

## Education Committee

### Oral evidence: [Special educational needs and disabilities](#), HC 968

Tuesday, 12 February 2019

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Members present: Robert Halfon (Chair); Lucy Allan; Marion Fellows; James Frith; Emma Hardy; Trudy Harrison; Lucy Powell; Thelma Walker.

Questions 339 - 409

#### Witnesses

I: Richard Flinton, Chief Executive, North Yorkshire County Council, John Henderson, Chief Executive, Staffordshire County Council, and Steve Rumbelow, Chief Executive, Rochdale Borough Council.

II: Councillor Anntoinette Bramble, Chair, Children and Young People's Board, Local Government Association, Chris Harrison, Director, SEND4Change, Charlotte Ramsden, Chair, Health, Care and Additional Needs Policy Committee, Association of Directors of Children's Services, and Andrew Reece, British Association of Social Workers.

Written evidence from witnesses:

[North Yorkshire County Council](#)

[Staffordshire County Council](#)

[Local Government Association](#)

[Association of Directors of Children's Services](#)



## Examination of witnesses

Witnesses: Richard Flinton, John Henderson and Steve Rumbelow.

Q339 **Chair:** Good morning, everybody. Thank you very much for coming. For the benefit of the tape and those watching on the internet, could you kindly give your names and positions from our left to right?

**Steve Rumbelow:** I am Steve Rumbelow, Chief Executive of Rochdale Council and also relatively recently the Accountable Officer for the local CCG.

**Chair:** Sorry, could you speak loudly because the speakers are not brilliant here?

**Richard Flinton:** Richard Flinton, Chief Executive, North Yorkshire County Council.

**John Henderson:** I am John Henderson. I am the Chief Executive of Staffordshire County Council.

Q340 **Chair:** I want to make a short statement before the questioning begins. There are a few local authority chief executives who found themselves unavoidably engaged and unable to attend today's session. We are making plans for them to appear before the Committee in future and we are looking forward to hearing from them. We particularly welcome your willingness to come and speak to our Committee, so thank you.

In previous sessions of our Committee we have had, for example, local authorities and schools at odds regarding the appropriate division of labour when it comes to SEN-related responsibilities. For example, East Sussex Council said that schools' lack of effective intervention has shifted the responsibility to local authorities, which means there is not enough inclusive practice in schools. Cambridgeshire County Council said that pupils with SEND support often do not get their needs met compared to pupils with EHC plans. On the other hand, some heads of schools argue that local authorities have been passing their responsibilities—including, for example writing EHC plans—to schools and that schools are actually doing SEN very well. In a roundtable we had, heads said the focus on a graduated approach has seen a real focus on effective and personalised intervention.

To what extent do you think either schools or local authorities are passing the buck when it comes to meeting their responsibility? What is it that is driving them in each case?

**Steve Rumbelow:** I think we have to accept that the SEND policy reforms sit quite uncomfortably with the wider school arrangements.

**Chair:** Can you speak loudly? Sorry. Can we turn on the mic? Loudly, thank you.



## HOUSE OF COMMONS

**Steve Rumbelow:** The school system is around more autonomy within schools. Academisation drives that as well. The reality is that makes it more difficult for local authorities to meet various statutory responsibilities, including to the SEN population.

I do not think that is particularly something we find to be a major problem in Rochdale. We have a good relationship with schools. We have managed to have sensible conversations about funding pressures and to redirect some DSG into this area, so I think locally we are in a good place. However, generally speaking there has to be an acceptance that the way schools have been developed is not helpful in terms of dealing with some of these specialist areas.

**Richard Flinton:** I would say that both of the opinions you gave are probably right. What you have is an enormously stressed system where there is not the funding for either local authorities or schools to discharge their obligations in the way they would want to do. You probably have two very different stressed systems coming at the issue, and those types of views are the tensions that come out of that.

We certainly feel there is an enormous gain to be had if we can try to encourage schools to provide more SEN support than they do. We have a quarter of our schools in North Yorkshire in deficit so this is an enormous challenge for them. We therefore need to think about how we can reorganise our services so we can be more locally based and provide more local support to schools to discharge that role.

I hope we will get into the funding issues, but you are dealing here with a fundamentally stressed system for schools and local authorities, and the tensions are coming out from there.

**John Henderson:** This is probably one of the hardest areas a local authority has to deal with. You are dealing with people's children. Here in London, cold rational thought is used to produce an objective policy, but ultimately that policy is implemented in very subjective and emotive circumstances. However it is done, there is going to be a crossover from objective to subjective. We sit on that divide. I could give you poor examples of schools having off-rolled, but equally I could give you very good examples of where heads are engaging, wanting to keep children on their rolls and so on.

I do think there is a slightly larger issue around the Ofsted inspection criteria, which sometimes play against keeping children in mainstream. If you step back from it, certainly in Staffordshire, we see probably too many children in special schools, too many in private-funded education and not enough staying in mainstream.

Q341 **Chair:** What do you say to those who say, "How can you possibly find out unless we have a better steer on what schools are doing to intervene early and spend SEN support money well?" What would your response be to that, in terms of accountability?



## HOUSE OF COMMONS

**Steve Rumbelow:** It is about relationships. A lot of this is about relationships with schools. We have a good relationship with schools and we use that to good effect. We have had our second inspection in the last couple of months, towards mid-December, which demonstrated that relationships with schools really were starting to make a difference. It is about relationships. It is not about being able to demand; it is about working together to improve the situation.

The reality is that in primary schools exclusions have gone down dramatically. In secondary schools exclusions are still higher than we would like—it is still a work in progress. Again, that comes back to the fact that the whole system—particularly at secondary level, you might argue—is driven by attainment, performance and behaviour, and that mitigates against schools working to keep SEND pupils in school at any cost.

**Richard Flinton:** The nature of the school system we have at the moment means that accountability is fragmented. Whether that is to Government, to regional schools commissioners, to local authorities, through to MAT academy chains, there is fragmented accountability. To provide more accountability in one place, I would say accountability should be in the local authority. Even in a world of increased academisation, there should be a way of being able to articulate to the local authority how well it is doing for young people in making sure there is inclusive practice, and also looking after the needs of those children with SEND as well.

**John Henderson:** We have a very active and close relationship with our schools forum and that has been very positive. Recently, it did vote against taking 0.5% of the DSG to pay for SEN, but the feedback to us was that it wanted to send a message to the Secretary of State to say, “We want you to make this decision. We feel if we just roll over on it, it would be seen that it was easy.” They wanted the difficult decision to be elevated to the appropriate level.

My reflection is that my challenge is probably as much about health and care and getting those partners engaged as it is about schools. In our recent inspection, that certainly is the area that came out—we need to do more with our health partners.

Q342 **Chair:** If I could quote the Ofsted framework, it says, “Inspectors should talk to leaders about the quality of teaching, behaviour and the design and delivery of the curriculum to examine why there may be underperformance for some pupils. Where there is an identifiable shortfall in progress or attainment of disadvantaged children or in wider evidence, inspectors should consider...identified needs of the child, e.g. SEND, and how these are met”. This is far from comprehensive, as I am sure you would agree. One witness, Justin Cooke, said, “There is no audit of the SEN notional budget...or tracking of how schools spend SEN support.”

Given the collective volume of funds allocated to SEN support, are these



## HOUSE OF COMMONS

requirements sufficient on their own to ensure schools are spending SEN funding efficiently and effectively? Is there a case for more involvement by Ofsted in scrutinising how schools spend the money and how it is allocated to children with special educational needs?

**Richard Flinton:** Shall I start? I think there is a greater role—in the way you describe, Chair—for Ofsted in that, to be more comprehensive and thorough in the way you indicate is not there at the moment.

The other issue to note, in terms of having some sympathy with the position of schools in this, is the sheer issue of the notional £6,000 per SEN pupil. If you talk to schools, while they understand the concept they do not recognise that in their budgets. If a child is placed in a school part-year, the money does not immediately follow that child. Therefore, at the same time as holding the school to account for the outcome for the child who is placed there, which the school has responsibility for, we do need to fundamentally get to grips with how we are going to fund what happens in a school. We believe there is so much more that could be done in the school setting that the funding arrangements do not encourage to take place at the moment.

**John Henderson:** I understand the criteria are currently being looked at with regard to what Ofsted will look at when inspecting schools. My suggestion, for what it is worth, would be to put rather more emphasis on inclusion. If you had a triangle with “attainment”, “progress” and “inclusion”, the inspection sits quite hard down towards attainment. It might make sense to move it more toward the middle of the triangle where you are looking at inclusion and progress as well as attainment in equal measure.

**Steve Rumbelow:** I do not think we should be building the role of Ofsted. What we should be doing is creating the right system. That should be about local authorities being able to do that monitoring and have the right to do that monitoring, rather than having Ofsted coming in to do that, and Ofsted then check the system.

Q343 **Chair:** On a different issue, individuals with learning disabilities have the lowest employment rate in the country at 5.8%, despite 65% of these individuals wanting to work. We know there are different types of internships with different levels of success and there is Project SEARCH, which we have brought up before in the Committee.

What is your view of whether or not schools have a sufficiently strong understanding of the supported internships that work well to enable people to navigate their way through the marketplace?

**John Henderson:** I would say probably not.

Q344 **Chair:** How proactive are schools and colleges in urging people with learning disabilities to do supported internships?



## HOUSE OF COMMONS

**John Henderson:** Colleges are probably better. In Staffordshire, we have about 1,000 children on EHCPs in colleges, which is just slightly less than in mainstream schools.

I would suggest, on a societal point, that there is a slightly larger issue. It is good for children with special educational needs to be in mainstream schools, but it is also good for mainstream children to be in school with children who have special educational needs so when they become colleagues and employers they understand. That is rather like what GCHQ has done, which actively recruits people on the autistic spectrum.

**Chair:** Anyone else?

**Steve Rumbelow:** Clearly not enough is done but schools are struggling at the moment to deal with the needs of that pupil in the school setting and to make that work. That is what I think they are focusing on.

Q345 **Chair:** What are the obstacles facing schools in being proactive, and do they convert knowledge into best practice?

**Steve Rumbelow:** I think they are improving. Certainly in the Rochdale context, some of the really positive things about the reforms are that we are seeing better educational outcomes for SEND pupils. For the first time we are seeing SEND pupils get access to university places. In the last two years we have had four or five who have achieved that; we never had any before. Therefore things are improving, and certainly the reforms have helped to achieve that.

Q346 **James Frith:** I want to affirm the view John has stated and explore it briefly. I do not think enough is made of what is a very strong argument for those children in mainstream school having experience, friendships and emotional ties, and in later life expecting the same at work and employment.

I met with Inclusive Education recently. Their concern is that there is quite an aggressive two-tiered system emerging. Do you want to expand a bit more on your fears around that, or on how we encourage the system to be more inclusive as a mainstream pattern?

**John Henderson:** I talked about that objective/subjective divide. Sometimes parents, for all the right reasons, will want their children to go into special provision because they believe that is where they will get the best outcomes. Very often, you will find the professionals saying, "No, you have to stay in mainstream." We have just commissioned—I cannot give you the results from it because we do not actually have any results to report—effectively a counselling service that will work with families through the best options, so they do not automatically end up in an EHCP with their child and then into some form of special provision. The aim is to try to expand that. We currently have about 2,000 Staffordshire children in special schools. There are 23 schools. They are all "good" or "outstanding", which is great. However, the outcomes are not good enough. We only have 1,200 in mainstream. We then have another



## HOUSE OF COMMONS

11,700 with SEN needs in the county. Part of it is about getting more into mainstream and making it more normal.

**James Frith:** There is the idea we should be concentrating on a system that cannot support specialist requirement within mainstream. I really struggle with this idea that you need to move out of mainstream to access specialism. Specialism should be part of our mainstream offer for all children; whether that is specialist education need or something else, such as concentrating on interests, if you want to go to a wider point.

Q347 **Thelma Walker:** Do you think this is part of a training need for professionals in mainstream school; that there should be more investment in appropriate training, perhaps in understanding neurodiversity; and that wider understanding would lead to earlier identification and intervention?

**Richard Flinton:** I was going to come on to the very same point. I think that is absolutely the crux of it. The issue is, how do you give the school, the teachers and the parents the confidence that that school can do very well for that particular child? Training plays an enormous part in that. It is about increased training for teachers around inclusion and SEND. A larger requirement that would probably be helpful—I know Steve is not putting forward Ofsted—is for Ofsted to take a view of the overall training regime for the school, making sure that it keeps itself up to date in this area. I think that is a crucial part of it.

**Thelma Walker:** The employment of teachers or support staff that are neurodiverse is an idea.

**Richard Flinton:** Yes.

**Steve Rumbelow:** I agree entirely with that. Training is a massive issue, especially if you want to keep more complex needs in mainstream. We need to increase the number of students who can stay in mainstream and we also need to make sure that when specialist support is needed in a specialist setting, we have enough capacity in those specialist settings. We do not have either at the moment.

Q348 **Chair:** Briefly, before I pass on to Marion, do you involve yourselves with organisations like Project SEARCH? It has a 65% employment rate in terms of people with learning difficulties. Are your councils involved in supporting similar types of organisations to make sure these pupils have a good chance of employment?

**Steve Rumbelow:** I honestly do not know if we use that organisation or similar ones.

**Richard Flinton:** We may well do. However, I do not think we have a line of sight on that at chief executive level.

**John Henderson:** I am not aware but I certainly can find out and come back to you.



## HOUSE OF COMMONS

**Chair:** If you could write to the Committee, I would be very interested to know what programmes your councils may be supporting.

**John Henderson:** Yes, we can come back to you.

Q349 **Marion Fellows:** Good morning. In your opinion is the assessment threshold for an education, health and care plan too low? If you think it is, do you think it would require a legislative solution?

**John Henderson:** That is a really good question. My own view is whatever level you set it at, people are going to see that as a boundary. If you raise it then that would answer one set of questions but would probably create another set of problems. Ultimately the policy is a really good one. The education, health and care plan is exactly what you would want for your own child. However, the implementation of it is always going to be hard. Therefore I wonder whether moving the threshold would help. It might help in terms of directing more into mainstream, but I suspect it might just move the problem rather than solve it.

**Steve Rumbelow:** One thing that has not worked as part of the reforms is the graduation process. Parents' expectations rose significantly and parents therefore see getting assessment for a plan as quickly as possible as doing the best for their child. At one level, who would not do that as a parent, but it is has clearly created some of the problems.

On whether the threshold should be changed, I am not sure it should. I think the issue is whether we are going to fund these needs in the way they need to be funded.

**Richard Flinton:** I would agree with that, as we have all become more and more aware of this given the budget pressure on our councils. You then look at the code of practice and you would not argue against what the code of practice is trying to do for young people. The issue is how we make sure we hold as much need as we can do in mainstream schools; we provide confidence to teachers, to schools and to parents that their children will be well catered for; and that, where we need to escalate to provide specialist provision, we do that in concert. From a council and health point of view, at the moment we probably do not do that well enough in terms of meeting the need together, in concert. That is in a properly-funded system, of course.

Q350 **Thelma Walker:** Can I go back to the graduated approach and the fact we have lost some of that? The system I was aware of and used to work within was that within the school, there would be a cause-for-concern stage, school action, and then school action plus when outside agencies were involved. Do you think we have lost those initial stages of cause for concern and school action, and it is straight to the education, health and care plan?

**Steve Rumbelow:** That is effectively what has happened, which does mean schools are not as focused on children with lower needs.





**Thelma Walker:** It is more the early intervention as well, spotting where it is not right.

**Steve Rumbelow:** Absolutely, I agree with that.

Q351 **Lucy Powell:** I think I need to declare that I employ two councillors, one of whom is actually the Executive Member for Children's Services, which I learnt yesterday.

Following on from Thelma's question before I come back to the point about accountability, do you think one of the reasons why so many parents see EHC plans as the only way they are going to get support for their children is because at the SEN support level, children are effectively being ignored or failed and there is not sufficient support? Do you agree with that or not, in your experience? Steve is nodding and John is shaking his head.

**Steve Rumbelow:** That is an issue of concern and we need to focus on making sure those lower needs are getting dealt with and met because that is the way to make the graduation process work. However, I think there is something fundamental in that parents have decided the best thing to do for their child is to get them the full assessment. I think that is the way parents think.

**John Henderson:** It is absolutely the right question to ask. It is glib to say "the modern world" but now, of course, you go on the internet and can be flooded with information. There will be everyone telling you, "You can do this and this is your right," and you go straight through to this EHCP. Our role is to try to be that honest arbiter who says, "Is that really the right thing? If your child is going to live an independent and fulfilling life, is the right answer a residential private-provision home?" That is despite the fact—I am being slightly emotive by saying it—there is some quite aggressive marketing out there for these provisions in terms of, "Come to us." There is one happening soon in Staffordshire with a place that has taken the front page of the local directory to say, "Come to a seminar." It is not about the child, it is not about the condition; it is a legal advice seminar. The legal advice is how you get to the point where the council pays for your child to go there.

Q352 **Lucy Powell:** I suppose EHC plans do not always mean that, do they?

**John Henderson:** No absolutely.

**Lucy Powell:** Most of the time it can just mean the extra funding and support in a classroom that a parent might think they want.

**John Henderson:** It is building that expectation. Knowledge is instantly available now for people to do that, as opposed to previous decades when people would have gone to an SEN expert and formed their opinions in that way. Often, by the time they come to the assessment, they have already formed their opinion.

Q353 **Lucy Powell:** What we have heard a lot of in this inquiry so far is the



## HOUSE OF COMMONS

perspective of parents and those who support parents, charities and so on. They would say quite the opposite: they feel there is this inherent battle because you guys are essentially those who are determining the needs of that child, but are also the budget holders and never the twain shall meet.

What specifically do you think we could do to break that down—you talked about a counselling service—where you feel you know better for that child than a parent who is locked into this awful and ongoing fight, which is how most parents would characterise it?

**Richard Flinton:** Firstly, I would say that for many, many parents there is not a fight; there is an amicable arrangement of what the best solution is. However, for a number there is the tussle you describe in your question. To put a bit of perspective on that, there is a lot that happens right.

At the heart of it—we can sound like broken records here—there is a funding problem here. You have mentioned local authorities as the fund holders. In North Yorkshire, we are facing a £9 million deficit in our SEND travel budget this year. We have an obligation to look after the public purse. We have some very good provision in our own maintained schools that we genuinely believe can meet the needs of many of the young people who come before us. In the face of quite hard selling of alternative provision, there are issues and arguments that take place around that.

Q354 **Lucy Powell:** How do you think we can overcome that? What tools would help you, from your perspective?

**Steve Rumbelow:** We have had a lot of success with the co-production of plans. I agree with Richard—in lots of cases that is really beneficial because it is driving a better outcome that is not necessarily the most expensive outcome. The reality is the system does mean for local authorities that when it comes to parental choice, parental choice is usually the winner and that is something that can become a problem.

**John Henderson:** I would expand on Mr Frith's point. For mainstream children, we regard school as a means to an end, as in, "What are you going to do after school?" For some reason we sometimes get stuck in a discussion about school and not thinking beyond it. If we can somehow create that narrative and discussion around the fact of, "How much of an independent life will your child live in adulthood? What profession will they follow?" and so on, it might allow us to track our way through the school piece in order to create the conditions whereby these young adults can live independent and fulfilling lives.

Q355 **Lucy Powell:** Slightly related to that—I do not think anybody else is going to ask about this—I wanted to drill down, if I may, on this accountability point. Certainly, something that we have again come across in this Committee is that when it comes to exclusions or SEND children, really there is no one who has the power and responsibility to ensure that children in an area are getting the education they need. What



## HOUSE OF COMMONS

powers and areas of responsibility would you like to have in order to be able to ensure that children in your locality get the tailored education they need, and to ensure they get it even if a school or a parent says no, for example?

**Steve Rumbelow:** Fundamentally, there needs to be a duty on the schools to work with the local authority that has the statutory responsibility. Even in a setting like Rochdale, where we are integrating health and social care, we still have some difficulties getting health to play into the plan process in the way they should. There are lots of things that need to be done in that respect but fundamentally there needs to be a duty to provide education in a normal setting—a secondary or primary school setting—and the local authority needs powers to make sure that happens. We do not have those powers.

**Lucy Powell:** Powers to place children?

**Steve Rumbelow:** Yes.

**Richard Flinton:** If I could add to that, picking up on your point, the ability for a local authority to direct a placement into an academy, as opposed to the RSC doing that, would also add to the duty that Steve describes. We have many good academies in North Yorkshire that are very inclusive, but we have some that are more difficult in the wider system where that type of power would be extremely helpful

Q356 **Lucy Powell:** Do you find it becomes a bit of a self-fulfilling thing? I know in my own patch that the schools that are more inclusive tend to get more of the children. Schools that are more unashamedly academic or whatever tend to not have those children.

**Steve Rumbelow:** Absolutely, I agree with that. There is also a wider pressure: if schools are very full, it is a lot easier to not take an SEN student

Q357 **Trudy Harrison:** Do you feel you are currently able to discharge all of your duties towards children with special educational needs and disabilities?

**Steve Rumbelow:** We are doing okay by having good relationships with the wider system, with schools and health partners in particular.

Q358 **Trudy Harrison:** What are you not able to do then? “Okay” does not sound quite good enough.

**Steve Rumbelow:** It is too reliant on relationships. We are not heavily academised in Rochdale, which creates a different dialogue. If we were heavily academised—I am not naïve; I know the conversation would be much more difficult. That is why it should not rely on me having a good relationship with the school system and with health colleagues; there has to be something that gives me an opportunity to demand that they step up and do what they should do.



Q359 **Trudy Harrison:** I will ask both of the other witnesses as well. However, you have referred quite a few times now to the differences between your local authority schools and academies. Can you be a little bit more specific about the challenges you have specifically with academies, if that is where the difficulty lies?

**Steve Rumbelow:** I am not suggesting it lies solely with academies. The school system generally is about more autonomy and separation from the local authority in that respect; academies are just a more extreme version of that within the wider system. I think it is the whole system. The whole system is designed to improve the attainment of mainstream students and is therefore less likely to focus on the needs of students who have different needs.

**Richard Flinton:** I agree with all of what Steve said there. The additional point I would make is that we are doing okay. You are right to challenge the phrase "okay". I think even the "okay" comes at tremendous cost in terms of the rest of council services. This is something of a steamroller that is an obligation we have to meet that is crushing other services under its wake in terms of overspends that we have in councils.

We put people under enormous pressure because of the lack of money in terms of the jobs they have to do. We have 12 assessors in North Yorkshire dealing with 650 requirements for new plans every year as well as the ongoing plans they have to look after. People are working under enormous strain in the sector. The same probably goes for schools. The pressure on attainment as opposed to inclusivity is something that reflects itself in what we see in terms of excluded young people. There is also sometimes an overly macho no-tolerance approach in some schools and there are schools that get into difficulties in trying to recover from a difficult Ofsted position. It is almost an easy leadership behaviour that you see in some places when you see more compelling rounded leadership that is lifting the whole school without the need to go into that type of situation.

Q360 **Trudy Harrison:** The question is specifically: are you able to discharge your duties regarding special educational needs and disabilities?

**John Henderson:** I think we are but I do not think the outcomes are good enough. I am not satisfied with the outcomes. This is probably the hardest part of what we do. I would probably put this harder than dealing with the frail elderly and probably as hard, and in places harder, than dealing with looked-after children and the rest of children's services. As a result we find it very hard to recruit and retain good quality people in this area.

Again, I keep talking about this objective/subjective boundary. These are the people who are operating over that boundary and it is really hard for them. I do think we need to concentrate on the outcomes. I am certainly not in any way complacent about it; it is probably the toughest thing we do.



Q361 **Trudy Harrison:** You are just about managing but it is not sustainable. Is that essentially what you are saying?

**John Henderson:** We need to take a step back from it, which is exactly what you are doing in the Committee, and ask ourselves, "Is this working? Does it need to be adjusted or changed in any way?"

**Steve Rumbelow:** I think we would all say that the principles behind the reforms are welcome. Putting the child and the parent at the centre of this is to be welcomed. The co-production part of it is to be welcomed. However, all that comes with a cost. The cost of implementing the system was not fully thought through and it added a burden—there is no question about that. We are all getting increasing higher needs and that is another cost. We have a financial ticking time bomb in this area, and that is set in the context of the wider financial pressures on local authorities.

Q362 **James Frith:** Thank you, Chair. May I refer Members to my entry on the register of interests?

Steve, you just touched on what I was going to ask about, so we will begin there and pick that back up. I think it is fair to say that the 2014 reforms raised the bar on expectations. Would you agree that the consequences of those expectations have not been tended to with the reform and the support for that reform going far enough?

**Steve Rumbelow:** For some of the changes on implementation the deadlines were tight. We managed to get everyone where they needed to be, 100%, but that had a consequence on our ability to meet the targets around first-time assessments. We were up at 90% in terms of meeting our targets on first-time assessments. The result of the implementation process was that we went down to 60% and have not really recovered from that, which has created a pressure in terms of implementation.

More to the point, going forward it is a better system that takes more cost. The workforce implications were enormous. We had people who were essentially writing plans, writing statements. The skill set to do this right is entirely different because effectively you are developing keyworker skills to work alongside parents to develop a plan for the child. It is a different world, a much better world and a much more expensive world. As I say, you have the direct cost pressures as a result of that, which are set in the context of those wider financial issues.

In Rochdale's case, our core spending has reduced by over £60 million since 2010-11. If you look at how that is structured between core grant from Government and locally-raised funding, it has completely switched. Some of that is also ring-fenced, of course, because of some of the precepting around social care.

**Chair:** Just because of time, can we be as concise as possible?

Q363 **James Frith:** John, I felt you made quite a statement there that this is



the hardest—

**John Henderson:** I think it is.

**James Frith:** Or the biggest challenge, even when compared to the elderly and frail. That is a really interesting point. It strikes me that this is quite a new failure or a new struggle for a lot of local authorities that have been caught a little. We have heard about EHCPs not being up to scratch. We have heard local authorities reflecting on the journeys they have been on, having been damned or criticised explicitly. It is a new space for local authorities, it is new learning. How can we rapidly improve that experience and the learning in the sector?

**John Henderson:** We need to work hard on the capability and capacity within this, and we are. However, it is not easy because it is a new set of capabilities and that is exactly the point—it is not the same as the previous set of capabilities. We are really working hard, but again it is not easy, to get the health partners in and to make sure it is rounded.

There is that fundamental thing about outcomes. We need to somehow have that conversation. If you take the outcomes of looked-after children, I do not think anyone—parents, carers, politicians or officers—would disagree with what we want. We want them to join society as functioning adults with a fulfilling life. It is the same with the frail elderly. I do not think anyone would disagree about the outcomes we seek for them: we want them to live happy and healthy lives in their own homes. However, I do not think we have that for this.

Q364 **James Frith:** It strikes me that bureaucracies and local institutions respond quite well to labelled groups that they understand and the provision follows. Do we need a better description of what SEND cohorts require and to label that better so that the support follows that? It strikes me the EHCP focus is in part because it is a 'grabable' and understandable concept. The parents who are struggling through understanding their own dealings with their children and the situation they are in are pointed to something that is understandable at a time when in mainstream, they are not getting the formal recognition and support that is needed. Is that a fair assessment?

**John Henderson:** It probably is. I would recognise that in some of the areas we are dealing with. Again, it comes back to that wealth of information that everyone can access. The definitions around frail elderly and looked-after children are not narrow but quite well understood. I do not think there is the same level of understanding in this area.

Q365 **James Frith:** I think you have all made really strong contributions. Lucy was talking about the soft power, the emotional intelligence required within leadership. The parents who come to see me are at their wits' end because, frankly, they have been failed by aspects of leadership at different levels—school leadership and elsewhere. How people are handled and whether leadership is good enough does not require budget a lot of the time. What do you do to mitigate all of the money that has



gone? Bury has lost £90 million in the same period of time. How do you mitigate that with a focus on leadership and how people are handled?

**Richard Flinton:** The first thing we should always say is that there is not enough money. You are right to note the money has gone, so we always say that. In terms of what you were saying with John before, I celebrate a lot of what local Government is doing in this space. It is not poor practice; it is practice under enormous strain that is taking place here.

You are right to signal leadership. Your question was, how do you improve leadership in a local area? Part of that is recruitment. Part of that comes from the ethos that as a council and as a collective group of schools you provide, "This is how we do business here in this place. This is the common expectation of what we should be doing." It also comes from all of the controls in the system around the governance of a school and your ongoing interaction with a school.

We had a school in North Yorkshire in the Catterick area, with the massive Catterick garrison, where there were all sorts of social issues. Three years ago, there was a high level of exclusion in that area. Last year, there has been none. The difference is a new head, a new approach to inclusion in the whole area, embracing the work of the PRS to work upstream of what is happening and not waiting to catch the kids as they fall out into areas. Then we have other parts of North Yorkshire where in one year, in a one and a half kilometre area, there was one exclusion a day.

**Chair:** We need to finish just before 11, so I am going to pass over to Thelma and then Emma.

Q366 **Thelma Walker:** Do you think local authorities are doing enough to avoid tribunals? Are they not just a complete waste of time and money? I am thinking about LAs spending over £100 million on appeal defence. What are your thoughts?

**Steve Rumbelow:** We do everything we can to avoid tribunals by working with parents so it does not get there. Then, quite frankly, we often roll over on the basis we are likely to not win the tribunal—the success rate is very low. That means usually accepting we have to pay more for placements and that kind of thing. Our average in the last couple of years is three a year, so we try to avoid them.

Q367 **Thelma Walker:** We are talking about monetary cost but if you think about the cost to that child or family of that time lapse, waiting for the outcome of that tribunal and then it does not happen, there are costs on everyone.

**Steve Rumbelow:** Yes, there are costs on the family as well. The tribunal system is again something within the reforms that has not really worked in the way that I think was envisaged. The idea was to be less adversarial, more transparent and simpler. I am not sure that has worked. It is more expensive than it was before. The involvement of



## HOUSE OF COMMONS

barristers has not helped with that, I have to say. We definitely try to avoid them, but there are some times when it is probably the right thing to do.

**Richard Flinton:** Most people are reasonable but sometimes, for whatever reason, somebody will be hang up on a position and you just cannot negotiate your way out of it. You then have to have some place that will arbitrate and rule on what are the right circumstances.

Q368 **Thelma Walker:** We are not just talking a few people here, are we? If we think about the costs, that is so many appeals. An awful lot of people are moving for a tribunal. It is not one or two, is it?

**Richard Flinton:** In North Yorkshire last year, we had 80 cases that started the route for a tribunal. At the end of the day there were 10 that ended up in a tribunal and the others were discharged at points before then; after further discussion and further understanding of both sides a point of agreement was arrived at.

Whether I should say this, I am not sure. We currently have a case with a family pushing to be relocated from North Yorkshire to Kent because they believe better provision will reside in Kent for their child. It is an unreasonable position to take and we need to work that through with the family. If we cannot work that through, there will be a point at which somebody needs to arbitrate about what is happening there.

**John Henderson:** It is a very fair point. What we are trying to do is avoid them, rather like my colleagues here. The aim of this counselling service is to get people away from these entrenched positions, or not to get there in the first place. By the time you get to something like a tribunal you have pretty much decided what the outcome is, you are probably well dug into your trenches and are adopting a defensive position.

Q369 **Thelma Walker:** Going back to my earlier point about the graduated approach, do you think that is resulting in this impasse sometimes?

**John Henderson:** Yes.

**Richard Flinton:** That seems fair, yes.

Q370 **Thelma Walker:** It is all linked to the early cause for concern and moving through the process. Because that has been cut, we go straight to the tribunal. This spend on tribunals is surely impacting on the high-needs budget generally, so it is having repercussions across the funding.

**John Henderson:** It does.

Q371 **Emma Hardy:** We have had really, really interesting contributions this morning. Not that I was going to talk about this point, but I was particularly struck by your question about how a local authority can place children when the schools have a right to refuse them. I know from my local authority that has been an issue. However, it is not what I was





going to ask you about—I was just struck by that.

Baroness Warnock told the Committee that local authorities were once seen as allies. I get the feeling they are not. The evidence we have had from parents now is that local authorities are viewed, rightly or wrongly, as a block to getting their children's needs met. What do you think needs to happen to return to the idea that local authorities are there to support every child, rather than that local authorities are there to be defeated—to be beaten in a tribunal? What needs to change?

**Steve Rumbelow:** From Rochdale's perspective, we had an inspection in 2016 and we have just had one recently, and it describes a different service. Most of it is about the relationship with parents. Most of it is about co-production in terms of policies, and also about collaborating and sitting down with parents in terms of developing plans, which is fundamental. However, that is a big challenge for many authorities. As I said earlier, it is a different kind of workforce that you need. The other thing is that the caseloads you need to be able to do that properly are much smaller. We have average caseloads of 400. That is not the territory where you can do that as well as it could or should be done.

**Richard Flinton:** I agree with Steve's point. How early can you have the right type of discussions with families in a non-contested, non-arguing stage? The venue for this is the school setting when the issues are starting to be raised about whether the support level the school can provide is sufficient enough. How can we make sure that the school is confident enough in those conversations and that the local authority comes in at the right stage before it becomes confrontational and is then difficult to recover from? I would say it is moving things into that school setting for the conversations, before we get adversarial.

**John Henderson:** I agree entirely, particularly in respect of the mainstream schools. If you can have those conversations in the mainstream schools and the solution sits in the mainstream school, the chances are you are going to have a better outcome in terms of the child remaining there, because that is where the solution will lie as opposed to it becoming more adversarial.

Q372 **Emma Hardy:** One of the other things we have heard—apologies if my colleagues were going to mention this—is, should we be separating the people who write the plans from the people who provide the funding for the plans? Would that help the local authority to have a better relationship? Should the local authority be responsible for creating the plans if they have to make the decision on how much funding they are going to get? You would assume you are always going to be in an area of conflict.

**Chair:** Can we have short answers to that question because of time?

**John Henderson:** I would disagree. Certainly from my past in the military where you align responsibility, accountability and authority you tend to have organisations that work. If you misalign that and make



someone responsible for one part, accountability somewhere else and authority somewhere else, you end up with an organisation that will not work.

**Q373 Emma Hardy:** Do you not think there is a disincentive to create a plan to meet each child's need if you know it is going to be more expensive? There might be a conflict of interest there. For example, if you know a child requires a speech therapist every week but know you only have funding to provide that every three weeks, would there not be a conflict in what you put on that plan?

**John Henderson:** We manage it very well in children's services and in adult services, I would suggest. Looking at it in its totality, while it sounds an attractive idea, I think overspends would just run away with themselves at that point.

**Steve Rumbelow:** Local authorities have been in that space historically. Local authorities have that experience of commissioning services and being responsible for the budget—it is what they have done. You might want to compare it to the health sector where there is that separation. I do not believe it gets done any better and I also believe costs are less controlled.

**Q374 Lucy Allan:** There are some real challenges in providing post-19 support. I would like to ask you what you think the solution is and what your local authorities need. John, can I start with you?

**John Henderson:** For me that comes back to the outcomes, looking beyond the school education and into the working life. You can look at some amazing organisations, like GCHQ, which are active in recruiting neurodiverse people. I am Vice Chair of Staffordshire University and our computer gaming course, which is one of the country's leading ones, has a very high proportion of people, mostly young men, who are on the autistic spectrum. It is creating that outcome that is attractive beyond the school.

**Q375 Lucy Allan:** Do you have what you need as a local authority to do that?

**John Henderson:** I think we do, but we could do better.

**Richard Flinton:** If you will forgive me talking from a rural council point of view, I think there is a lack of opportunities in a rural area like North Yorkshire to provide the range of opportunities that people would want to consider. Therefore, to find a way to encourage greater innovation in places like North Yorkshire, where we can try to sustain provision in other ways, has to be a way forward. We have tried to do that but I think we probably need more funding incentives to try to work with post-16 providers and others for a broader range of provision than currently exists in rural areas.

**Q376 Lucy Allan:** Does the EHCP still continue for post-19 in your authority?

**Richard Flinton:** It does, absolutely.



Q377 **Lucy Allan:** The expectation is that is what will happen?

**Richard Flinton:** That is what will happen until young people achieve the targets that are laid down in those plans.

**Steve Rumbelow:** I agree with colleagues. I think one of the success areas of the reforms is better outcomes for that age group. It is challenging. We have made progress but there is still a long way to go. The reforms overall have changed and improved the offer, but there is still quite a long way to go and there is still a lot more we could be doing with that older age group.

Q378 **Lucy Allan:** In terms of specifics, what would your local authority need to perform better in that area?

**Steve Rumbelow:** We are now starting to get the systems in place. The issue is that the costs of dealing with those issues for that older age group are quite significant, the costs across all the system.

**Chair:** Thank you. Thank you very much indeed. I am sorry we had to rush slightly, but we have another session. It is really appreciated and very helpful evidence for our inquiry. I wish you all well.

## Examination of witnesses

Witnesses: Councillor Anntoinette Bramble, Chris Harrison, Charlotte Ramsden and Andrew Reece.

Q379 **Chair:** Good morning, thank you very much for coming. We are going to finish just after 11.30 so we will have a brisk session. We very much appreciate you coming today.

For the benefit of those listening outside and the tape, please very briefly introduce yourselves from our left to right.

**Chris Harrison:** Chris Harrison, SEND4Change.

**Charlotte Ramsden:** Charlotte Ramsden, Director of Children's Services in Salford, here on behalf of the Association of Directors of Children's Services.

**Councillor Bramble:** Councillor Anntoinette Bramble, Deputy Mayor of Hackney and Chair of the LGA Children and Young People Board.

**Chair:** Good to see you again.

**Councillor Bramble:** Thank you.

**Andrew Reece:** Andrew Reece, I am a social worker. I am here to represent the British Association of Social Workers.

Q380 **Lucy Allan:** Good morning. I would like to ask the panel whether the assessment threshold for the EHCP is too low, whether it should be



moved and reasons why you think that. Andrew, can I start with you?

**Andrew Reece:** I would concur with the previous answer. I do not think moving it would make a significant amount of difference. However, my expertise is in the area of adult social work and working with young people over 18, so it is not something I have much to say on.

**Lucy Allan:** Anntoinette, should it be moved? Is the assessment threshold too low?

**Councillor Bramble:** I agree, I do not think it is about moving the assessment threshold. It is about ensuring that the framework that is in place is making the right assessments at the right time and getting to children and families quickly enough. That is more what we need to be looking at.

Q381 **Lucy Allan:** That is not happening in your view at the moment?

**Councillor Bramble:** I would say in some areas it is working better than others but I think that is the key. It is not about the threshold per se.

**Lucy Allan:** Charlotte, what would you say to that?

**Charlotte Ramsden:** I would say the same. Obviously it is really important that before you need an EHCP you have put in everything possible around the support framework, and that you only move to an EHCP when that is right for that child. That does not mean the current threshold is too low. We have worked hard to try to make it right.

**Lucy Allan:** You think it is at the right level?

**Charlotte Ramsden:** Yes.

**Chris Harrison:** I think it is more about what suits beneath the EHCP than the EHCP itself. From my experience when we visit schools, I am looking for SEN support plans. I am very clear on what an EHC plan looks like but I am not that clear, from visiting hundreds of schools, what the common understanding of an SEN support plan is.

**Chair:** Can I ask you all to speak louder, thank you?

**Chris Harrison:** The fundamental problem is there is not consistent application of understanding of SEN support. We go into schools and ask to see an SEN support plan and will see provision plans, provision maps and assessments but nothing that has "SEN support" written on the top of it. I think what parents want is a plan. If they saw a plan that had some rigour and some common features to it they would be less inclined to ask for an EHC plan.

**Lucy Allan:** Absolutely; that was the point behind the question—parents' expectations are not being met and therefore was the threshold too low. Your point is very well made. Thank you.

Q382 **Chair:** That goes back to the accountability question I was asking in the earlier session—whether Ofsted should have more of a role in whether



## HOUSE OF COMMONS

schools are spending SEN money in the way they should. Do you agree?

**Chris Harrison:** Again there is a lack of clarity. Even the phrase that is used to describe the money that is available to a school, “notional funding”, is a vague phrase and is open to interpretation. That is probably the most unhelpful thing in terms of the phraseology that is being used. If there was greater clarity about the use of funding that is available to schools then we might get greater accountability for how they spend that money.

Q383 **James Frith:** Good morning. I know Chris, I should declare. What are local authorities doing to ensure children on SEN support are not being failed? Chris, you already started speaking to that and that got quite a bit of coverage in the last session as well. Is there an example that is understandable for children to be lifted from one school into another that is a good model or good practice?

It strikes me that with the fragmentation of the school sector we have huge disparity of experiences. One of the chief executives talked about almost entirely relying on relationships alone as opposed to structure. What can we do to ensure a better structure and standard across the piece for SEN support?

**Chris Harrison:** There are various elements to what we understand SEN support is. It is an attitude and an ethos that is based on the principle of inclusion and I think we have lost something of that in the current climate. It is a planned review process, which is not being articulated anywhere I have seen necessarily around SEN support plans. It is an actual piece of paper—those things written on a piece of paper—and it describes the provision and support that should be in place. It should involve a dialogue with families.

Interestingly I think one of the other flaws is that an EHCP, by definition, brings in health partners, care partners and education partners. An SEN support plan is really focused on educational needs and it is very hard to pull in the other services. The EHC plan therefore becomes more magnetic because parents can see there is a quality in the EHC that is missing.

Q384 **James Frith:** That speaks to a need to be more proactive as a school, doesn't it? It strikes me that a lot of schools are just sitting on this issue and it is a ticking time bomb. It is a lovely phrase you have used—the magnetism of an EHC plan—because of the SEN support not being dealt with.

Would you encourage schools to have an explicitly proactive approach to SEN support and pull groups of parents in ahead of time, ahead of them seeking out their—

**Chris Harrison:** Fundamentally, the SEN support plan is a description of reasonable adjustments.

**Chair:** We would like to hear from other witnesses as well.



## HOUSE OF COMMONS

**Charlotte Ramsden:** Shall I pick that up?

**James Frith:** Please, yes.

**Charlotte Ramsden:** We are very much working as a sector to wrap early help systems around schools and to build partnerships between schools. That early help might be around family support or it might be around health. That is absolutely critical to that SEN support level because if we work effectively with the school we look at the early identification of need for that child and say, "How can we, as a system, support that child at an SEN support level and how can we enable the school to fulfil its part of the responsibility?" It is also about making sure that the child has access to the support that is needed outside of having a plan—which might be speech therapy, some form of play therapy and so on—and to bring that in as part of the planned approach.

Where that is working well is where you have strong partnerships between the schools, the health sector and the local authority, and we are seeing SEN support working really effectively. However, that is not true across the system. As was said in the last session, it really depends on leadership. If the leadership of the school, the leadership of the health system and the leadership of the local authority system endorses that approach, we are starting to see real traction around SEN support. There is therefore hope that it can spread further.

**Councillor Bramble:** How do we better embed inclusion and what does that look like? Parents understand a plan and that is why they advocate for it. Therefore I would say, what is it that we can put below a plan that parents understand and advocate for in the school system? I need to set a bit of context.

**Chair:** Briefly.

**Councillor Bramble:** The LGA did a survey with Isos and there is a £472 million SEND shortfall. This is the caveat of the fiscal study of institutions, which says that schools are seeing a 4.6% cut in real terms. This is within the caveat of very steep cuts.

Quickly, if I took a group of children on a school trip and decided I wanted to take my whole school class, if I booked a minibus, not all the children could come. The legislation has rightly changed to include more children; what the Government has not done is change the funding stream. Therefore you have more children competing for the same pot of money. Even if you have good leadership, good schools, good principals, if everybody who is now entitled is not funded there are going to be challenges within the system.

**Andrew Reece:** You suggest that it is risky if it is based on relationships but given the way we are structured it has to be based on relationships. Support to young people has to depend on support from health, from local authorities, from schools and so on. Relationships are crucial within that.



## HOUSE OF COMMONS

**James Frith:** Absolutely, but the point made by the chief executive of Rochdale is that it only relies on relationships. It was about the need for structural support around that, as opposed to relationships that come and go depending on the leader, on the model changing or on individuals themselves not being there.

**Andrew Reece:** I struggle to imagine a system that does not depend on relationships.

Q385 **Lucy Powell:** Building on that, we heard in the previous session about the overreliance on soft power—there is not enough grit in the system for when people do not want to co-operate or are not at the table. Could you very briefly outline what you would like to see changed to create that grit, from the point of view of either social workers, local authorities or others in that system?

**Andrew Reece:** If you think of where progress is being made in children and adult safeguarding, a lot of that is being driven by safeguarding partnership boards. I wonder whether something like an all-age disability partnership board or a coming together of senior leaders across local statutory services with an element of co-production might also help oversee that.

You mentioned employment inequalities. When we think about inequalities—dying 25 years earlier if you are a person with a learning disability, the odds on living with your partner, the massive range of inequalities faced by disabled adults—where within the local system are people being held accountable for that?

Q386 **Lucy Powell:** You would have to require schools and health to be at that and to have a formal role?

**Andrew Reece:** Does the Committee have a view? Do partnership boards in general work? If they do, is this an area that might benefit from a partnership board approach?

**Councillor Bramble:** For local authorities, it is about the autonomy of schools and how that relationship works. Once you are dealing with children with SEND or the most vulnerable children, your status as a school should not be important anymore and that should be overridden so you can instruct, for example, any school of any status to take a child with a particular need.

I agree with you to a point that you need a board but I disagree in maybe creating a new parameter for that. You have the health and wellbeing boards. They are there and need to be used. There is an opportunity for bringing partnerships together. We cannot keep looking at this through the prism of a school. We have social care, we have health partners and we have health and wellbeing boards. Why are we not using those in a strategic way to manage what is going on in terms of our children in a broader brush way.



## HOUSE OF COMMONS

Q387 **Lucy Powell:** Charlotte, obviously you have devolved health in Salford, in Manchester.

**Charlotte Ramsden:** We do and we are very keen to see places held to account in quite a systemised way. We are very keen that there is real visibility for holding schools, academies, whatever their status, to account for their level of inclusion and for the outcomes they achieve with those young people in their care. We are very keen to see health held to account in the same way, along with social care.

Q388 **Lucy Powell:** Are you holding them to account?

**Charlotte Ramsden:** We are holding each other to account in our devolved system.

Q389 **Lucy Powell:** Even academies?

**Charlotte Ramsden:** Yes, and that is working well for us. At a national level that can really be endorsed across Government, Departments working together around that shared ambition across education, health and care so we collectively hold each other to account through a systemised approach. Particularly for health, there is real differential around the country in terms of who is really engaged in this agenda from a health perspective and who is not and we need that to be much more effective. There are opportunities there in the NHS long-term plan, with some of those priorities, to really see greater evidence of the impact that those services are having not just on health outcomes but on education outcomes. There is a lot more we can do in this space.

Q390 **Lucy Powell:** A more specific point that did not come up in the last session is about traded services, the arm's length services and so on that provide support services to schools. Do you think that is working well in regard to SEND support or is that adding an extra layer of complexity or cost in the system? Anntoinette, what do you think?

**Councillor Bramble:** About 58% of local authorities have traded services now, which is not just for education but across the board. It has its challenges. Traded services is a good model in the fact it preserves that workforce. It is a provision that is provided where schools do not have to go out into the market to gain that expertise. However, I have to say that schools are now paying for a lot of resources and services that used to be paid for centrally. Local authorities are trading those services because central Government no longer fund it. That is the reality and there is a real challenge with that. Some local authorities that do have good traded services do it and in other local authorities it is dissipated, which then makes it more challenging for schools to find those services.

**Charlotte Ramsden:** Where traded services work well, they ensure there is a quality of service available that can be bought in to meet the needs of an individual child, trying to think on an individual service and then a whole system approach. Where it is done well it can be good but there are huge differences and variations for individual children through





that approach. There is different buying power within different systems depending on the wealth within a school or not. The level of budget pressure has an impact; it is the same with the local authority arrangements and the same with the health arrangements. It is very difficult where you do not have funding in the system to create a traded service that is going to work. Where there is funding in the system and where people work together as I previously described, it can produce some really good and effective high-quality outcomes. However, there is massive variation currently.

**Chris Harrison:** What local authorities need is a regime of support and challenge, and there is sometimes a bit of mismatch between that balance. If they have the support services available they are able to provide advice and support. Local authorities also need to have a series of measures that are around challenging schools to do the right thing and put the right provisions in place. If the support services are sold, there is a tendency for those support services to work on behalf of the schools, because they are paying for them, rather than take the role of challenge. We can see, for example, sometimes the role of psychologists becomes very focused on the EHC process, rather than supporting and challenging schools in the way they do in other areas.

**Chair:** Thelma, can you come in on both your questions now?

Q391 **Thelma Walker:** On co-production—we have already touched on health—do you think health services are pulling their weight? Andrew?

**Andrew Reece:** I work in an integrated service, so we are a joint health and social care service, so in some contexts yes. I think there are some areas in particular where there are gaps in health provision, in particular around autism where there is very rarely any specialist support that is available for particularly adults with autism, and that can be particularly challenging when young people move from a children's health service into an adult's health service. There is a gap at that point and I think the Autism Act is very much focused on the responsibilities of local authorities and it is not quite as clear as it could have been in terms of responsibilities.

Q392 **Thelma Walker:** What is causing that gap? You say it is specifically in autism? Is that about training? I mentioned in the previous panel about training.

**Andrew Reece:** The way that the NHS tends to be organised is that you will have a learning disability service and a mental health service. Autism sits in the gap between a learning disability and a mental health issue, so some people with autism have a learning disability as well, so they therefore become a part of the learning disability service and they are unlikely to get the specialist health support they need. Someone with just autism is less likely to be accepted into a mental health service until the point where they have reached a mental health crisis, at which point it is too late.



**Charlotte Ramsden:** I would say again there is huge variation, so there are some places where the focus is totally on adults and the children's health element is definitely not contributing in the way that we would need it to—so services around speech and language therapy, children's mental health are not developed in the way that we need—but in other areas they have developed and they have had a real ambition around outcomes for children and work very closely with us. Again, going back to the previous point, we really need to drive up consistency of commitment across the system and we need health professionals to be willing to measure their outcomes by education achievements, not just by health achievements, and then we start to get a genuine partnership system. Again, we have examples of where it is working very well, but we have examples of where it is not working at all, and as budgets get increasingly challenged health commissioners are retrenching because they need to focus their money on crisis areas. That obviously means less money is available for long-term prevention. It is a really uneven picture at the moment.

Q393 **Thelma Walker:** There are grumbles about operational factors, even health professionals turning up to reviews. Are you hearing this yourselves, about the practicalities of bringing multi-agencies together? How can that be got around, do you think?

**Councillor Bramble:** It is a complex issue, but if you look at the CQC inspection there is a regulatory framework that lets you know what partners are doing well and what partners need to strengthen. The power of co-production and of working together is that everybody takes ownership and responsibility and it will be unhelpful for the LGA to criticise any partner over another, but it is about how in that co-production ethos we get everybody around the table to think about what we do well, what we need to do better, revisit our shared ethos and culture, and build that moving forward. I think it would be unhelpful, but there are complications in all parts of the system in thinking about how we could work better in terms of co-production.

A quick point about challenge: in Hackney all of our schools use our training services and we train other local authorities and we challenge our schools through our school improvement model. It is possible to do both.

Q394 **Thelma Walker:** Chris, do you have anything to say on that?

**Chris Harrison:** The practice is hugely variable and in some local authorities when we arrive we introduce the health commissioners to the social care commissioners to the educational commissioners, so there is not the relationship. In others the relationships are very strong, so it is hugely variable.

Q395 **Thelma Walker:** So the answer to my question is it is patchy?

**Chris Harrison:** Patchy, yes.

Q396 **Emma Hardy:** Returning to the point I made with the previous



## HOUSE OF COMMONS

panellists, is there a conflict of interest when it comes to EHC plans and providing support for children when the same person who is asked to provide the support is also the person who is asked to pay for it? Anntoinette, what do you think?

**Councillor Bramble:** No, I suppose I do not feel that way at all. I used to be a SENCO in a primary school and now I work in the local authority, and I think that you have to remember that the local authorities are full of officers and politicians that really want to do the best for their local community. These are officers and politicians who are working tirelessly.

Q397 **Emma Hardy:** But, as you have mentioned, that is with a huge budget cut. In the world in which we are living in 2019, with the budget cuts that you have referred to, I wonder whether it is because of that, and not because of people not being well-meaning or decent. Is there a conflict of interest?

**Councillor Bramble:** No, because the person making that decision with the budget is not the person who is literally doing the plan in the school. There is a bit of a disconnect. Every child is still seen on an individual basis and the local authority has the pressure of thinking about all of the children in that system. I do not see the conflicts of interest in the same way that you do. I can understand why you might think it is an issue, but the person holding the budget is not the person going into the school and making the decisions on that final plan in that way.

Q398 **Emma Hardy:** Chris, I wonder with your organisation and the work that you do, do you ever find that you are asked by councils to carry out a review that has maybe contradictory objectives? So, you have to save money but you also have to improve support for children with SEND. Do you find that happens?

**Chris Harrison:** It does happen. Every local authority we work with has financial difficulties to resolve, and I think the answer to that is to recycle the money into the early stages. I think it is possible to find solutions to be creative, to reinvest the money that is available in the system. I do not see it as a conflict necessarily; I think the local authorities do understand the spend across the broad range of provisions. The high needs block funds the whole graduated range of provisions. If you do not get the local authority taking part in the use and the decisions about the use of that provision, I do not know how you can plan and manage to deliver that graduated range of provision that is required for the area. I think there is a connection.

**Charlotte Ramsden:** I suppose as someone who is responsible for both, I do not feel there is a conflict. We are all seeking the same outcomes for children. We all recognise that—

Q399 **Emma Hardy:** I am not questioning how genuine people are. I am saying if you have a certain amount of money and all the rest of your council services are being cut to provide that, surely there is a conflict there—or a tension, perhaps, rather than a conflict—in saying that they



## HOUSE OF COMMONS

should provide this support weekly or monthly. They are real decisions and I am asking if there is tension.

**Charlotte Ramsden:** I think tension is a helpful word, so there is a tension between the needs provided and the resources available. The high needs block is massively underfunded and there is lots of evidence around that, so that is definitely a tension. It does not stop us making the right plans for children.

I suppose the place where it plays out most obviously is where the plan from a professional perspective would say that the needs can be met in this place and the parent, despite working as part of a co-produced plan, prefers an alternative and much more expensive place. That is where we get into that real tension around what is best, both for the child and also in terms of the public purse.

**Andrew Reece:** I think within the local authorities is exactly the right position for that to be taken because it allows equity within decision-making, so the people responsible for making the decisions can ensure people with similar needs get similar levels of support. I think the tension is played out much more explicitly in tribunals, where the tribunal is looking at one single decision and does not have to think about what impact that decision is going to have for the rest of the system. When someone goes to a tribunal and gets a place at an out-of-area placement that costs three times what it would cost to provide locally, somebody locally is going to miss out, and tribunals do not have to take that into account. Those are the really difficult decisions that local authorities on the whole are very good at making.

Q400 **Chair:** I just have a couple of questions for you. If I can direct this one to you, Chris. I often go to a school in my constituency, which is almost every week, and often the Head will say, "We have an extra influx of children with special educational needs that were not accounted for and that is going to be a huge resource problem". We know that the local councils factor in the number, so they may say, "This year we expect you to have five," or whatever it is, and that is factored into the budget. What is done in those circumstances if, instead of having five, they have 15? What is not being done, and what should be done?

**Chris Harrison:** I would probably need to understand why there are five arriving like that. When we visit schools, we listen to the tensions that are clearly apparent in the school environment—that is, increasing numbers of pupils arriving, greater numbers of pupils in the system with more complex needs, the Ofsted framework that they are under, the inspection framework, financial difficulties, and shrinking levels of support for the schools. What that is doing, I think, is changing the ability of schools to make reasonable adjustments. For some schools where there is real pressure of numbers and funding, maybe five or 10 years ago it was quite reasonable to ask them and expect them to make the reasonable adjustments that are required for their school population. That has changed, I think. There are increasing pressures that make it



## HOUSE OF COMMONS

easier for schools to say, "This is just not reasonable for me to do this anymore," and that is what is causing the escalation of pupils from one setting to a higher degree of provision. So there is a bumping effect going into the top levels of provision, and that is fundamentally what is causing the massive financial difficulties for local authorities.

If there is a way of stopping that bumping by taking away the reasons that schools can say, "This is not reasonable for me," the local authority's challenge is to support schools to find the right resources and support them to reduce the likelihood of them saying, "This is not reasonable."

**Q401 Chair:** How do you deal with the situation if a school is expected to have an average number of five or 10, and then suddenly it has 20? How do you deal with that?

**Chris Harrison:** I think then the local authority's duty would be to have a flexible funding system that allows schools to apply for additional funding to meet the needs of those pupils. The local authority's role in this is to be more flexible to support fluctuations and changes.

**Charlotte Ramsden:** Absolutely, so if the number of pupils with those needs exceeds what we had envisaged when that notional SEN support funding was put in, we would have a conversation with that school and would then provide additional top-up funding on a flexible basis in general terms, as well as obviously then looking into individual plans.

**Q402 Chair:** It is not just my schools, or my area, but I hear across the board they are not getting that extra funding necessarily if their numbers increase for one reason or another.

**Charlotte Ramsden:** Yes, and I think that absolutely reflects the tensions and pressures in the higher needs budget. Clearly we are being much more robust than maybe we were even two or three years ago, in terms of how we allocate that funding, because the money simply is not there. So that means we require an additional level of evidence before we would agree to additional funding, which inevitably will then feel like a pressure in the school. Again, it is back to trying to maximise the use of what feels like a shrinking resource because of the increased volume of children and young people needing to call on it.

**Councillor Bramble:** Yes, and I think some schools do become the victim of their own success. If they take children with special educational needs, more parents want to gravitate towards that. As a local authority it is about how you have that conversation with other schools and build up capacities in other schools to ensure that the distribution is more equal.

Exclusions have increased by 67% since 2014 and there is a 35% increase in children who have plans in school, so there are some real pressures in schools. You talked about how you can support schools—

**Q403 Chair:** Are you talking about general exclusions?



## HOUSE OF COMMONS

**Councillor Bramble:** Yes, general exclusions, but there is a high need of children with SEND in exclusion, but remember once they are excluded they are then supported by the high needs block, so there is the ongoing impact and stress of that. Lots of schools have had to let go of TAs because of the cost to schools.

Q404 **Chair:** Can I ask where you got the figure of a 67% rise in exclusions since 2014? As far as I remember—unless I recorded it wrongly—we had a figure of 40%. I am not splitting hairs; it is very important if it is even more than I thought.

**Councillor Bramble:** No, that is from the LGA research team, the 67%.

Q405 **Chair:** Are you talking about across the country, in England? In England only?

**Councillor Bramble:** Yes. Schools have also lost the support staff—those staff who would provide that one-to-one support, talk the child round, support them and help them with the culture and the ethos of the school. I think all of these competing tensions are really challenging.

Q406 **James Frith:** On the exclusions, do you support the removal of “other” as a classification for a reason to exclude, which at the moment represents one-fifth of all exclusions in the school system? Yes or no along the piece?

**Chris Harrison:** Yes.

**Councillor Bramble:** Yes.

**Charlotte Ramsden:** Yes.

**Andrew Reece:** Yes.

**James Frith:** Excellent. May it be so.

Q407 **Chair:** One very final question. We are going to finish by 11.35 am, so if you could answer as briefly as possible. In terms of what I was raising in session one, I am very interested in the outcomes of children with special educational needs, and I want them, as all of us do, to have the best employment prospects they can possibly have, if they want to and if they are able to. I know we spoke about this before, but what do you think is happening across the board in terms of schools and local authorities making sure that there are employment outcomes where possible and working with organisations like Project SEARCH?

**Chris Harrison:** I think there are some fantastic opportunities for local areas and schools to work in collaboration and now with the new Ofsted framework to broaden their curriculum and offer more vocational opportunities for young people that lead to direct employment locally.

Q408 **Chair:** Is it happening? That is my question.



## HOUSE OF COMMONS

**Chris Harrison:** It is starting to happen, yes, and particularly now that the new framework will allow it.

**Charlotte Ramsden:** Obviously the reduction in what used to be known as Connexions—careers development support—has had a huge impact on the level of individual support that has been available for young people with additional vulnerabilities to access.

**Chair:** Although not all of Connexions was great—it was a completely mixed picture.

**Charlotte Ramsden:** No, absolutely. It depends where it worked well, but what we have been doing is rebuilding systems on a partnership basis around how we identify vulnerable individuals, plan transitions effectively and develop a market. So the market has been very underdeveloped for those kinds of opportunities. It is now growing and there are examples around the country of things that are very positive for young people who need access.

Q409 **Chair:** Thank you. I spoke to you about this before, but is there anything else you want to say, very briefly?

**Councillor Bramble:** Yes. It is an area of development. There is an opportunity to reset under the new arrangements of the legislation. I think it works well when you bring together education, employment, independence and care, and when it is going well for children that is what you want to see. You want to see the voice of the child in this model and to see young people shaping what they want, as well as bringing parents into that. I cannot stress enough that unless we fix this £472 million gap in SEND, we are going to keep having these conversations and these problems with young people.

**Andrew Reece:** I think that, as well as employment, education and school settings needs to have a much wider focus on the inequalities faced by people, particularly people with learning disabilities—things like employment, people dying younger and levels of exercise. If people are exercising more, they will be healthier. The education on that within education needs to be improved.

**Chair:** Thank you. That was amazingly concise and we have rattled through it pretty quickly. I really appreciate it. Thank you again for coming.

**Councillor Bramble:** That is all right. One positive thing: it can be addressed in the spending review.

**Chair:** As you know, we have this inquiry and our funding inquiry into schools and colleges. Thank you so much.