8.4. We do not expect that non-maintained special schools and Independent Special Schools will be made to join MAT's.

What more can be done by employers, providers, and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like Traineeships?

- 9.1. We share NASS's view that there is too little on post-16 education and support within the Green Paper.
- 9.2. The Together Trust partners with businesses and organisations who provide supported internships to young people who attend our specialist schools. Internally, we offer preparation for students who want to undertake internships.

- 9.3. Our students have secured internships with the National Football Museum, local radio stations and local cafes. You can read more about some of their experiences below:
- [Humzah at the National Football Museum](#)
 - [Tom and Charles at the Bread and Butter Thing](#)
- 9.4. Supported internships offer young people with SEND the opportunity to:
- Increase their confidence through interacting with the public
 - Meet and work with new people
 - Improve their health and wellbeing
 - Improve communication and social skills
 - Become more independent by learning travel training
- 9.5. At present, only children with EHC plans are eligible for supported internships. The proposals within the Green Paper are geared towards providing support before a child needs an EHC plan and reducing the number of overall EHC plans across the country.
- 9.6. The Department for Education should therefore extend supported internship programmes to cover children and young people with SEND who do not have an EHC plan.
- 9.7. Currently, for a supported internship to be deemed successful, young people must have attained 16+ hours of paid work as an outcome. However, a more person-centred approach should be taken, given that opportunities, aspirations and need differ greatly from child to child. Lesser hours should still be seen as a success based on individual circumstances.
- 9.8. Of the parents and carers, we surveyed, only one in ten (12%) felt very confident about the level of post-16 support in place for young people with SEND. Half (50%) said they were not confident at all.
- 9.9. We asked parents and carers about what post-16 support they would like their child to have access to. They said:
- 'A familiar person who can guide and support them through and progress to the highest point that their individual self can achieve'
 - 'Support in getting employment, or an apprenticeship. Support on how to look for work etc. Mainstream just designed for academics and no provision for SEND.'
 - 'Our son will need bespoke living and care and needs his own home. That support needs to exist'
 - 'A lot of autistic children (both my boys) are good at art and coding - something that would support them setting up their own business where they can sell artwork or sell their animation/video/coding skills whilst working as a

freelance for themselves would fit better with modern times like a business mentor rather than a 9-5 traditional trade apprenticeship where they must go into a physical building’

- ‘A named individual responsible for guidance’
- ‘An independent advocate’

9.10. Many of the responses we received from parents and carers stated that their child would benefit from a named individual who is able to assist with finding post-16 opportunities for them and offer coaching about what they can expect from work and traineeships etc.

9.11. The Government should work with delivery partners to create an independent role capable of giving young people flexible post-16 support. A responsibility of this role could also be working with businesses and providers to find opportunities for young people with SEND in their local community.

What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these.

10.1. The Department for Education already measures a good volume of local and national data on EHC plans, which is publicly available. This includes:

- Data on the number of EHC plans and initial requests
- Rate of EHC plans falling outside of the local authorities 20-week timescale
- Number and percentage of EHC plans by establishment (mainstream, specialist)
- Mediation and tribunal figures
- Number of personal budgets used

10.2. This data should continue to be gathered and monitored. However, a measure needs to be introduced to assess the overall quality of EHC plans produced by local authorities. This could be done through inspection or moderation, but it would give local SEND Partnerships and the Department for an Education a level of quality assurance and could drive up standards across the country.

10.3. Any large-scale change introduced through the SEND Review should be monitored and evaluated as a matter of good policymaking. For example, if mandatory mediation is introduced, data should be collected at a local and national level to gather the views of families who have gone through the process, including their satisfaction and remedy. If parents and carers are provided with a ‘tailored list of schools’, there must be a mechanism for recording how the decision has been made to condense the list of schools that would ordinarily be available to them, and who was responsible for making that decision.

10.4. More work must be done to engage with children, parents, and families about the type of provision they want and need in their community. New local SEND partnerships must use this data to make informed decisions. It is suggested in

the Green Paper that this will be done through the creation of a SEND Local Inclusion Plan, which will underpin the Local Offer.

10.5. Based on the engagement we have done, potential useful measures to assess local performance are:

- What proportion of parents and carers are aware of the Local Offer?
- Does the Local Offer adequately map all the provision, services, and support available to children, parents and families in the community?
- How often is the SEND Local Inclusion plan reviewed and updated?
- Are children, parents and families involved in local processes?
- What is the level of recruitment and retention for key roles such as SENCo's, SEND Officers and speech and language therapists?
- How many opportunities exist in the community for young people with SEND post-16, including training, apprenticeships, and supported internships?
- How many children with SEND are excluded from their school?
- What proportion of children and young people with SEND suffer with poor mental health?
- Do delays exist in relation to EHC Plans, assessment, diagnosis, CAHMS?

10.6. Based on the engagement we have done, potential useful measures to assess national performance are:

- How much funding is allocated to delivery partners to support children with SEND?
- What is national retention and recruitment of key roles like?
- How many children with SEND are excluded from their school?
- What proportion of children and young people with SEND suffer with poor mental health?
- What are national outcomes like for children and young people with SEND?
- Do national delays exist in relation to EHC plans, assessment, diagnosis, CAHMS?
- What is best practice for transitioning young people from child to adult services?
- Additional funding and training should be given to local partners to reflect an increase in workload that comes with monitoring and disseminating this data.

How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

- 11.1. We have serious concerns about this proposal. The first is that the Green Paper lacks detail about how exactly value will be aligned to children and young people's needs.
- 11.2. Our therapy and specialist support team has highlighted that oftentimes by the time a child has reached them, they have encountered significant delays within the system. Lapse in time between mental health difficulties presenting and being treated has the impact of worsening mental health and increasing the risk of morbidity and mortality (McLaughlin, 2004, NCBI).
- 11.3. In some instances, only when working with a child over a long period of time has it become apparent that they have secondary needs which have not been identified by an EHC plan. When that happens, the child's needs must again be independently assessed, and their EHC Plan must be amended. Both processes are subject to further delay. When that situation occurs, parents and carers can find themselves waiting for help. Usually, they cannot access support unless their child reaches a crisis point.
- 11.4. Other times, children we have supported have not had their EHC plan reviewed or updated for a long period of time, and it no longer reflects all of their needs. This is consistent with what parents and carers told us in their responses to our survey. We asked whether their child's EHC plan reflects their current needs, and the majority (39%) said that their child's plan was 'somewhat accurate', while some (16%) said that it was 'outdated'.
- 11.5. In our experience, children with complex needs cannot accurately be put in single national funding bands, as needs change over periods of time and are by nature different from child to child. Within the system there is already a scarcity of specialist schools across the country, and this proposal could lead to loss of high-quality provision, as well as concentrations of specialist provision in certain areas (i.e., where it is cheap to build and operate).
- 11.6. Almost one in five (18%) of the parents and carers who responded to our survey wrote about the positive difference that specialist schools had made to their child's life, despite there being no specific question on them. Many of the comments we received were in response to our question 'is there anything else you would like to say on the Government's proposals?'. Respondents said:
 - 'I would make a specialist education more available and easier to access for all who need it, so they don't have to fight as hard'
 - 'My son struggled in mainstream setting. Staff did not have the knowledge and skills to provide the support he needed. He had several exclusions which were very disruptive and demoralising for him'

- 'Many children with SEN have such complex needs that they need highly specialised input that cannot be provided in a mainstream setting. I also consider that what is a successful outcome for our son at the end of his school life should not be compared with what is a successful outcome for a child without SEN'.
- 11.7. As discussed in point 4.9, Ofsted inspection should have a greater focus on the quality of SEN support available in schools.
 - 11.8. If this proposal is taken forward by the Department for Education, a further consultation process on the suitability of the national banding and tariff system selected (i.e., based on the NHS, alternative system) should be published.
 - 11.9. The Department for Education should offer guidance to families about their rights to redress in relation to the allocation of funding based on assessed needs.

What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

- 12.1. The factors which we think will enable success are:
 - 12.2. Ensure the workforce is trained and that talented staff are retained. We welcome the proposals about training SENCO's and the narrative in the text which suggests that local authority SEND Officers will also receive further training.
 - 12.3. Ensure that children's interests are at the heart of SEND reform. Government should complete a Children's Rights Impact Assessment and continue to actively seek the views of children and families on changes.
 - 12.4. Communicate changes to all stakeholders in a timely and clear way and ensure that delivery partners have the resources and funding to deliver on their responsibilities.
 - 12.5. Clarify the roles and expectations of stakeholders delivering SEND services (local authorities, schools, NHS), consider how funding is distributed amongst them.
- 12.6. The factors which we see as barriers are:
 - 12.7. The SEND Green Paper, while comprehensive, does not cover the circumstances of all children with SEND satisfactorily. There is an absence of detail about how children with physical disabilities could be better supported, as well as children in care and care leavers (despite reference to the independent review of children's social care), and children experiencing anxiety-based school avoidance.
 - 12.8. There are many proposals within the Green Paper that we would like to have seen more detail on before responding to this consultation, including national

standards and the tailored list of school's recommendation. These proposals should be the topic of further in-depth consultation.

- 12.9. It is not clear how new national standards, and other proposals within the SEND Green Paper will interact, replace, or complement existing legislation and policy. Unless this is clarified, the system will be confusing to families and delivery partners.
- 12.10. At the moment, not all schools are delivering good outcomes for children with SEND. Non-specialist schools should be incentivised to improve their SEN provision by making this a part of Ofsted inspection framework.

What support do local systems and delivery partners need to successfully transition and deliver the new national system?

- 13.1. Delivery partners need to know what is expected of them and what they can expect from others. Stakeholders from health, care and education must align on their responsibilities, and the system needs to be clearer about who is accountable for delivering services where there is a potential overlap, as is often the case with health and care (for example, where a child has complex needs). Who is funded to deliver what should be part of this conversation.
- 13.2. The Department for Education should invest in creating national resources for children, parents, and families about what support they can expect from different agencies involved in their life. For example, one website could be created to help people locate their Local Offer, nearest Family Hub, local SENDIASS etc. It could also act as a place to access their child's EHC Plan (if the proposal to make plans digital are realised).
- 13.3. The Government must be clear on the timeline for reform to the SEND system so that delivery partners can start preparing the people they support for change. A child's rights impact assessment (CRIA) should be conducted on the implementation plan.
- 13.4. Similarly, the Government should consult with local authorities, schools, and other delivery partners to ensure that they have the resources, staff and in-house knowledge they need to be able to adapt to the new system quickly.

Is there anything else you would like to say about the proposals in the green paper?

- 14.1. We welcome the decision to keep SEND Reform as part of Will Quince's portfolio while a new leader is in the process of being selected, given his high level of engagement with parents, carers, and families over the SEND Green Paper.
- 14.2. The Green Paper identifies many of the right problems, especially the sections on early years and roles and accountability.

- 14.3. There are several issues with the existing SEND system which we would have expected to be explored further within the Green Paper. These include:
- 14.4. Respite – there is a shortage of respite provision across the country. Professionals have told us that children are being put in long-term residential care because their parents are without support and do not have access to short breaks. We welcome the Government’s initial investment in respite, but more funds are urgently needed across the country.
- 14.5. Post-16 support - the Government must work cross-departmentally to improve the employment and training rate of people with SEND. Young people with SEND should have access to an independent advocate to help guide them with respect to post-16 opportunities, and supported internships should be extended to cover those without an EHC plan.
- 14.6. Transitions - planning for transitions between children and adult services should always take place far in advance and involve children and families in decision-making. The Department for Education should work closely with the Department for Health and Social Care to improve the transition process for young people with SEND.
- 14.7. Diagnosis – only 16% of under 18-year-olds currently receive a first appointment following an autism referral within the 13-week deadline recommended by NICE (MHSDS, 2021). Diagnosis is only mentioned twice in the Green Paper but was one of parents and carers primary concerns according to our survey.

We welcome the Government’s investment of £2.5 million in autism diagnosis as part of the NHS Long-Term Plan, but further funding is needed to combat delays. Some of the parents and carers we spoke to had waited for multiple years to receive a diagnosis and subsequent support.

- 14.8. Mental health (and school-based avoidance) – according to the Green Paper, the most common primary need in secondary school is Social, Emotional and Mental Health needs (22%). Not all mental health professionals have a good level of understanding about SEND, and clinical psychologists working in our organisation have told us that this is particularly true for SEHM needs.

Research should be conducted on diagnostic overshadowing, and training should be rolled out across health partners on the mental health needs of children with SEND. In school, a whole school approach to mental health should be embedded. We have more recommendations that relate specifically to mental health and would welcome the opportunity to share these with the Minister.

- 14.9. Physical disabilities – the Green Paper does not discuss how proposals will impact children who have a physical disability. Parents and carers have told us that they are unsure where their child fits in to this agenda. The Department for Education should clarify this immediately.

14.10. We would welcome the opportunity to share the full findings of our engagement with the relevant Minister or respond to committee hearings on SEND Reform.

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