

## Written evidence from 9000 Lives SEND Advice & Consultancy (SEN 27)

### Education Committee Solving the SEND Crisis

#### Who the submission is from

Aaron King, from 9000 Lives, has worked in SEND since 2007, working with mainstream and special schools, PRUs and local authorities (LAs). Since 2018, he has worked independently as 9000 Lives SEND Advice & Consultancy.

There will be some solutions that are offered multiple times in evidence from others to the committee. Rather than duplicate their thoughts, this submission attempts to lean towards options that might otherwise be overlooked.

The reason for submitting evidence is to make recommendations to improve the lives of children & young people in England.

#### Executive summary

This submission contains the following recommendations:

1. SENCo time needs to be focused on pupil outcomes and support and not admin. Examples of how we can free up SENCos to spend more time working directly with pupils and staff:
  - Simplify SEN support plans to make them more focused.
  - Avoid adding new laws to the SEN support tier.
  - Avoid mandating a new EHCP template.
  - Stop spending time creating medium term outcomes.
  - Regionalise SALT referral forms & processes.
2. Produce a DfE guide to how schools should better communicate with SEND parents – especially regarding their SEN information report.
3. Increase the £6000 element 2 funding by inflation each year.
4. Allow LAs to direct placement of children in care.
5. Provide governors, trustees and inspectors with data on how successful a school is in attracting pupils with SEND from within and beyond its own catchment.

NB: Throughout this submission, section names (e.g. Section 1) refer to which section of the committee's call for evidence the response addresses.

#### Section 1: Improving outcomes for children and young people with SEND

We have a system that has untapped opportunities to be streamlined. Workload gets in the way of high quality provision. If a SENCo is tied to a desk, what happens to the teacher who

is struggling? They continue to struggle. The result is that the child(ren) risks falling further behind.

A 2018 study by Bath Spa University and NASEN<sup>1</sup> found that 74% of SENCOs did not have enough time to ensure that pupils with SEN support were able to access the provision that they need.

SENCOs being distracted from raising standards is not a new issue. It was highlighted in 2004 in *Removing Barriers to Achievement: The Government's Strategy for SEN*<sup>2</sup>

“There are significant concerns about the volume of ‘bureaucracy’ related to the statutory framework on SEN... This is diverting skilled staff from spending more time in the classroom. Some procedures and paperwork may be unavoidable... But the procedures can be operated in an inefficient or unhelpful way.

“Reducing administrative burdens on SENCOs will free up capacity for them to spend more time working directly with pupils and teachers.”

We need leaders to advocate removing (or changing) workflow that doesn't improve outcomes for children.

### **Section 1: Should SEN support be put on a statutory footing?**

No. The risks are too great and benefits too thin.

- It risks diverting skilled staff time onto additional administration.
- It risks reducing capacity for SENCOs to work directly with pupils and teachers.

It is very likely that it could hinder efforts to improve outcomes.

Whilst not favouring this approach, there is an interesting question as to whether there is a need for an independent complaints process (that deals with matters that do not warrant a disability discrimination case at tribunal) similar to the role played by the Local Government & Social Care Ombudsman.

### **Section 1: How can inclusivity and expertise in mainstream schools and early years settings be improved to achieve consistent, high quality SEN support?**

#### **SEN support plans can be simplified.**

Since 2014, many LAs have written template SEN support plans for their schools to use. Sometimes the templates, with no children's information inputted, run to 20 pages<sup>3,4,5</sup>. How is that a document that teachers can use to improve outcomes?

On the other hand, some LA templates are reasonably concise and some LAs don't provide a template SEN support plan (and let school decide).

Putting SEN support on a statutory footing would likely supercharge the tendency to add page volume (and therefore move SENCOs and school staff further away from tasks that can improve children's outcomes).

Furthermore, SEN support plans should be accessible to children themselves. Turning a 2-3 page document into a 20 page document effectively obstructs primary school children from being a full part of their SEND plan – it's simply too hard or too much for most of them to read. Of course, we can write a condensed version for the child – or could we just do it right first time? A designer achieves perfection not when there is nothing more to add, but when there is nothing more to take away.

### **Avoid mandating a new EHCP template**

The July 2015 final pathfinder report on the SEND reforms indicated that the SEND reforms showed no significant difference in the outcomes reported for young people<sup>6</sup>.

The 2023 SEND & AP improvement plan, that is still running, includes a EHCP format and potential to introduce a national template. This risks failing to learn from past mistakes – changing the template didn't improve outcomes for our children with SEND. Why would it this time? The change risks:

- Diverting skilled staff from spending more time in classrooms.
- Reducing SENCo capacity to spend more time working directly with pupils and teachers.

If the job of copying and pasting EHCP information onto new formats doesn't fall onto SENCos, then who? Would it be LA SEND teams? If so, that sounds like a bad idea – unless it's going to be funded. After all, DfE data suggests that many LA SEND teams are struggling to meet deadlines on existing EHCPs, even without the additional work of transferring hundreds of 20 page documents.

### **Advise LAs and schools that medium term outcomes are not needed**

Some LAs, such as Lambeth, include well intended but ineffective medium term outcomes. These add complexity as teachers have to project a child's progress in the short, medium and long term across up to 8 areas.

- Short term = 13 weeks
- Medium term = 18 months
- Long term = 1, 2, 3 or 4 years (depending on key stage of child)

Medium term outcomes are mentioned 0 times in the SEND Code of practice. They add complexity yet have no obvious impact on children's outcomes - I've not yet met a parent or SENCo who told me that medium term outcomes made a difference to their child's life.

A child will typically have 4 medium term outcomes. If you are a secondary pupil with SEND, how likely is it that your teachers in smaller subjects, that you only have once a week (e.g. Music, drama, RE) will remember your medium term outcomes as well as perhaps ? That teacher may teach over 500 pupils on a two week cycle and 15% might have SEND plans. How well do you think that teacher remembers 300 medium outcomes that they're helping pupils work towards? It's a stretch to think they could remember all 300 short term targets.

If they aren't used well and wouldn't add value even if they were, then they should be discarded.

Paperwork can become a comforting shield that prevents staff from focusing on what will improve children's outcomes. Furthermore, Individual schools fear discarding superfluous aspects of SEND plans (due to worries re Ofsted, EHCP rejection etc) and so they persist with this extra work.

Please can the select committee advocate for LAs to stop recommending medium term outcomes.

### **Regionalise SALT referral systems (where possible)**

If a child is referred in one local authority to SALT, and then moves house, the SALT team responsible often changes. This can mean that the child needs to be re-referred and the referral form is different. Furthermore, time served on the old waiting list isn't necessarily transferred to the new waiting list.

This is a matter of both policy and practice. It can be fixed by national NHS leaders expressing their expectations as well as an expectation that SALT teams work together to create regional referral forms that are accepted by all NHS teams in that government region. Why does a child need to wait for their SENCo to fill in a new form and start the waiting time again just because they moved up the road from Sheffield (in Penistone and Stocksbridge constituency) to Barnsley (in the same constituency)? Why does a house move delay support by months in a **National** Health Service?

Or, why not be especially ambitious - a national SALT referral form so that the SENCo can forward on the form whether the child moves from Hadrian's Wall to Lands' End. And then maybe look at EP referrals and have the same referral form for either side of a county border.

The benefit is that SALT support is more timely and front line staff get access to specialist expertise sooner. They can then use this advice provide a more inclusive education for that child.

If you are a SENCo near a county border, NHS divisions waste precious time that could be used to directly support pupils and staff.

### **Section 2: What is working effectively within the current SEND system and how can best practice be sustained or scaled up?**

Too often, information for parents is too dense and far more complicated than it needs to be. This excludes parents. However, some schools are writing information in engaging and clear ways, for example Wath Academy, Rotherham or Oughtibridge Primary, Sheffield<sup>7, 8</sup>. These are more of a 'prospectus for SEND' than SEN Info Report (even if they cover the same information).

The DfE could scale up this best practice by writing a guide to writing SEN information reports (and other SEND documents) that highlights how schools have (inadvertently) discriminated against parents with SEND and how they can fix this. Additionally, this guide would impress upon schools that the SEND Code of Practice tells schools to write SEN information so that it is easily accessible, and therefore readable, by young people (paragraph 6.81 of the Code of Practice).

### **Section 3: Is reform needed for funding of SEN support provision in schools, where currently the school is responsible for funding the first £6,000 of provision?**

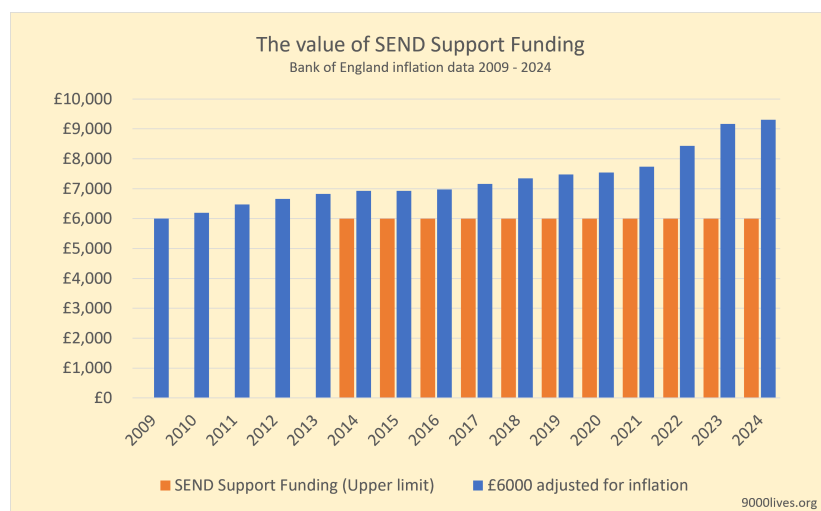
Yes. Establish inflationary rises in Element 2 funding so fewer pupils need an EHCP to meet their SEND.

The first £6,000 of provision is often referred to as Element 2 funding. The £6000 figure was based on a 2009 report by consultants PWC. It has not increased at any point since.

- In 2009, Element 2 = £6000 (recommended)
- In 2014, Element 2 = £6000
- In 2024, Element 2 = £6000

As Element 2 supports SEND for pupils who don't have an EHCP, freezing it means that more pupils need EHCPs.

That £6k is based on calculations from 15 years ago. If inflation (CPI) was added, it would be over £9300 today. You might argue that's a reduction of £3,300 in the upper limit of money for a pupil who has SEND.



Or to put it another way: In Morley, Leeds, it's a reduction of around:

- 1 hour per day of 1:1 teaching assistant support.
- 4 hours per day of 1:4 teaching assistant support.
- 6 hours per day of 1:6 teaching assistant support (i.e. access to an adult for 100% of lessons).

The benefit of this change to children is that some children will be able to access a higher level of support without the need of an EHCP. Furthermore, it will free up SENCo time to focus on improving SEND for every child in the school (as more children's needs may be met without an EHCP).

#### **Section 4: Whether LAs need further powers to ensure that all schools in their area contribute to effective local SEND provision?**

**Yes. In respect of children in care, LAs need the power to direct LA maintained and academy schools equally. Ensure that this passes as outlined within Part 2 of the Children's Wellbeing and Schools Bill.**

Currently, the DfE can direct academy schools to admit a *child in care*. In practice, this power is rarely used. Instead the DfE says they are 'minded to direct'. At this point, either the academy admits or so much time has lapsed that a different school, that may be further away from the child's home, has been found.

On the other hand, for LA maintained schools, the LA can direct admission. It is odd that it's different depending on what kind of school it is. From the point of view of a foster child, surely it should be the same whether my local school is an academy or not? Also, as more schools become academies, surely having to go via the DfE just adds delay for me when I may well need both routine and education even more than most?

Over 50% of children in care have SEND (about 28% have an EHCP and a further 28% have SEN support)<sup>9</sup>. Social workers often make extensive efforts to keep a child in their existing school. However, being taken into care can result in a move to a new area.

In 2024, 1 in 3 children of our children in care had more than 1 care placement in the last 12 months<sup>10</sup>. A 2020 Children's Commissioner report indicated that, despite the best efforts of their social workers, 1 in 10 CIC had a mid-year transfer to a new school<sup>11</sup>.

In 2022, the Education Select Committee concluded that "All too often children in care face a David versus Goliath battle to gain admission to their local good or outstanding school... Children in children's homes are in fact less likely to attend the best schools than their peers. This is indefensible."<sup>12</sup>

Support the relevant provisions in the Children's Wellbeing and Schools Bill so that they become law. In short – one rule for all so children in care who have SEND do not face extra barriers.

#### **Section 4: How best to hold all schools, irrespective of how they are constituted or their governance arrangements, to account for their SEND provision?**

Some LAs publish School Organisation Plans and these plans have lots of data. Over the years, some school organisation plans included school level data which indicated whether a school was attracting pupils from their catchment (or not). This is a relevant concern again given some concerns about schools deterring parents of SEND pupils. Here is an anonymised

version of an especially important table that used to feature in a South Yorkshire School Organisation Plan:

### Pupil Migration: Area 9 Primary Schools

#### Catchment of Residence

	Baldock NIJ	Donnington IJ	East Durham NIJ	Forest East NIJ	Tibshelf IJ	Wooley Edge IJ	Rest of City	Out of City/Other
<b>Baldock NIJ</b>	<b>97</b>	1	25	11	5	3	18	7
<b>Donnington IJ</b>	3	<b>96</b>	16	0	34	20	22	3
<b>East Durham NIJ</b>	18	1	<b>101</b>	13	2	1	9	3
<b>Forest East IJ</b>	30	1	53	<b>120</b>	5	1	6	7
<b>Tibshelf IJ</b>	16	10	82	2	<b>250</b>	20	5	11
<b>St Pauls CofE IJ</b>	25	4	46	29	26	13	30	17
<b>Woolley Edge IJ</b>	23	21	17	2	47	<b>149</b>	9	4
<b>School Attending</b>								
<b>Rest of city</b>	9	8	13	5	14	10		
<b>Out of City</b>	1	1	2	5	4	0		
<b>Other</b>	2	1	2	2	2	1		
<b>SEN</b>	0	2	3	2	1	1		

In Area 9 there is a clear tendency for children to attend their catchment school, with two exceptions: Significant numbers of children in the Baldock and East Durham catchment areas attend schools other than their catchment school.

This table provides governors, trustees and inspectors with important school level data about the organisation's success in attracting children from within the catchment.

For a time, off-rolling was a concern. Nowadays, the bigger concern is a minority of schools deter families of pupils who have SEND<sup>13</sup>.

Are the DfE's IT systems good enough to produce the above table (and commentary) in terms of pupils who have SEND (i.e. how many SEND pupils in your catchment attend your school)? If so, whilst not perfect (e.g. the tables wouldn't work so well for faith schools or free schools where their catchment overlaps the catchments of other schools), this would be a very useful transparency tool.

**And finally...**

There's lots of successful children who have SEND. Whilst we rightly want to improve life for the vulnerable, it's also important to note their efforts as well as their families, schools and support services.

Aaron King, SEND Consultant, 9000 Lives

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