



**The Rt Hon Kit Malthouse MP**  
Secretary of State

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Rt Hon Robert Halfon MP  
Chair of the Education Committee  
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11 October 2022

Thank you for your letter dated 12 July. I welcome the continued engagement of the Education Select Committee as we deliver reforms to the SEND and Alternative Provision (AP) system.

The SEND and AP green paper sets out an ambitious vision to tackle the challenges facing the current system: improving poor outcomes, improving experiences and addressing the adversarial nature of the system, and delivering long term sustainability. The proposals have been informed by the hundreds of stakeholders, including children, young people and their families, that we listened to through the course of the SEND Review. During the subsequent consultation, in addition to the responses we received through the e-consultation we have attended 175 consultation events, reaching thousands of people. We are using this feedback, and continued engagement with the system, to inform the next stage of delivering improvements for children, young people, and their families.

Your letter set out 6 areas of concern for us to respond to in the development and implementation of SEND and AP reforms. I will take each of these in turn.

### **Early intervention**

We agree that early intervention is critical to addressing the current system challenges and our proposals are intended to achieve this aim.

## *Funding*

In the green paper, we set out proposals to help make the most effective use of our investment in high needs funding so that it is possible to deliver the right support, earlier and target spending more at strengthening early intervention. This includes a proposal to introduce a new national framework of funding bands and tariffs for high needs funding, matched to levels of need and types of education provision set out in the new national SEND standards. We are currently reviewing responses to the consultation on funding bands and tariffs and more detail will be laid out in the government response to the consultation.

## *'What works' and evidence*

The national standards will set consistent processes for identifying needs and will be informed by evidence. As you note, the SEND and AP green paper sets out our commitment to understanding the evidence base of what works in improving children and young people's attainment and educational outcomes. This commitment encompasses understanding best practice for identifying needs and the provision necessary to meet those needs, including building on best practice and assessing the merits of various screening approaches, to inform potential national approaches to screening in the future.

## **Accountability**

We agree that accountability within the current SEND system is ineffective, and this echoed in feedback we have received throughout the consultation. Through both the SEND and AP green paper and Schools White Paper we aim to create a coherent system with clear roles and responsibilities and accountability at every level.

## *Links between Schools White Paper and SEND and AP Green Paper*

In the Schools White Paper, for the first time DfE provided principles to set out the components of trust strength. Of relevance, 'strong trusts' deliver a high quality, inclusive education, including for disadvantaged children and children with SEND, as well as operating fair access. The regulation and commissioning review, launched on 29 June, will consider the assessment criteria for trust strength, including inclusive practice.

The Schools White Paper also committed to work with stakeholders to reform the admissions framework. This will include the setting of oversubscription criteria and consultation on a statutory framework to govern children's movements so that all placement decisions, including about the use of AP, are always made in the best interest of the child.

### *Behaviour and attendance*

The guidance is clear that schools should maintain a whole school culture that promotes the benefits of attendance, whilst recognising the interplay with wider improvements on mental health, wellbeing and SEND. This includes establishing strategies for removing in-school barriers to attendance, regularly monitoring attendance data to enable early intervention and ensuring joined-up pastoral care is in place where needed.

### *Inspection*

Alongside strengthened accountability we are delivering the right incentives to create an inclusive system. Ofsted's Education Inspection Framework is clear on the expectation that schools should have an inclusive culture that enables early identification of pupils who may have additional needs or barriers to learning. Inspectors will look to see that leaders create an inclusive culture and do not allow gaming or off-rolling.

In addition, the new Ofsted and CQC Area SEND inspection framework is out for consultation currently and due to launch early in 2023. This framework will include a greater focus on the experience of children and young people with SEND and their families and will give more prominence to the quality integration and commissioning of education, health and care services. It will also include monitoring of AP commissioning and the Liberty Protection Safeguards scheme.

### *Role of the Ombudsman*

We are engaging with the Local Government and Social Care Ombudsman on their proposals to extend their responsibilities of independent investigation of complaints that have not been adequately resolved by schools. We will consider these proposals in light of the SEND and AP green paper consultation responses.

### **Parental choice and personalisation**

Throughout the Review, we heard that parents want greater confidence that local settings can effectively meet their child's needs. The national standards will help to address this, but we recognise that this must be actionable at local level.

### *Tailored list*

We are proposing to establish local SEND and AP partnerships. These partnerships would be responsible for delivering a local inclusion plan which sets out the provision that will be made available in line with the national standards. The local inclusion plan will inform the tailored list of settings from which parents and carers are able to choose provision where their child requires an education, health and care plan (EHCP).

The expectation is that all schools on the list will be settings that can meet the child's special educational needs as identified in their EHC needs assessments. This aims to give parents and carers clarity on what is available locally which may still include mainstream, special, independent or out of borough provision. Our intention is that this will lead to greater transparency about what is available for children and young people in their local school and greater clarity about how it can be provided. We also aim for this to improve the choice offered to parents and carers by suggesting options they may not have otherwise considered.

In considering responses to the consultation, our intention is to deliver this change in a way that builds confidence amongst parents and carers. To that end we propose to sequence delivery so that changes to how placements are named within EHCPs are not introduced until the provision is in place across the system.

### *Enforcement and redress*

We recognise the existing issues with timely preparation of EHCPs. Our consultation on the proposed timescales of EHCP reviews recently closed and we are considering responses.

### **Funding**

High needs funding for children and young people with more complex needs will have increased over this and the next financial year 2023-24 by 21% compared to last year (2021-22), bringing the total high needs budget to £9.7 billion.

We will undertake assessments as we prepare any new regulations to understand the cumulative impact of the government's agenda and the capacity of delivery partners to deliver reform effectively. We have already committed to undertaking a local authority new burdens assessment for inclusion partnerships. We want the system to be able to deliver reforms effectively and when we make new asks of delivery partners we will make sure they are able to deliver them.

### **Disadvantaged children and young people with SEND**

We have noted the Committee's recommendation to introduce a neutral role to address the challenges families face in navigating the SEND system. The new national standards will include greater clarity on the role of local SEND Information, Advice and Support Services (SENDIASS) who provide impartial support to families and help them navigate processes including their options for redress.

### **Employment outcomes**

We know that children and young people with SEND are less likely to have good employment outcomes than their peers. To support young people with EHCPs, we are investing £18 million in supported internships

aiming to double the capacity of the programme. Extending the supported internships programme to young people without EHCPs is not current government policy. We are procuring a three-year multi-method impact evaluation that will seek to establish how, and to what extent, supported internships improved the employment outcomes of children and young people with SEND.

However, we are committed to supporting pathways to employment for all young people with SEND. We are working with the Department for Work and Pensions to pilot an adjustments passport. These will be owned by the young person and set out the support that they require to succeed in higher education or in the workplace.

In partnership with the Disability Rights UK, DfE has launched a Disabled Apprentice Network to provide valuable insight and evidence on how to attract and retain disabled people into apprenticeships. The DfE also works with some of the country's most influential employers through the Apprenticeship Diversity Champions Network to explore the barriers that disabled apprentices face in accessing and achieving apprenticeships.

Thank you for your ongoing support and critical challenge. I look forward to further engagement with the Education Select Committee as we progress into the next phase and deliver for children and young people. We will continue to engage with stakeholders, including parents and children and young people as we develop reforms.

A handwritten signature in blue ink, appearing to read 'Kit Malthouse', with a stylized flourish at the end.

**The Rt Hon Kit Malthouse MP**  
**Secretary of State for Education**