

## House of Commons Education Committee Non-inquiry session on Special Educational Needs and Disabilities

22 May 2023

### Key Messages

- Councils share the Government's ambition of making sure every child with special educational needs and disabilities (SEND) gets the high-quality support that meets their needs. It is positive that the Government's SEND and AP Improvement Plan acknowledges the necessity of consistent approaches, early need identification, and digitally unified Education, Health and Care Plans (EHCP).
- However, while the measures announced will help to fix some of the problems with the current system, they do not go far enough in addressing the fundamental cost and demand issues that result in councils struggling to meet the needs of children with SEND.
- We raise concerns about the sufficiency of the £70 million funding provided, suggesting there must be a continuous review of the budget with a view to provide additional funding where necessary to build a strong evidence base to inform future policy development and implementation.
- The improvement plan acknowledges that implementing reforms will take several years and while the [10.6% uplift](#) in high needs funding that has been made available is welcome, these programmes do not address the fundamental cost and demand issues that are driving more councils into deficit and threaten the future financial viability of local government. While reforms to the SEND system are being implemented, we want to work with your Department to develop and bring forward a plan that eliminates council Dedicated Schools Grant deficits which currently stand at an estimated £1.9 billion. Without intervention, these deficits will rise to £3.6 billion by 2025.
- We are also concerned over the lack of any plan to give councils additional powers to lead SEND systems effectively. We do not believe the Government has the capacity to hold councils, schools, and other partners to account for their work supporting children with SEND.
- Improving mainstream inclusion is crucial to the success of the SEND system reforms. Therefore, the LGA welcomes the proposal to "underpin the (national) standards with legislation for education at the earliest opportunity to facilitate intervention in education settings if standards are not met." The introduction of these intervention powers will be crucial in impressing on all mainstream settings the need to take an inclusive approach, which will in turn reduce the use of special schools and independent, non-maintained special schools and relieve pressure on council high needs budgets, as well as improve outcomes for children and young people with SEND. To ensure action is taken quickly where poor practice is identified, these powers should however sit with councils and not the DfE, as councils are better placed to take action swiftly where poor performance is identified.

### Background

#### National standards

In considering the proposal for the greater uniformity in the Special Educational Needs and Disabilities (SEND) system the LGA, agree that a single digitised Education, Health and Care Plan (EHCP) and national standards will bring much-needed clarity. However, we caution that an overly standardised approach could raise unrealistic expectations for uniformity of support across all regions. We look forward to further discussions on the shape of any national standards, which must retain a degree of flexibility to reflect available provision and differing levels of need, while focussing on the things most important to children and young people with SEND and ensuring they achieve good outcomes.

## **Local SEND partnerships**

The establishment of local SEND partnerships is welcome and councils, with their democratic mandate, are ideally placed to lead them. For these partnerships to work effectively, councils must have backstop powers to hold partners to account if they fail to work collaboratively or make appropriate contributions to meet the identified needs of children and young people with SEND. Proposals for the development of local inclusion plans should give local areas flexibility to build on existing co-working arrangements and structures. It is unclear how ICBs and schools will be represented on and expected to play their role in local SEND and AP partnerships, with ICBs being on a larger footprint and schools and MATs on smaller ones which in many instances cut across council boundaries. We would welcome clarity on this.

## **Accountability and intervention**

The improvement plan also commits the Government to “underpin the standards with legislation for education at the earliest opportunity to facilitate intervention in education settings if standards are not met.” The introduction of these intervention powers will be crucial in impressing on all mainstream settings the need to take an inclusive approach, which will in turn reduce the use of special schools and the independent, non-maintained special schools and relieve pressure on council high needs budgets, as well as improve outcomes for children and young people with SEND. To ensure action is taken quickly where poor practice is identified, these powers should sit with councils, not the Department. It is also vital that the legislation needed to introduce these powers is brought forward at the earliest opportunity.

Accountability mechanisms for inclusive practices in schools are essential, and no school should be deemed 'good' unless it serves all students, including those with special educational needs. We believe that local councils, using local intelligence and with appropriate powers, can support Ofsted in swiftly holding schools accountable for non-inclusive practices. This should include delivering on a proposal in the Schools White Paper to give councils the power to direct all schools to admit pupils without a school place. Currently councils can only use this power in relation to maintained schools and not free schools or academies.

The improvement plan rightly identifies that existing programmes of improvement support will continue to play a key role in supporting councils to deliver better SEND support, but there is an absence of information on the improvement support that will be made available for health partners, beyond “a more joined up response between Department for Education and NHS regional and national teams.” There is a clear need to undertake work to define what ‘good’ looks like, both within the current and also in transitioning to a new system. A shared understanding of ‘good’ should be reflected in the local and national inclusion dashboards, which should include quality measures and outcomes. We advise against using data in isolation to judge system performance and suggest that metrics should be extracted from existing data collections to minimise burdens. The proposed introduction of dashboards in autumn 2023, while most other proposals are slated for 2025 at the earliest, is a cause of concern.