

Special Educational Needs and Disabilities: the challenges and the opportunities

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(Some of) the challenges

- Principles of the 2014 Act – of co-production, integration, personalisation, extension of eligibility for SEND support to age 25 - are the right ones
- ADCS is actively engaged and working in partnership with DfE and DHSC to explore the challenges and potential solutions

Policy

- Mis-aligned incentives across partners – LA, schools & colleges, parents/carers, health services
- Structural constraints hamper LA ability to act as an effective strategic commissioner
- Fractured accountability in education system impacts upon LA ability to hold academy schools to account. The existence of INMSS
- Extension of eligibility for SEND support to age 25
- EHC plans (volume and quality)
- Precedence given to parental preference (in policy and at Tribunal)
- Home-to-school transport
- Workforce issues – reforms were not accompanied by a national drive to recruit support staff and train existing professionals e.g. teachers, heads
- Mixed success in agreeing successful outcomes and how to achieve them

Challenges (2)

Funding

- LA has responsibility for maintaining high needs expenditure within budget, but no levers with which to effect this
- Woefully inadequate quantum
- Cost of alternative provision currently charged to high needs block
- Lack of prioritisation in health impacts on capacity for meaningful joint commissioning (and therefore joint funding) of services
- Home-to-school transport for this group of children and young adults

Provision

- Education settings are not incentivised nor rewarded for inclusivity, therefore placements are becoming increasingly specialist (and therefore expensive, often out of area)
- Employment and training opportunities post-16 and post-19 have specific delivery challenges set against significantly raised expectations
- No more capacity in maintained special schools (driving increases in out of area placements)
- Insufficient health provision for: SLT, ASD assessments and diagnosis pathways

Challenges (3)

Inspection

- Insufficient levers on health partners
- What is the SEND inspection for? What happens next, beyond 2021?
- No agreed definition of what 'good' looks like
- Common themes from Written Statements of Action:
 - Poor local offer
 - Poor understanding of the impact of interventions
 - Poor relationships with parents
 - Education, health and care services not yet working in a joined-up manner around the child (weaknesses across all three services in the sharing of info) and a lack of joint commissioning
 - Weak diagnosis pathways for ASD
 - Developing meaningful post 16 and post 19 provisions. There's a lack of effective routes into employment (too few supported internships lead to employment)

Possible Opportunities

1. LAs are given powers of direction and regulation of admissions/exclusions over all schools in relation to excluded pupils and pupils with EHCPs
2. LAs are asked to provide information on every school and academy in relation to fair access/admissions, off-rolling, inclusive practice and SEND as part of the Ofsted inspection framework for schools
3. The links between eligibility for certain benefits (e.g. Universal Credit) and having an EHCP cease
4. The ESFA allow similar arrangements for schools and high needs funding that they allow for FE colleges
5. LAs enabled and funded to open special schools
6. The additional responsibilities towards SEND students to age 25 must be fully funded via the HNB

Other areas being considered:

- The role of Independent and Non Maintained Special Schools
- Requests for named provision and the SEN tribunal appeals process
- What is the best model for those aged over 19?
- Home to school transport