

SUMMARY OF SEN GREEN PAPER

Subject to public consultation for 13 weeks until 1st July 2022

[SEND Review: Right support, right place, right time - Department for Education - Citizen Space](#)

Chapter 2 Single National SEND and AP System

1. Establish a new SEND and AP system setting nationally consistent standards of how needs are identified and met at every stage of a child's journey across education, health and care

- Make consistent the provision, processes and systems across the country across early years to post 16
- Applies across education, health and care
- New legislation will place standards on a statutory footing
- Code of Practice to be reviewed and updated

National standards will include:

a) How needs should be identified and assessed

- Consistent processes for decision making on how needs are identified and recorded
- Instruct on when and how an assessment should take place, who should be involved and how evidence collected should be recorded or monitored.
- It will include standards on how and when a child should be identified as SEN Support, best practice in reasonable adjustments for disabled children.

b) Appropriate provision for different types of need

- Set out when needs can and should be met in mainstream provision and the support that should be ordinarily available
- Bring clarity to when a child needs an EHCP and whether needs should be met in specialist or AP provision
- Greater clarification about which partners fund specific forms of support and provision

c) Standardised processes for accessing and reviewing support

- Standards will set out clear processes for accessing and reviewing the support put in place in mainstream schools including consistent standards on co-production
- Clear standards on how and when EHCPs should be reviewed with greater emphasis on time bound support and achieving individual outcomes

d) Standards for co producing and communicating with children and young people, parents and carers

- Introduction of consistent standards

e) Standards for transition

- Provide consistency on the quality, timeliness and effectiveness of transitions
- Standards will ensure there are consistently deliverable arrangements in place as children and young people move to their next phase particularly into FE, employment and adulthood.

CONSULTATION QUESTION

Q1 What key factors should be considered when developing national standards to ensure they deliver improved outcomes and experiences for children and young people with SEND and their families? This includes how the standards apply across education, health and care in a 0-25 system

2. Establish new local SEND Partnerships involving education including AP, health, care with local government and other partners to produce a local inclusion plan detailing how the local area will meet national standards

2a) Introduce new local SEND partnerships to ensure effective local delivery

- Legislate to enable statutory local SEND partnership arrangements across 0-25 providers, specialist, AP, health and care and other partners eg youth justice
- Partnerships convened by LAS who retain responsibility for high needs funding and co-ordination of the local system to deliver statutory responsibilities
- Statutory guidance will specify what is expected of each partner involved
- Local Partnership will work with parents and carers to carry out an assessment of need and existing provision across the local area including prevalence of need, range of provision required locally.
- For AP this must include the provision necessary across a continuum of support with a strong focus on targeted support in mainstream
- Local partnership will enable LA's to work collaboratively with local education settings, MATS, health and care partners to meet statutory responsibilities
- Current co-operation duties and the requirement to keep education and care provision under review will be updated
- Local partnership will work with MASP, ICS and the needs assessment will inform health and care commissioning

2b) Local Inclusion Plan

- Following the needs assessment the local partnership will work with parents and carers to produce a local inclusion plan.

<ul style="list-style-type: none"> • The LIP is a strategic plan which sets out provision and services that should be commissioned based on the national standards and the results of the joint needs assessment and should reflect local issues such as transport etc. • LIP will inform the local offer • New LA burdens assessment undertaken to consider capacity required to manage delivery of this change eg training of LA SEN Officers • Most commissioning of provision will be at LA level but for some types of provision a regional approach may be appropriate. 	
<p>CONSULTATION QUESTIONS</p>	<p>Q2 How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplication current partnerships?</p> <p>Q3 What factors would enable local authorities to successfully commission provision in low incidence high cost need and further education across local authority boundaries?</p>
<p>3. Mandate the use of multi agency panels to improve parent confidence in the EHC needs assessment process</p>	
<ul style="list-style-type: none"> • Propose to introduce statutory multi agency panels to review and make recommendations on requests for EHCP assessment, assessments, decision to issue, provision specified in plan and placement and funding decisions • Representation would include schools and colleges, health, social care and parents and carers • LA must take these views into account before making final decisions 	
<p>4. Intention to standardise EHCPs to ensure consistent access to specialist provision</p>	
<ul style="list-style-type: none"> • Introduce a standardised EHCP template and process which places greater emphasis on the support that is being put in place including whether it is education, care or health and funded by appropriate service. • More clearly define the statutory requirement for social care input into EHC assessments • Look into streamlining EHC and social care assessments following the publication of the social care independent review • Review the distinction between H1 (CSDPA 1970) and H2 • Standardise annual review process with new standards on documenting and celebrating progress towards outcomes • Introduce a requirement to consider and record a step down to targeted support and a cessation of EHCP • Review and consult on the timescale for the issuing of draft plans following annual reviews. 	

5. Digitise EHCPs to reduce bureaucracy	
<ul style="list-style-type: none"> • Digitise with a new digital EHCP template and a secure central location for parents, professionals to upload documentation • It will allow for better data collection including anonymous tracking of progress towards outcomes and analysis of prevalence of need and support and provision made available. • Data will be used by DfE to review and update the national standards 	
CONSULTATION QUESTION	Q4 What component of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?
6. Amend the process for naming a place within an EHCP	
<ul style="list-style-type: none"> • Parents will be provided with a tailored list of settings based on the local inclusion plan which includes mainstream, specialist and independent. The LA will allocate the first available place in order of the parent preference and this will be named on the EHCP • If a parent preferences mainstream local authorities must name mainstream unless it is incompatible with the provision of efficient education of others • Change will not come into effect until the local inclusion plan for an area has been quality assured and signed off as being in accordance with national standards • DfE will reconsider the powers of the LA to direct academies rather than the decision being made by the secretary of state. The Trust can appeal to the Schools Adjudicator 	
CONSULTATION QUESTION	Q5 How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child and gives parents confidence in the EHCP process
7. Strengthen earlier redress through clear national standards and the introduction of mandatory mediation	
<ul style="list-style-type: none"> • Standards will be set for how complaints related to SEND processes and provision should be dealt with and who is responsible for resolving concerns • Includes improved QA and greater clarity on LA commissioned dispute resolution and mediation and SENDIASS • All families must engage in mediation prior to registering an appeal at Tribunal • National standards will specify how different parties should engage and timescales and that LA decision makers attend mediation. • Above will be kept under review and if not effective DfE will consider an additional redress measure in the form of an independent review mechanism. (this could be same as 3.) 	

<ul style="list-style-type: none"> • First Tier SEND Tribunal decisions will be made in line with new statutory SEND and AP standards • Extended powers under the national trial to hear appeals and make non binding recommendations about health and social care aspects of EHCPs (provided appeals also include education elements) will continue • Parents are able to bring a claim to the First Tier Tribunal if they believe schools have not operated inclusively under the Equality Act 2010. Tribunal can award a range of remedies eg training of school staff, ordering a change of policy. DfE will explore how well this arrangement is working in practice 	
CONSULTATION QUESTION	<p>Q6 To what extent do you agree or disagree with our overall approach to strengthen redress including through national standards and mandatory mediation?</p> <p>Q7 Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people’s education back on track</p>
Chapter 3 : Excellent provision from early years to adulthood	
8. Identify need at the earliest opportunity in high quality early years provision	
<ul style="list-style-type: none"> • Explore ways to upskill early years practitioners in undertaking the EYFS 2 year old progress check and encourage further integration to join up across education and health services • Increase specialist SEND expertise by increasing the number of trained and qualified SENCOs in EY settings • Conduct a review of L3 early years educator qualification and increase the number of SEND L3 qualified practitioners in EY settings 	
CONSULTATION QUESTION	Q8 What steps should be taken to strengthen early years practice with regard to conducting the 2 year old progress check and integration with the HCP review?
9. Introduce a new SENCo qualification	
<ul style="list-style-type: none"> • Introduce a new Leadership SENCo NPQ to replace NASENCo. • Strengthen the statutory timeframe so that training is completed in 3 years but also HT must be satisfied that a SENCo is in the process of obtaining the qualification when taking on the role • SENCOs to be given sufficient protected time to carry out their role and are provided with administrative support 	

CONSULTATION QUESTION	<p>Q9 To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?</p> <p>Q10 To what extent do you agree or disagree that we should strengthen the mandatory SENCo training requirement by requiring that HTs must be satisfied that the SENCo is in the process</p>
10. Improve timely access to specialist support	
<ul style="list-style-type: none"> • Clarify strategic and operational functions of DCOs and DMOs at place and ICS level. • Post name to be changed to Designated Health Officer • Revise CoP to encourage the adoption of a DSCO and use the pilot CDC work to establish what a high quality DCSO role looks like • Test the value of embedding multi disciplinary teams of professionals in AP involving education, health, social care, youth justice and youth services • By 2030 all schools will be part of a strong trust • Maintained and AP schools have the choice as to whether they join a specialist or mixed trusts 	
CONSULTATION QUESTION	<p>Q11 To what extent do you agree or disagree that both specialist and mixed MATs should co-exist in the future trust led future? This would allow current local authority maintained special schools and AP to join either type of MAT</p>
11. Support young people in their transition to further education	
<ul style="list-style-type: none"> • New national standards will includes standards for transition • Plan to expand the use of Common Transfer Files to facilitate smooth transition planning • Specialist option for SEND for FE teachers under new Occupational Standard for FE teachers introduced from January 2022 • Consider how NPQ for SENCos could be aligned to support SEN provision in FE settings • Every Governing Body should have an individual as an SEND link governor 	
12. Prepare young people with SEND for adulthood	
<ul style="list-style-type: none"> • Roll out improved careers guidance via Careers Hubs and support for Careers Leaders • Continue to work with SEND sector to develop statutory guidance for local skills improvement plans to address the SEND employment gaps • Over next 3 years investment up to £18million in supported internships 	

- 72000 traineeships between 2022/3 and 24/5
- Investment in a comprehensive package of CPD to upskill providers and employers
- Consulting on a review of post 16 qualifications at L2 and below, closing on 27 April 22 – proposing to simplify the qualifications landscape so it is easier to navigate and better supports students to progress to further study, employment and independent living
- Pilot an adjustments passport and use evaluation to inform whether they should be rolled out

CONSULTATION QUESTION

Q12 What more can be done by employers, providers and government to ensure that young people with SEND can access, participate in and be supported to achieve an apprenticeship, including access routes like Traineeships?

Chapter 4: A Reformed and Integrated role for Alternative Provision

13. Propose to create a new national vision for AP:

- Make alternative provision an integral part of local SEND systems by requiring the new local SEND partnerships to plan and deliver an alternative provision service focussed on early intervention and adheres to national standards
- Introduce new statutory partnerships bringing together all relevant local partners to assess need and plan AP. This will be specified in the local inclusion plan and will detail the numbers of different placements to be supported
- Give AP schools the funding stability to deliver a service focussed on early intervention by requiring LA's to create and distribute an alternative provision specific budget based on a minimum 3 year funding budget
- LA to distribute full funding in line with the plan
- Build system capacity to deliver the vision through plans for all AP schools to be in a strong multi academy Trust or have plans to join or form one, to deliver evidence led services based on best practice and open
- Develop a bespoke national alternative provision performance framework and performance table. This will focus on five outcomes:
 - Effective outreach support
 - Improved attendance
 - Reintegration
 - Academic attainment with a focus on maths and English
 - Successful post 16 transitions
- Develop a bespoke national AP performance framework
- As stated in the White Paper consideration will be given to a new backstop power for Las to direct Trusts to admit children with a right for the Trust to appeal to the Independent Schools Adjudicator.

- AP will offer interventions and education across a continuum of support. We propose to establish a new delivery model based on a 3 tier system of support:
 - Targeted support in mainstream schools – for children and young people whose needs lead to behaviour that disrupts but where a strong school behaviour culture alone is not sufficient. Eg on call advice for mainstream schools, coaching, delivering self regulation classes for small groups or one to one support
 - Time limited placements in AP for those who need more intensive support to address behaviour or anxiety and re engage in learning. Children will be dual registered and supported to return to their original placement
 - Transitional placements for children who will not return to their original school but will be supported to make the transition to a new school when they are ready or transition to post 16.
- AP will be included in the new joint Ofsted/CQC LA SEND Framework as well as school inspections
- Call for evidence on the use of unregistered AP before the summer.

CONSULTATION QUESTION

Q13 To what extent do you agree or disagree that this new vision for AP will result in improved outcomes for children and young people?

Q14 What needs to be in place in order to distribute existing funding more effectively to alternative provision schools to ensure they have the financial stability required to deliver our vision for more early intervention and reintegration?

Q15 To what extent do you agree or disagree that introducing a bespoke alternative provision performance framework, based on these 5 outcomes will improve the quality of alternative provision?

Q16 To what extent do you agree or disagree that a statutory framework for pupil movements will improve oversight and transparency of placements into and out of alternative provision?

14. Chapter 5 System roles, accountabilities and funding reform

- Clarify roles and responsibilities with every partner across education, care and health with local government having a clear role to play and equipped with the levers to fulfil their responsibilities
- Equip the DfE new Regions Group to take responsibility for holding MATS and local authorities to account for delivery for children and young people with SEND against new national SEND standards

- DfE will support Las in the development and review of local inclusion plans to ensure they are built on strong evidence, are forward looking, consider emerging trends and are co produced.
- DfE will enter into new funding agreements with Las to provide greater accountability and transparency in how HNB are spent and circumstances when DfE will intervene based on Safety Valves and Delivering Better Value. Intervention may be in form of an improvement plan, pairing with high performing Las, imposed conditions and even a change in leadership of HNB budgets and local delivery/
- DfE will adapt the regulatory and legal arrangements for Trusts and bring together a set of statutory academy standards. New intervention powers will underpin the standards and provide a framework to tackle any Trust that fails to achieve the expected outcomes.
- The White Paper will define the qualities of a strong Trust against 5 key principles
- New Trust led regulatory framework that is risk based and proportionate will be drawn up.
- DfE to work with DHSC to provide statutory guidance to ICBs on the statutory responsibilities of SEND and how they should be discharged in the ICB and interventions if they are failing

Better use of Data in the SEND System

Introduce new local and national Inclusion dashboards setting out clear performance data and metrics across education, health and care. This will be used to monitor, plan and deliver services by local SEND Partnerships. DfE will use the data to determine progress over time, providing a holistic picture of local area performance. This will include:

- Outcomes and experiences
- Identification of need
- Value for money

CONSULTATION QUESTION

Q17 What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these?

15. Update Performance Metrics for Education Providers

- Propose to update Compare School and College Performance (performance tables) to help recognise schools that are doing well with SEND
- Ofsted will inspect all schools at least once by the end of the summer term 2025.

16. Update the Ofsted LA SEND and AP Inspection framework

- New joint Ofsted/CQC SEND inspection framework to be launched in 2023

17. Reform funding for a strong and sustainable system

- Introduce a new national framework of banding and price tariffs for high needs funding matched to levels of need and types of education provision set out in the new national SEND standards. Bandings will cluster specific types of education provision aligned to need as set out in national standards
- Bandings will apply across breadth of education provision including independent special provision
- National banding system will be subject to pilots before national roll out
- Consultation on funding tariffs for education including the extent of local flexibility whilst remaining within national standards
- Guidelines to be set as to who pays for what support and how LAs set funding levels.
- DfE will work with LAS to see whether changes to the SEND Inclusion Fund are required to support the national framework for tariffs
- DfE will standardise the calculation of school’s notional SEN budgets and DfE rather than Las will determine budget allocations through a single national formula
- DfE will consider whether £6000 notional SEND remains the right threshold beyond which schools can expect to draw down additional HN funding

CONSULTATION QUESTION

Q18 How Can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

18. Chapter 6 Delivering Change for children and families

- Dedicated SEND and AP Directorate within DfE will be responsible for overseeing the development of the new national SEND standards
- Directorate will be aligned with the DfE new Regions Group
- Propose to establish a new National SEND Delivery Board made up of relevant government departments, national delivery partners including parents, local government, education, health and care to hold partners to account for the timely development and improvement of the system

CONSULTATION QUESTION

Q19 How Can the SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

19. Align with wider reforms and changes to delivery landscape

- Changes to the system are not made in isolation and happen in the context of complementary changes to education, care and health and will reflect system wide change. Delivery plans will align with:
- Recovery from the Pandemic
- Schools White Paper
- Independent Review of Social Care
- Integrated Care Boards (ICBs)

20. Deliver Change for Children and Families

- Determined to create conditions for lasting change that delivers on shared aspirations for children and young people with SEND. It requires extensive and continued engagement and communication to enable leadership of change at every level in the system and genuine and continual coproduction with parents from local to national level

CONSULTATION QUESTION

Q20 What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success?

Q21 What support do local systems and delivery partners need to successfully transition and deliver the new national system?