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Reform of the SEND system: What might the next stage look like and how can we build consensus?

An addendum to our report on the future of the SEND system in England

Ben Bryant and Natalie Parish – Isos Partnership

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Key points from the workshop discussions

Following the publication of our [report](#) on reform of the current “system” of support for children and young people with special educational needs and disabilities (SEND), between November 2024 and February 2025 we facilitated a series of regional and national workshops with young people, parents and carers, health practitioners, educators, and local government officials and members. The aims of these conversations were to explore the issues raised in our report, foster mutual understanding, and discuss the ways in which system reform might be taken forward.

This document summarises the points raised in those workshops and our reflections on how those debates have added to the ideas in our original report. While the workshops have been attended by young people, parents and carers, education leaders, health practitioners, and local government officials and elected members, this document does not presume to speak for all young people, parents and carers and practitioners – this was not possible within the scale of this work, nor is it our role to do so. These workshops are one strand of many conversations taking place at present about reform of the SEND system and are but one contribution to the growing – and welcome – debate about how to support children and young people who need additional support in the future. This document seeks to show the areas of common ground and the points of debate when leaders from Parent Carer Forums (PCF), education settings, health services and local government come together to talk about the ways in which the current “SEND system” is not working and how it could be reformed. Below is a summary of the key points from the workshops.

- **There has been tremendous value in bringing together leaders from PCFs, education settings, health services and local government.** In an environment of mutual respect, curiosity and absence of blame, these discussions offer a template for wider co-productive discussions to guide future reform.
- **We cannot emphasise enough the toll that the current system takes on many young people, their families, and practitioners.** Despite the good intentions of policymakers, the unwavering commitment of parents to their children, and some brave practitioners who go above and beyond to help families, the current system is not working well for anyone in it. At its most extreme, the current system can cause long-term misery, stress and hardship for young people and their families.
- **While “broken” is a term many people use and recognise, some argued that the term is not useful to those in the system currently nor at this stage when the question is how, not if, future reform will take place.** The current system works in the way it has been constructed to work. If we think that the experiences and outcomes it is delivering are not what we want, we need to design a new system and avoid the design flaws of the current one.
- **There is value in thinking about reform of the system as comprising two inter-dependent pillars.** We have found this

idea of “two pillars” a useful way of grouping our original eight recommendations and framing the debate about reform. The first pillar relates to building values, culture, practices and support capacity, while the second relates to the legal rules and parameters of the system. Participants in the workshops found this framing helpful and recognised the inter-related and mutually reinforcing nature of the two pillars. They also recognised that risk that, if the pillars are not aligned, the system will be inherently unstable – for example, if the system’s support capacity (Pillar 1) is weakened, there will be over-reliance on the statutory system (Pillar 2) to access support.

- **We suggest that reforms of both Pillar 1 (support capacity) and Pillar 2 (legislative framework) are necessary and need to be taken forward in tandem.** For some (particularly PCF leaders), building the inclusive capacity of the system (Pillar 1) must be done before legislative reform (Pillar 2) can be countenanced. For others (particularly education setting, health service and LA leaders), it will not be possible to rebuild Pillar 1 without reform of Pillar 2. The challenge for national policymakers is to devise a path whereby reforms of both pillars can be moved forward in tandem avoiding the risks that concern families (weakening of entitlements and a loss of support) and those that concern leaders of settings and services (that new capacity will be taken up by the existing statutory system, rather than rebuilding Pillar 1 support).

- **There is, however, a counter argument that reform of Pillar 2 would be unnecessary if Pillar 1 was strengthened.** This is not our view, but it is one that is held strongly by some of the groups that we have engaged, and it deserves to be taken seriously. For those who think Pillar 2 reform *is* necessary, it is important to be precise about the specific elements of the current statutory framework that need to be changed, and that this can be done in a way that increases support, access and accountability.
- **A crucial first step on the road to reform is to set out a national vision, a set of foundational values and national expectations about what an inclusive system should look like.** Consistent and clear expectations of inclusive practice and the role of mainstream education settings (akin to what used to be called “school action”), targeted services (akin to “school action plus”) and specialist provision is a crucial foundation to both pillars of reform. How can we train a workforce, design buildings, create curricula, fund provision, measure impact and accountability without clarity on the respective and complementary roles of mainstream / universal, targeted and specialist services?
- **The early years is foundational to this new approach in every sense.** There is both an opportunity and an imperative to start to build this new, more inclusive and holistic approach to education and childhood in the early years. The opportunity is one that is occasioned by the roll-out of early education

entitlements, and the state's increasing role as a funder and commissioner of early education, as well as the nature of the curriculum and pedagogy in the early years. There is also an imperative because getting a joined-up and holistic offer of support from education, family and therapeutic services in the early years can be life-changing for children and families, and avoid issues being left to escalate as children get older. This will require, however, significant commitment and investment in every sense to inclusive education and holistic support in the early years.

- **Workforce planning and development holds the key to all proposals for reform.** It is an obvious but essential point, but any system will founder if there are not sufficient practitioners, in the right locations, and with the right training and skills. Time and again in the workshop discussions, colleagues emphasised the importance of developing a workforce across education and all children and family services that could uphold the principles and practices of more inclusive and holistic system.
- **A crucial characteristic of a future system is that access to support should not be dependent on having a statutory plan.** The hollowing out of non-statutory SEN Support (and the reduction in wider support services for

children, young people and families) has made it seem imperative to secure an Education, Health and Care Plan (EHCP) to get access to a modicum of support and to ensure some degree of accountability for its delivery. We think it is vital that a future system provides a much broader “core” offer of support for all children and young people who need it, which does not depend on them having a statutory plan. For such a system to work, there would need to be significant initial investment in building the capacity of settings and services to deliver this “core offer”. Furthermore, that offer of support would need to have “teeth” in the sense of effective accountability and routes of redress for families.

- **It remains imperative that a future system breaks down the barriers that continue to exist to joint working across education and health services.** Any attempt to reform the current system must find a way to crack this age-old issue. It must align responsibilities so that partner agencies are enabled to work together to provide an integrated and holistic approach to supporting all children, young people and families thrive. There remains debate about the best way to achieve this, but consensus that a brave and fundamental change is needed.

* * *

Introduction

Background

In July 2024, we published a [report](#), jointly commissioned by the Local Government Association (LGA) and the County Councils Network (CCN), on the challenges within the current SEND system and recommendations for reform. At the time, the National Network of Parent Carer Forums (NNPCF) published a response to our report, stating:

The NNPCF agrees that the SEND system is in need of change, in order for the system to be more effective and to provide strong positive outcomes for those children and young people with SEND. Whilst the report is a thorough analysis of the key financial issues faced by Local Authorities, we feel that of the views and needs of children and young people and their families now need to be embraced in greater detail, along with wider stakeholders to ensure that change is driven forward in a co-productive way that meets needs and improves outcomes for children and young people. We hope that this report provides the platform for starting those conversations and we welcome greater involvement with LGA and CCN moving forward.

We agreed with this entirely, particularly the idea of our report – whether one agrees with some, all or none of it – being a “platform” for further co-productive conversations with children, young people, families and practitioners to build consensus and to take forward positive change.

The workshops

To that end, the LGA agreed to support a series of regional workshops so that all groups of leaders within the SEND system would have the opportunity to come together to debate the ideas raised by our report and the future of SEND system reform.

Between November 2024 and February 2025, we have held –

- six in-person regional workshops in Birmingham, Bristol, Doncaster, London, Manchester and Newcastle-upon-Tyne – each attended by between 25 and 35 people;
- two further virtual workshops for colleagues who could not join the in-person events;
- five parallel workshops with local groups of young people with additional needs – these have been organised through the Multi Schools Council, Lincolnshire Young Voices, Speech & Language UK, and the Bury Change Makers; and
- a national workshop bringing together key national organisations and policymakers from across government.

The aims of the workshops were to –

1. discuss ideas for reform of the SEND system openly;
2. foster mutual understanding and build consensus for reform (and highlight points of difference) between groups within the SEND system; and

3. maintain the momentum for reform and provide further ideas for national policymakers thinking about the path to reform.

The workshops were organised with the help of national membership organisations representing key groups involved in the SEND system. They have included NNPCF, the Early Years Alliance, Dingley's Promise, the National Association of Head Teachers (NAHT), the Association of School & College Leaders (ASCL), the Association of Colleges (AoC), the NHS, and the Association of Directors of Children's Services (ACDS), along with CCN and LGA. In addition, we have been invited to speak about the report to a range of fora, including the Special Education Consortium, and conferences. While not directly part of this project, we have sought to reflect in this document the full range of views we have heard during these wider discussions.

It has not been within the scope of this work to undertake broader consultation, nor is this our role. This would be more appropriately done by national government when they announce their vision for SEND reform. Our work has been to test, on a smaller scale, the sort of dialogue between different groups within the SEND system that will be necessary – on a larger scale – in taking forward national reform. We do not claim to be representing each and every view on the subject of SEND reform, only those that we have heard through the workshops and our discussions. This document should be read as an addendum to our original report, recapping what we recommended, describing the debates and questions we have heard, and offering our reflections on these.

The value of these discussions

The workshops have powerfully demonstrated the value of those with lived experience of, and leaderships roles within, the SEND system coming together in shared recognition that the current system is not working and with a shared commitment to improving it. (It is important not to draw the distinction too firmly between those with lived and practice experience of the system, since many of those attending our workshops had both.) The workshops have underscored the necessity for broad and inclusive dialogue in building consensus, debating complex and emotive subjects openly and without recrimination, and finding points of agreement but also being able to agree to disagree. The workshops also underscored the strong desire for fundamental reform and immediate action to bring it about, and a desire for national government to take the lead in moving forward with reform.

A word about how we talk about the current system

In our original report, we used the term “broken” to describe the current SEND system in England. We did this because (a) many of the people we spoke to for the research used this language, and (b) we wanted to emphasise the urgency of reform and eschew any sense it would be possible to muddle along with the status quo.

Many people to whom we have spoken since have used the same language and reflected that they found the picture we painted of the current system and its faults to be an accurate

reflection of their views. Nevertheless, others have cautioned that referring to the system as “broken” breeds defeatism and inaction at local level, while doing little to help the families and practitioners in the here and now. These colleagues have emphasised that there remain thousands of daily interactions with families and opportunities, within the direct gift of services and education settings, to ensure young people get the support that they need to thrive. Furthermore, as one colleague put it to us, no system is truly broken, but instead systems reliably produce the results for which they have been designed. The trends that we detailed in the first half of our original report are the result of how the current system has been put together, albeit inadvertently. The fact that this is not producing better outcomes and experiences for children, young people and families is the compelling reason that the current system needs to be fundamentally redesigned.

We reflected, therefore, that while it may have been necessary to talk in terms of a “broken system” to emphasise the need for change in our original report, we should change the rhetoric now that the focus of the debate is how, not if, reform should be taken forward. We think it is more helpful to say that the current system is not delivering the experiences and outcomes that are needed for children, young people,

families and practitioners, and that it needs to be fundamentally redesigned to deliver better experiences and outcomes.

Acknowledgements

First and foremost, we are grateful to all individuals who have attended one of our workshops, made time to speak to us separately, or invited us to talk at one of their meetings or conferences. Every time we join a discussion about the SEND system and how it might be reformed, we come away with new questions and ideas. We have valued the insights of every person who contributed to this work.

Second, we are grateful to the LGA for commissioning this series of workshops. We are also grateful to the Councils in Birmingham, Bristol, Doncaster, Manchester and Newcastle-upon-Tyne for “hosting” workshops for colleagues in their regions and beyond. The workshops themselves have been facilitated by a small team from Isos Partnership, made up of Ben Bryant, Natalie Parish, Dr Sam Baars, and Adam Lewis. The organisation behind the scenes has been led by Zainab Khanom and Clive Harris from the LGA.

* * *

The two pillars of reform

The two pillars: What they are and how they are related

In our original report, we made eight broad recommendations for reforming the current SEND system. In the workshops and other discussions about our report, rather than list all eight recommendations in detail, we found that it was more helpful to group these together and to talk about two broad “pillars” of reform. This idea has helped to frame and engage people in the debate about future reform.

Figure 1: The two pillars of SEND system reform

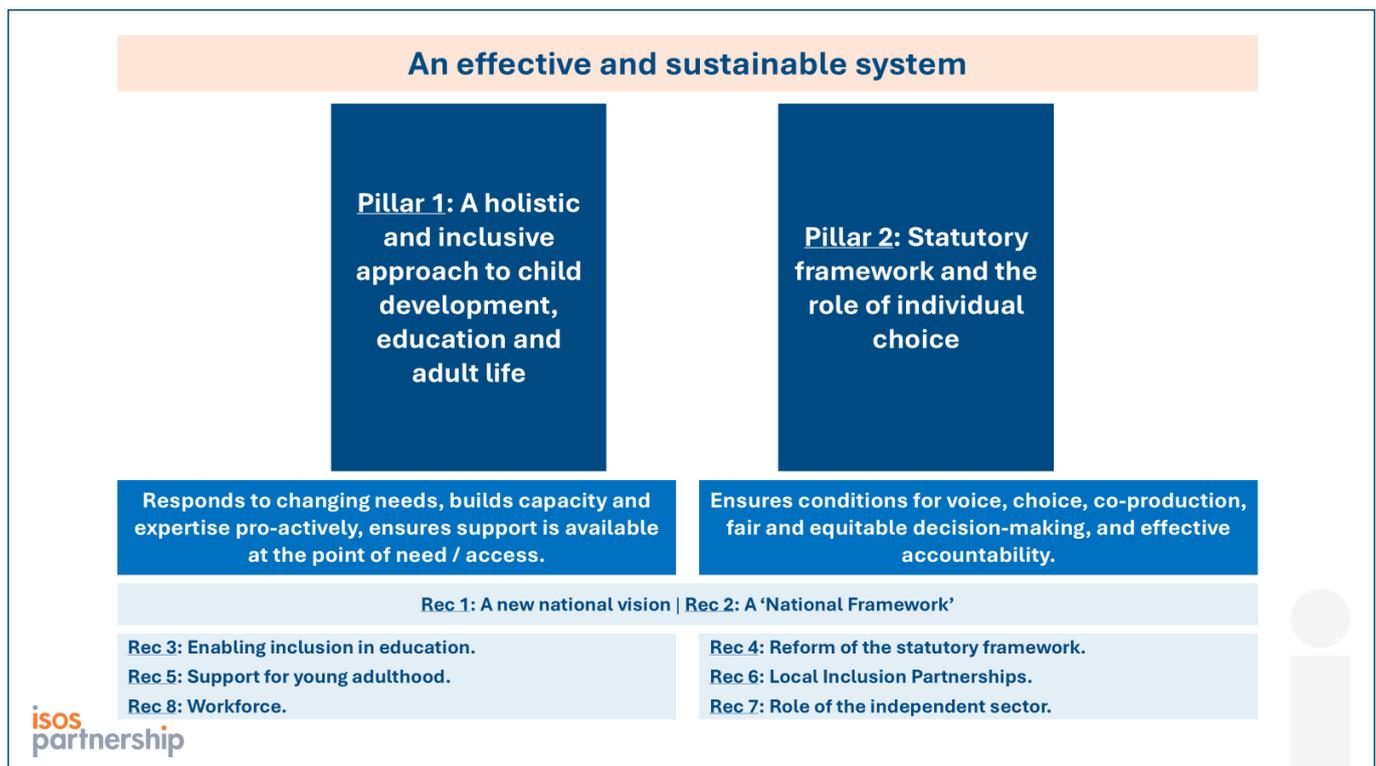


Figure 1, above, summarises the two pillars.

1. **Pillar 1** relates to how to build capacity and support in a system that is inclusive in its ethos, and holistic in its approach to supporting children, childhood, education and how young people become young adults. It seeks to be responsive and proactive in building capacity and expertise to reflect changing needs, so as to ensure support is accessible and timely. It captures our original recommendations 3 (enabling

inclusion), 5 (preparing for adulthood) and 8 (workforce).

2. **Pillar 2** concerns the design of the explicit guiding rules of the system – the statutory framework. Specifically, Pillar 2 focuses on how those guiding rules create the conditions for voice, choice and co-production between families and practitioners, balances this with decision-making that is fair and equitable, and ensures accountability that is proportionate and effective. Pillar

2 captures our original recommendations 4 (reform of the statutory framework), 6 (partnership, roles and responsibilities), and 7 (the role of the independent market).

As the graphic above seeks to show, recommendations 1 (a new national vision) and 2 (a National Framework) are crucial to both pillars.

The graphic is a simple visual metaphor. By using it in the workshops, we wanted to get across the idea that the offer of support and the statutory framework are inter-dependent, mutually supportive, and must be aligned. If the two pillars are out of sync, the system can become unbalanced and risks collapse. For example, in a system with strong statutory entitlements but a limited offer of support, there will be increased reliance on statutory entitlements as the means of accessing support to compensate for the lack of help available otherwise. By the same token, in a system in which there is a broad offer of support but an inadequate statutory framework, the risk is that support will be ineffective and inequitable, with little accountability or routes of redress. As such, the two pillars must be aligned, work in tandem, and be directed towards achieving the same fundamental values and goals.

The longest chapter in our original report focused on the root causes of the challenges in the SEND system. Boiling this down to its simplest form, our argument was that over the past decade Pillar 1 (the availability of support for children, young people and families) of the current system has been weakened, and thus there has been increasingly reliance on Pillar 2 (i.e., the statutory SEND system) to access support. As one parent put it to us,

Parental confidence is at zero. The only way to get support is through the EHCP process ... and then you end up bitterly disappointed by the outcome. You battle for this because there is no alternative. The key is giving confidence back that children and young people will get support at the right time, otherwise we will have a two-tier system – those who can advocate for themselves and make use of the legal system, and those who cannot.

The reference to parental confidence being “at zero” will resonate with many families.

Nevertheless, there were parents and carers who attended the workshops who wanted to recognise examples of brilliant practitioners going above and beyond to support their children. The fact that great practice, where it exists, is done despite, rather because of, the current system is all the more reason why reform of both pillars is essential.

A summary of responses to the two pillars from the groups that took part in our workshops

The next two chapters focus in detail on Pillars 1 and 2 respectively. In each, we explain why we think reform is necessary, what we proposed in our original report, and the debates we had about these ideas during the workshops. In keeping with the collaborative spirit of the workshops, we have not described in detail which workshop participants said what. Instead, we have provided an overall summary of the discussions. We thought, however, that it would be helpful to give an overall sense of the responses to the idea of the two pillars, and

questions raised, from each of the key groups represented at the workshops.

PCF leaders

PCF leaders who took part in our workshops were strongly supportive Pillar 1, specifically the need to rebuild the offer and capacity for support and to make this tangible to families as a pre-requisite for improving confidence. They raised three additional points.

1. **The sequencing of reforms** – for PCF leaders, it was vital that changes relating to Pillar 1 were put in place *before* changes were made to the current statutory framework. They argued that this was essential, otherwise reforms would be perceived as a weakening of entitlements and access to support.
2. **How a future system would have “teeth”** – we argued in our original report for a system in which there would be a broader core offer of support that is ordinarily available in education settings, rather than access being dependent on individual statutory plans and top-ups. In weighing up these arguments, PCF leaders raised the question about how this new system would have “teeth” and accountability so that families could ensure that young people got the support that they needed. PCF leaders also raised questions about equity of access, given the way that parts of the SEND system disproportionately affect groups on the basis of ethnicity, gender and socio-economic status.
3. **Whether reform of Pillar 2 is necessary** – there was a view, articulated by some PCF leaders in our workshops and strongly held by other parent and carer groups in our wider discussions, that the

current statutory framework does not need to be reformed and offers a sound basis for a future SEND system, if only it was adhered to more fully. According to this argument, stronger accountability and increased funding would secure greater compliance with the law and deliver a SEND system that meets children and young people’s needs.

Education setting leaders

Education setting leaders – representing all phases and sectors – were also supportive of ideas behind both Pillars 1 and 2, particularly changes that would enable and reward inclusion, and would create a level playing field for settings. They welcomed the equal focus on all phases of education, drawing attention specifically to the opportunity (and necessity) to embed a more inclusive and holistic approach in the early years and to strengthen work in the post-16 sector to enable young people to make the transition to adult life. Education sector leaders raised two overarching points.

1. **The scale of reform necessary** – while supportive of the principles, they asked how reform on this scale could be achieved given that building a more inclusive and holistic system would have implications for every aspect of current education policy. Some had suggestions for how reform could be taken forward, which we describe in the final chapter of this document. Overall, education setting leaders cautioned against the idea that a more inclusive approach could be achieved simply by asking education settings to do more on their own. They emphasised how stretched education settings in all sectors were – in terms of resources, staffing and capacity to take on new initiatives. They argued

that reform of the SEND system needed to be a whole-system effort that enabled inclusion, rather than simply asking education settings and services to do more with what they have at present.

2. **The importance of thinking about an inclusive system not just mainstream education** – education setting leaders argued that inclusion was a principle that ran across the whole continuum of education and included the roles of specialist as well as mainstream settings (and all types of provision in between). They argued that inclusion was not reducible to one form of provision but instead was a fundamental value and characteristic of a whole system, and that national rhetoric should focus on the creation of an inclusive system, rather than “inclusive mainstream”.

Children’s health service leaders

Health service leaders were similarly supportive of the two pillars, particularly the principle of moving away from a deficit-based approach and towards a system with greater clarity about (and enablement of) the support that should be ordinarily available from children’s health services. They were also supportive of proposals to strengthen partnership working and align responsibilities of key partners. They made three additional points.

1. **The use of language** – children’s health service leaders emphasised the need to frame a future system in language that spoke to practitioners in health services as well as in education. There were several specific points of detail, captured in this document, where they highlighted language that might make

sense in an education context but would mean less in a health service context.

2. **Aligning reform agendas** – children’s health service leaders also drew attention to wider reforms and plans within the NHS, and the need to align reform of the SEND system with those broader changes.
3. **Aligning partner responsibilities** – a more inclusive and holistic approach relies on aligning the responsibilities of key partners, including those in education, health and care services. Children’s health service leaders drew attention to mismatches between local government and health services in terms of roles, responsibilities, funding streams, priorities, accountability and geographical boundaries. They – and other groups – contributed suggestions about how best to crack this challenge, which we detail in the chapter focusing on Pillar 2. Within this, children’s health service leaders argued that they needed stronger levers to prioritise and protect a focus on children’s health within their own services.

LA leaders

Lastly, LA leaders were supportive of the principles and necessity of reform, as well as the inter-dependencies between the two pillars. They made two additional points.

1. **Alignment of government policy** – LA leaders highlighted the risk of a lack of alignment of government policy, both within education (questioning the sequencing of inspection reform, the review of the curriculum, and wider SEND reforms) and across government (given that the SEND system is

influenced by decisions made in areas of policy including health, justice and local government finance). They welcomed the focus on these areas of policy but drew attention to the risk of creating an equally disjointed and misaligned system to the present one, if these policies were not aligned to an overarching vision and set of policy aims for education and childhood.

2. **The need to define and rebuild capacity within local government** – LA leaders drew attention to the fact that councils across England were now, as a

result of changes to their role and reductions in funding, very different organisations in terms of the services they offer and how they seek to fulfil their functions. They argued for a restatement of the role of local government, a commitment to rebuilding capacity to fulfil that role effectively (in parallel with health services and education settings), and a stronger, more explicit partnership with central government, specifically in relation to education and children's services.

* * *

Pillar 1: Building a more inclusive and holistic approach for young people who need additional support

Why reform is needed

In our original report, we wrote that ‘it is not possible to create a system of meeting children and young people’s needs that is both effective and sustainable, unless the mainstream education system is reconfigured in a much more inclusive way.’ We described the recommendations that related to embedding inclusion at the heart of the education system as the ‘lynchpin’ of a future system and the necessary condition without which reform would be doomed to failure.

We argued that, for a variety of reasons relating to current policies, funding pressures, changes to performance and accountability measures, and reduced availability of wider support services, it has become increasingly difficult for mainstream education settings to meet the needs of a growing number of children and young people who require additional support. Faced with this challenge, there are two possible responses. The first – which is not what we advocate – would be to treat the role of mainstream education as fixed, accept that a growing number of young people will not be able to access mainstream education, and create a separate system of education provision for those young people who are deemed not to be “mainstream-ready”. The second – which we do advocate – would be to rethink the whole education system, including the roles of both mainstream and specialist settings, so that it reflects the needs of children and young people as they are. The former assumes that young

people must fit the system; the second that the system exists to serve young people.

Over the past decade, we have seen the education system in England – particularly for school-age children – shift towards a narrower conception of mainstream education and a reduced offer of support for young people with additional needs. A consequence of this has been more individual statutory plans, individual top-up funding and specialist provision. We argued in our report that this shift had not yielded any demonstrable improvements in measurable outcomes or lived experiences. The young people to whom we spoke during our original research – echoed by those to whom we spoke for the present project – strongly emphasised the importance of feeling included in their local education settings and communities, and being able to make the most of their time in education. What they and their families valued often started with feeling listened to, understood and secure, which helped to foster a sense of belonging, dignity and agency. These values and practices are not – and should not be – the exclusive preserve of specialist education settings. Instead, they should be the consistent values and practices in every part of the continuum of education, including both mainstream and special education.

For these reasons, in our original report we set out a wide range of proposals designed to:

- **create a more inclusive education system**, with settings enabled and expected to offer a broader range of

ordinarily available additional support;
and

- **provide better access to additional targeted support**, as a core entitlement that settings and families could count upon, and where access was not dependent on individual children and young people having statutory plans.

What we proposed in our original report

Under what we are now calling Pillar 1, there were three broad sets of proposals in our original report.

Vision, values and expectations

We argued that a crucial first step in reforming the current SEND system was to articulate a new vision and set of values that could guide all policies relating to children and young people. We argued that this new vision should be based on the principle of inclusion, both in education and in the transition to life as an adult. Inclusion, in this sense, was not meant to refer to a specific model of provision. We recognise that a child can feel marginalised and excluded in a mainstream setting, while a young person can feel included in a specialist setting. Our argument was that the principle of inclusion should act as a fundamental guiding value for the whole system, not a prescription for provision.

We also recognise that inclusion is a broader concept than SEND. We used the term “inclusion” to cover to the broad range of experiences and needs of children and young people, and to capture the need to design policies and services that give all young people

the opportunity to participate fully, feel safe and valued, and thrive in education, childhood and into early adult life. Inclusion, in this sense, means ensuring that settings and services reflect and serve their communities, rather than expecting young people to fit those settings and services. In practical terms, this would mean designing the curriculum, funding arrangements, training and education buildings on the basis that each cohort of young people will include those who are neurodiverse, who have experienced trauma, who have poor mental health, who need help with their language development, as opposed to designing education settings for neurotypical, emotionally well, non-traumatised young people and having to bolt-on separate provision for anyone who does not fit the mould.

In addition, we argued that it was necessary for a future system to translate its vision and core values into an explicit and consistent set of expectations about what education settings and services for children and young people should provide for those requiring additional support. We proposed, therefore, what we called a National Framework. The idea here was to make explicit the types of needs that mainstream (and special) education settings would be expected to meet and the additional support that they would be expected to provide. We proposed that this should inform the offer of education and wider support in early years settings, schools and colleges. We also argued that a National Framework should enable inclusion by disseminating evidence of effective practice in providing additional support to young people with a range of needs. Lastly, we proposed that the National Framework should not be overseen by politicians, but rather by an independent body drawn from practitioners and sector leaders.

At its simplest, the idea here was that, as a country, there should be clarity about what all young people, families and practitioners can expect in terms of additional support from the education settings that they attend and the services that they access. We argued that a system in which inclusion and additional support was seen as discretionary – and add-on to the core business of education to be determined by individual settings and extended only insofar as it did not impinge on the core business – was a system that is working for its own interests and not those of the children and young people in it.

Enabling support

We argued that the way to achieve a more inclusive and holistic approach was not simply to ask education settings to “be more inclusive”. We argued that creating and maintaining an inclusive system is not the sole responsibility of schools, settings and colleges alone, but instead must be part of a collective effort from education, health and family services. Furthermore, an inclusive system must be proactive in identifying needs and providing support, not reactive only at the point of crisis.

We set out, therefore, the idea of what we called a multi-disciplinary team. Our idea was that rather than needing a statutory plan for an individual child to get access to key support services, there should be a “core offer” of support available in every education setting. The ambition was to guarantee that every early years setting, school and college would have regular access to a range of expert support – which could include, for example, a speech and language therapist, educational psychologist, mental health practitioner, occupational therapist and specialist teacher – to work with groups of students, support in carrying out

assessments, model and coach practice, and upskill staff. This offer would not be dependent on individual children having – or needing – a statutory plan, but instead would enable education settings, targeted services and families to work together to identify needs and put in place additional support early.

Rethinking key planks of current education policy by “putting inclusion first”

With good reason the chapter on recommendation 3 – ‘creating a more inclusive mainstream offer’ – was the longest chapter on any of our eight recommendations. Putting inclusion first requires a fundamental rethink of all aspects of current education policy.

- Across **all phases and sectors of education**, we argued that adopting a more inclusive and holistic approach would necessitate reform of the workforce (planning, initial training, ongoing professional development) and funding (both the quantum available to settings, but also the methodology, moving away from individually negotiated top-ups and towards cohort-based funding).
- For the **school sector**, we described changes that would need to be made to the curriculum, qualifications and assessment, performance measures and accountability, and the design of buildings. We also outlined a crucial role for special schools as part of a more fluid continuum of provision, in which young people could benefit from a more flexible, blended range of provision and in which the boundary between

mainstream and special was more porous.

- In the **early years sector**, we outlined the need to strengthen access arrangements to ensure children with additional needs could attend early years education, as well as measures to support parents as partners in their child’s education and to strengthen transition to school for children who require additional support.
- In the **post-16 sector**, we described the need to capitalise on flexibility regarding the design of study programmes by building stronger partnerships between post-16 education providers and partner agencies around strategic planning for young people with additional support entering post-16 education and for those making the transition from post-16 education to the next stage of their lives (ongoing education, training, work, and living independently). Linked to the last point, our report also contained a chapter about strengthening the basis for planning transition between education and adult life for all young people who need additional support. This included the proposal to create a new local key-working service we called the “Destinations & Progression Service”, which we envisaged would hold the ring and ensure young people do not face a “cliff edge” as they move out of formal education and into adult life.

A summary of the discussions during the workshops

Recommendation 1: Vision and values

Strong support for creating a more inclusive and holistic approach

Colleagues at our workshops were strongly supportive of the ambition of creating a more inclusive and holistic system. Specifically, they welcomed the emphasis on inclusion being at the heart of the education and children’s services system, rather than SEND being seen as an “add on”. They underscored the point, which we championed in our original report, that inclusion was broader than SEND, and that an inclusive system was one that recognised and sought to respond to young people’s needs and the barriers they may be facing, regardless of labels. Colleagues also welcomed the idea of inclusion being used in a broader sense as a guiding value for the system, rather than in the narrower sense as a form of provision.

System leaders shared examples from other areas of public service of creating a vision and set of guiding values to which all leaders, practitioners and settings sign up, and that acts as touchstone for policy and day-to-day interactions with families. Shaping a new vision and set of values for an inclusive and holistic approach to education and childhood is a task in itself – indeed, in our report we placed this as the first step on our illustrative reform pathway. A key question to which the workshop discussions returned was how to define inclusion. Colleagues consistently argued that

an inclusive system should be one committed to children, young people and their families –

- being treated children and young people with **dignity** and **respect**;
- feeling **listened to**, **safe** and **secure**;

- having a strong sense of **belonging** in their education settings and communities; and
- are **included** and have every opportunity to **participate** and **thrive**.

They stressed that the starting point should be what young people themselves say matters most to them.

Young people’s views about the purpose of education and the importance of feeling valued and included

We asked the young people to whom spoke what they saw as the purpose of education. As well as preparing for the future, the young people saw the role of education as something broader than academic success, and often highlighted the importance of learning about both oneself and others, and the value of growing up with people different from oneself.

‘[The purpose of education] is about developing friendships. Growing up with people you don’t really know.’

‘Learning is developing your brain to get bigger and bigger.’

‘Life is about learning anyway, but you need to be taught how to learn. Some people learn differently – you need to know how you learn.’

Given the debate about what inclusion means, we asked young people whether being included and valued was important to them and why. The quote below captures a common theme from these discussions, in which young people consistently linked feeling valued in education to motivation, emotional wellbeing and achievement.

‘I really appreciate being valued in a class, as it makes me want to work hard, it makes me feel better. It can be the difference between going into a lesson wanting to achieve, or not. ... Being valued is really key to education.’

We asked young people what “being included” meant to them. They highlighted the importance of three things.

- Adults / staff in settings knowing young people as individuals** – *‘Teachers: know your students. Every one of us has a unique system that we run off. Teachers don’t find out what is important for children, what will make them feel valued.’*
- Being seen for themselves, not just seen as their disability** – *‘If you feel you belong – in a good school, with good friends – you are more likely to achieve. I want to be seen as [name],*

not just the girl with additional needs. Being valued is being seen as more than just your disability.'

- iii. **Being able to participate fully** – not being barred from taking part in things, being valued (as opposed to stigmatised), and having things tailored to you pro-actively so you can thrive.

The young people were acutely aware of what it feels like when one is not included. They spoke about a feeling of their needs not being met or understood, which they perceived to as a lack of time or care being taken to understand them as individuals.

'I don't feel valued when my needs are not accommodated. Didn't like when I was victimised about not getting grades, impacted mental health – state of depression and low mood.'

'Some teachers don't engage all students. They don't take you seriously if you don't learn well – they think it is your fault.'

'Around my age [Y7], having a place in the school society is important, or you won't get many friends. It can make people feel lonely and left out, not want to come into school.'

'If you do not feel included, you do not feel that the system values you.'

The use of the word “education”

There was a good debate in the workshops about the language used in talking about Pillar 1 more broadly, and a future vision and set of values more specifically. This debate centred around the prominence of the word “education”. The point here was that Pillar 1 – and future national ambitions for supporting children and young people overall – should be broader than education in two important ways. First, the scope of Pillar 1 should be broader than statutory education and should encompass what happens in early childhood and preparation for adulthood. Second, the scope of Pillar 1 was not just education services, but should encompass the needs of children, young people and families in a more holistic way.

Other contributors to the workshop discussions, while recognising these points, argued that we should be unapologetic about the use of the word education. They agreed about taking a broader view of education

(beyond statutory education) and the need for a more holistic view of children and young people (and their families). They argued, however, that we should not underplay the importance of settings, schools and colleges as key universal services at the heart of communities that all children and young people do or should attend all or nearly all of the time. They argued that avoiding SEND being a separate “add on” to education, and children having experiences to learn alongside and grow up with peers who experience the world differently, meant that education settings should be at the heart of the new, more inclusive and holistic approach.

We agree that it is important to develop a vocabulary for talking about children, young people and families' needs holistically. Equally, we agree that we should build upon and enable education settings – early years settings, schools and colleges – to be at the heart of their communities, and that we should be unapologetic about the unique role of education. Many of the young people to whom

we spoke told us it was better to access support in school or college, rather than having to go to a separate clinical facility. We also recognise, however, that education settings cannot play this role in isolation. An inclusive and holistic system requires services working with schools, settings and colleges and the communities that they serve.

Recommendation 2: National Framework

Agreement about the desirability of national expectations of inclusive practice

Most of those attending the workshops agreed about the desirability of creating an explicit and consistent definition of the support that should be ordinarily available in mainstream (and special) education settings. Many saw this task as central to a reformed system. One of the questions commonly raised during discussions of the idea of a National Framework was how this set of expectations should be defined and agreed, given the fact that it would need to do different things for different groups in the system –

- for **young people, parents and carers**, a National Framework would need to set out the support that they should expect to find in any setting or service to inform the planning of support, track progress, and, if necessary, to hold settings accountable for delivery;
- for **settings, schools and colleges**, a National Framework would need to set out in practical terms the additional support that they would be expected to put in place, and align with how they teach, how they are funded, how their

staff are trained, and how their practice is assessed;

- for **children’s and family service leads in LAs and health services**, a National Framework would need to set out the core offer of multi-disciplinary support and specialist provision that they should commission, and how this fitted with the ordinarily available offer in mainstream education settings; and
- for **national bodies**, a National Framework would need to be keep up to date with evidence about changing trends and emerging best practice, to inform an overall view of the effectiveness of the system.

Whether the term “National Framework” captures what is envisaged

Related to this, there was a question raised about the language, specifically whether “National Framework” or “national standards” captured what was envisaged. Leaving aside the terminology, the idea behind what we originally called a “National Framework” what to capture what, within a future system, should be mandated nationally (as opposed to what might be left to local discretion). A strong theme in our original research was the lack of clarity about inclusive practice and the needs that mainstream (and by the same token specialist) settings would be expected to meet. There was also a strong theme about the need to define and strengthen the offer of support that children, young people and families could expect that did not rely on a statutory plan. As such, notwithstanding the terminology, we continue to believe that having a formal, national articulation of the forms of support that families and practitioners should expect to be available consistently in different types of

provision is a crucial prerequisite of a future system.

How a set of national expectations might be organised

That said, our thinking has shifted somewhat about how such a national articulation might be organised. We originally described that a National Framework would be organised around descriptors of need, in different categories and at different levels of severity. There is, however, a concern that a needs-based model locates barriers within a young person and could risk perpetuating “labelling” of children and young people. We acknowledge that, on a practical day-to-day level, what would be most useful for families and practitioners to articulate nationally would be expectations of the offer of universal and additional support available in education settings and through external targeted support services.

How a set of national expectations could be taken forward co-productively

While this is a significant undertaking, we think this it would be possible – and indeed necessary – to work towards developing a draft set of national expectations of support within a matter of months. This should be done as a co-productive exercise, drawing on what families and different practitioners would need from a set of national expectations, working with a smaller group of system leaders, including parents, carers and young people, to develop an initial draft set of national expectations that could be consulted on more widely. We think it is necessary because these national expectations should underpin and ensure the alignment of many of the other policy reforms that are necessary to create a more inclusive and holistic approach.

Indeed, such is the importance of developing a set of national expectations to wider reforms that, in parallel with our regional workshops, at the end of February we convened a separate roundtable for SEND system leaders – including leaders from PCFs, education, health and local government – to work reflect on and work through a set of potential “design questions” about the functions of a set of national expectations and the processes for developing them. We will be publishing a summary of this roundtable separately.

The idea of a National Institute

Another commonly raised question during the workshops was about the status of the “National Institute”, which we had put forward as an independent national body, responsible for the National Framework. Our proposal was partly inspired by the role played by the National Institute for Health and Care Excellence (NICE) in the health sector, in terms of an independent body responsible for using existing evidence to set out expectations of what expected practice should look like when responding to specific types of health need. The question raised was whether our proposed National Institute would be another quango, that would be separate from the education sector and would thus reinforce – rather than bridge – the separation between SEND and the overall education system.

We think this is a legitimate point to raise. Our intention was not that the National Institute would be a body distinct from the wider education system but instead would be a body drawn from and central to the education sector, reflecting the increased prominence of inclusion as a fundamental value guiding education policy and practice. Furthermore, what we were describing in this recommendation was the principle of there being dedicated leadership of a future system

that was independent of government and could therefore provide a degree of long-term certainty for the education system and wider services working with children and families. These functions could be fulfilled in a range of ways, and we are not wedded to any one organisational type over another.

Recommendation 3: Enabling inclusion

Strong support for creating a more inclusive education system

On our third recommendation – about how to enable inclusion within the education system – there was strong agreement with the principle of creating a more inclusive education system. System leaders recognised that this presented an opportunity to rethink the curriculum, accountability and funding in terms of how to enable settings, schools and colleges to provide a broader and more varied offer of learning and support that would reflect the needs of the communities that they serve. There was strong agreement about the necessity of setting out clear national expectations on the additional support that should be offered and the needs that should be met in different settings, aligned to a greater focus on inclusion in the accountability system. There was also strong support for the principle of creating a core offer from local multi-disciplinary teams to work with education settings to provide a broader offer of ordinarily available and targeted support that was not dependent on children having statutory plans. Colleagues at the workshops emphasised the importance of early identification and holistic support for families (rather than children in isolation) being an explicit aspect of the remit of multi-disciplinary teams.

There was a broad question raised about the scale of the change required and how this could be accomplished, given that putting inclusion at the heart of the education system touched on and necessitated changes to all aspects of education policy across all phases of education. This question was offset, however, by a recognition that designing an inclusive system would have potential benefits for all pupils, not just those with SEND.

Shifting the rhetoric away from “inclusive mainstream” and towards an “inclusive system”

A strong concern was raised about the risk of taking a narrow view of inclusion, and thinking inclusion could be achieved simply by expanding the number of SEN units in mainstream schools. (This was how some colleagues attending the workshops had interpreted the Government’s announcement of additional capital funding for new SEN units.) The debate at the workshop also focused strongly on the need to use the language of an inclusive *system*, rather than inclusion simply in the context of *mainstream* education.

We agree with these points. In this document and our original report, we have used the term “inclusion” to describe a broader guiding value for the education system, rather than a specific form of provision. While we dedicated significant space in our original report to how to build a more inclusive approach in mainstream education – which we contend remains essential – we also described the important role that specialist provision would continue to play in the system, both in terms of providing places for young people with more complex needs, but also in terms of providing expertise and advice in working with mainstream settings. In our original report, we envisaged a more porous boundary between mainstream and specialist

settings. We wanted to convey the need to move away from a system where there is binary choice between mainstream and special, and towards a system where young people could benefit from different aspects of mainstream and specialist settings according to their needs. We also discussed that there may be the need to think about new forms of provision, beyond traditional conceptions of a mainstream or special school, that better reflect what young people need in terms of education and wider support.

While the scale of the change would be significant, the workshop discussions have

underscored the necessity of that change. Furthermore, what many young people and parents / carers said made the difference in terms of being included often related to ethos, being understood, being made to feel valued, a flexible approach, and access to support. While young people and parents / carers described finding these approaches in special schools, there is nothing inherent in these practices that means that they can only be implemented special schools. Indeed, as system leaders at the workshops argued, it is vital that these principles become hallmarks of an inclusive system, spanning both mainstream and specialist settings.

Young people's views about enabling inclusion

When we spoke to young people who attended special school, they described what they valued most about their education, and conversely what they had found challenging in mainstream settings. Often, this related to a more personalised approach to learning, including the pace of teaching and the time taken to explain new concepts. A theme in the responses from young people, however, was also the sense of feeling accepted and understood. Young people were particularly keen that understanding differences in additional needs, learning, communication and neurodiversity, for example, were taught in education settings in an explicit and positive way.

'There were just so many children in the same room [at mainstream school], and they're working faster – I'm far behind, I just couldn't keep up with what they were doing. I was just not getting it. Here [at special school] it's slower, more explained.'

'[At mainstream school] I wasn't getting the support I needed. There was one teacher and one TA in my class, and I didn't understand any of the work. The TA was just writing stuff in my book; I wasn't learning anything. At this school I get a speech therapist in classes, the classes are really small and the work's really easy to understand as well.'

'My old [mainstream] school is not that much different. Except at this school there's more people who can actually help me with my disabilities, and I feel more accepted at this school because there are more people that have the same experiences that I have.'

The young people also highlighted having additional practitioners in settings was particularly valuable. As one young person put it, having a more joined-up approach between practitioners and services would 'allow people to be more of a team, and will take the pressure off, especially schools and parents.'

Recommendation 5: Preparing for adult life

A more aligned offer of support across the transition to adult life is essential to avoid a “cliff edge”

During discussions at the workshops, there was strong support for the recommendations we made relating to preparation for adult life. Colleagues recognised the necessity of education, health and care services working to a common age of transition if young people were to experience a joined-up approach to planning and support. Participants in the workshops also recognised that putting in place the right support at this important transition point required:

- a. clear responsibilities for coordinating services (which we envisaged would be part of the role of the Destinations & Progression Service); and
- b. clear expectations about what support should be provided before, during and after the transition point (which we envisaged would be set out as part of the National Framework).

One challenge raised during the workshops was that, without significantly improving support around transition to adult life, changing the age of transition would simply mean moving the “cliff edge” from one age to another. This a valid point. Moving the age of transition on its own will not change the support available to young people – although we would argue that it would at least help to align the work of key services that need to be involved in supporting a young person. We agree with the thrust of this challenge, which draws attention to the need to

strengthen expectations of support before, during and after young people move from childhood into adult life. We proposed setting out a clear set of expectations of partners and of pathways of support that should be available to young people when making the transition to adult life. We also proposed dedicated strategic leadership and planning of this offer, linked to day-to-day key-working responsibility for individual young people who need additional support, through the proposed Destinations & Progression Service. If expectations of support and the Destinations & Progression Service were in place, aligning the age of transition becomes a useful, but non-urgent, change to tidy up the system. Without expectations of support and the Destinations & Progression Service or similar, aligning the age of transition is just putting a different number on the potential cliff edge of support.

The language of “preparation for adulthood”

Another question on this theme that was raised during the workshops concerned the use of language. Colleagues argued that “preparation for adulthood” had existing connotations of supporting young people with more complex needs who would require ongoing support throughout their adult lives. When we referred to preparation for adulthood in our original report, we had in mind something broader that captured how all young people are prepared, through their education, to live and work in inclusive adult communities that understand and celebrate difference. The challenge put to us was to find an alternative form of language that captures both the support some individual young people may need as they move into and through adult life, as well as how experiences in childhood lay the foundations for all young people to live and work with one another in

strong, inclusive communities and workplaces. We agree with this and have tried, in this document, to shift the language towards

moving into adult life, but we would welcome further ideas.

Young people's views about preparation for adult life

The young people to whom spoke had a strong sense that their experiences of education should equip them for what comes after education as they explore life as young, independent adults. When asked what the purpose of education was, the young people often talked in terms of education helping to prepare them for the future.

'Preparing you for the future.'

'Prepare yourself to be an independent as possible.'

'What education should be is people learning how to do life.'

'A form of learning and developing knowledge so you can go do what you want to do.'

They also argued strongly that education should not be seen as one-off, time-limited offer, but instead spoke about learning as lifelong activity.

'Life is about learning anyway.'

'The barrier should not be there at 25!'

The young people also expressed strong views about how they wanted to be listened to, their aspirations supported, and to find adult communities and workplaces that understood and were ready for them.

'I would want support to be put in place before [things went wrong], to listen to young people and their parent or guardian. I wasn't listened to at all. It was not centred around me. There should be an individual-centred approach.'

The quote below captures the risk that young people experience a "cliff edge" when they complete their education if there is not the wider understanding and support to enable them to be included and thrive in adult workplaces.

'[I have done] extra GCSEs, then same qualifications at college, then finally getting to equivalent of A-level and going to university ... I graduated from university, but none of this is all that useful because workplace is not set up for people with disabilities. It leaves you unemployed for years. Part of the issue is adults putting limitations on you because they think they know your difficulties. The other part of it is that society isn't ready for us when we get out of that system – society works on the medical model of disability, not the social model.'

Recommendation 8: Workforce

Recognition that a whole-system workforce approach underpins all Pillar 1 reform ambitions

Workforce was a consistent theme in the workshop discussions – as it was in our original report. System leaders participating in the workshops recognised that a whole-system (and cross-government) approach to workforce development underpinned the ambitions of all “Pillar 1” reforms and would shape the day-to-day operation of a future system. Whether we were discussing inclusive practice in education settings, the development of multi-disciplinary teams, or the operation of our proposed Destinations & Progression Service, the question arose to where the workforce capacity would come from to put these ideas into practice.

In our original report, we described some of the way existing capacity in settings and services could be utilised if the time of practitioners in settings and key services was not increasingly taken up processing statutory assessments. We also acknowledged, however, that there are significant shortages in the key areas of the workforce – for example, speech and language therapists, or educational psychologists. For this reason, we argued that stabilising and rebuilding the workforce had to go hand in hand with SEND system reform – one cannot proceed without the other. Overall, the workshops underscored not only the necessity of workforce planning to SEND system, but also the opportunity to consider the children’s workforce as a whole – across education, health and local government services – to support the aim of a more joined-up, holistic and inclusive approach to education, children’s and family services.

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Pillar 2: Reform of the statutory framework

Why reform is needed

Reform of what we have called Pillar 1 will require significant changes to the way education settings and services that support children and families are designed, how they are funded and how they operate day-to-day. We think that there is, however, broad support for the ambition of creating a more inclusive and holistic approach to education and services for children and families. During the workshops and our wider discussions about SEND system reform, some people argued that reform should start and end with Pillar 1, that this was sufficient to bring about fundamental change within the SEND system, and that further reform of Pillar 2 (the statutory framework, particularly the parts relating to EHCPs) was either unnecessary or undesirable. (“Unnecessary” because a stronger Pillar 1 offer of ordinarily available and targeted support would reduce the pressure to get an EHCP in order to secure support for a young person; “undesirable” because the current legal formulations about how SEND is defined and who might require an EHC needs assessment and plan are sound and protect important individual entitlements.)

This is a reasonable argument to make, and it is one with which anyone who advocates for reform of Pillar 2 needs to engage. Given that this is one of the most sensitive and emotive aspects of the current SEND system, if Pillar 2 reform is not necessary then it would be foolish to expend political will, time and resources on it that could be better spent strengthening Pillar 1.

We continue to believe, however, that reform of Pillar 2 is necessary. Through the workshops, we

have tested our arguments and tried to articulate why reform of Pillar 2 is needed and what specifically we think needs to change. We have done this because we recognise that talking in broad terms about “reform of the statutory framework” carries a risk that it is perceived as seeking to reduce support for individual children and young people. Our intention is not to reduce support, but instead to expand it and make it more accessible for all children and young people, including to those who need additional support but who do not have a statutory plan. As we describe in this chapter, we think that a system that relies on statutory plans (and individual top-up funding) to access support will succumb to a vicious circle that reduces support for all children and young people, with and without statutory plans. Furthermore, our recommendations for statutory reform relate not only to statutory plans, but also concern how to strengthen the status of non-statutory support and improve accountability.

There are three key areas of where we think statutory reform is necessary.

1. **The definition of SEND and the legal tests for EHC needs assessments and plans are woolly and circular.** In our report, we set out our view that the current legal framework, as set out in the Children and Families Act 2014 but essentially using a formulation that has been in place since the Education Act 1981, offers a definition of SEND relative to what should be ‘generally provided’ in mainstream education settings, but offers no definition on what should be generally provided in those settings. If, therefore, the offer of additional support

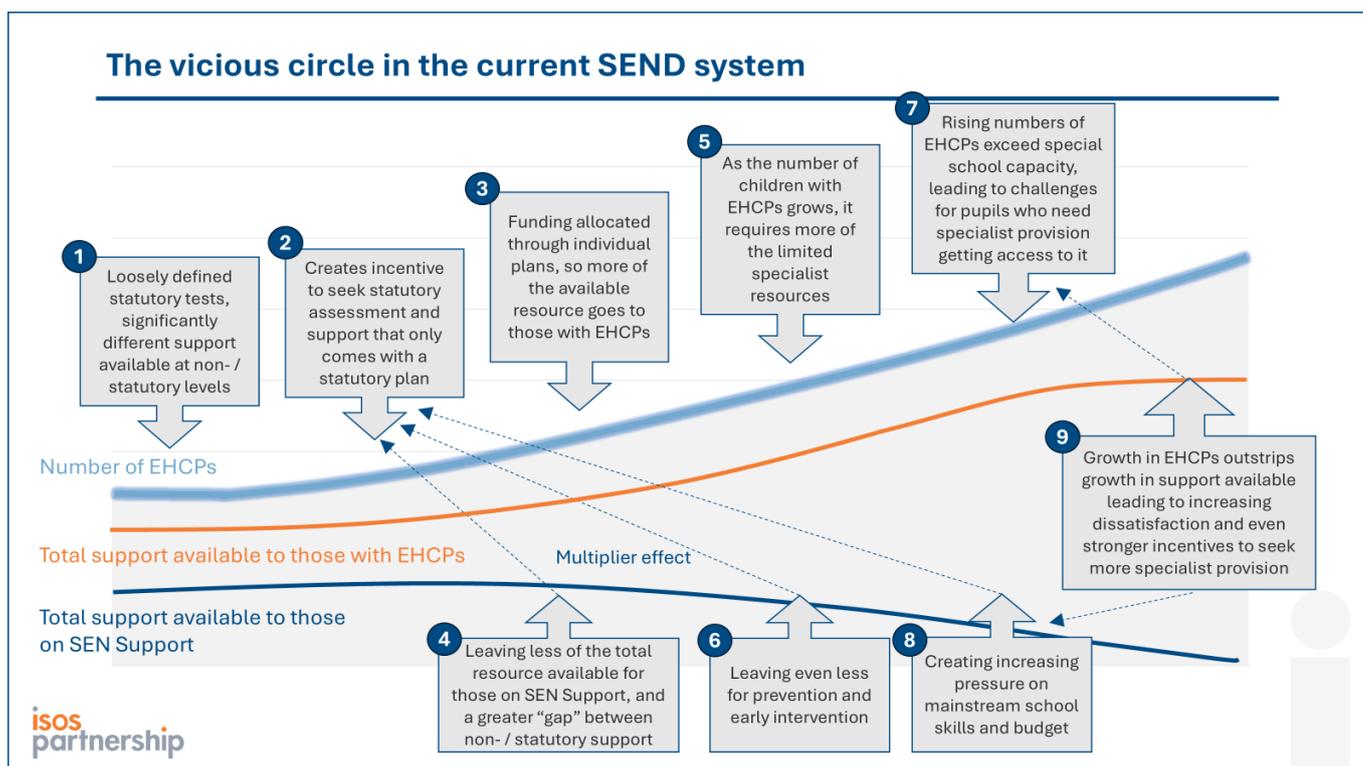
in mainstream settings diminishes, a likely consequence is an increase in identification of SEND. Furthermore, we have argued that the test for carrying out a statutory assessment ('has or may have special educational needs') is too broad, and that the test for issuing an EHCP is circular ('it may be necessary for special educational provision to be made for the child or young person in accordance with an EHC plan'). These legal formulations make it impossible for the state to set out and maintain a consistent and equitable offer of special education and additional support at the statutory and non-statutory levels.

- 2. Roles and accountabilities in the current system are misaligned and thus ineffective** – like legislation and funding, effective accountability is a crucial element of a well-functioning system. The issue in the current SEND system is that accountability is poorly aligned with the roles and responsibilities. Put simply, the current system holds bodies accountable for things for which they are not directly responsible (e.g., holding councils responsible for sufficiency of provision or the delivery of the contents of an EHCP, despite the fact they do not have the levers to shape provision and practice in most education settings). Furthermore, there are significant gaps in the current accountability structures as a result of which there are limited means to resolve issues and address poor practice that directly affects families' experiences and young people's outcomes (e.g., the lack of accountability and oversight of

practice within education settings for children and young people without EHCPs, and the lack of joint accountability for the contributions of education, health and care services). While accountability should help to address poor practice, provide redress for families, and ensure young people access the support they need, the misalignment with roles and responsibilities in the current system renders accountability ineffective.

- 3. The stark discrepancy between the support available with and without EHCPs (and the link to individual top-up funding) has skewed the system** – we absolutely recognise that, for an individual child and their family, an EHCP can be a crucial lifeline within the current system, ensuring access to education and support. As we emphasised in our original report, it is entirely reasonable – and indeed natural – for any parent or adult working with a young person to ensure that the young person has all the support that they need to thrive. To repeat the parent we quoted earlier, 'The only way to get support is through the EHCP process ... and then you end up bitterly disappointed by the outcome. You battle for this because there is no alternative.' While EHCPs and individual top-up funding are crucial in the current system at an individual level, at a system they can create a distorting effect and a vicious circle that reduces support for all children and young people, both with and without statutory plans. The graphic below (Figure 2) is our illustration of that vicious circle.

Figure 2: The vicious circle



In the graphic, the thicker light blue line shows the growth in EHCP over the past ten years. The orange line (total support available to those with EHCPs) and the dark blue line (total support available to those on SEN Support) are illustrative. The graphic is an illustration of the risks of having a system of additional support in which –

- a. **there is a stark distinction in the support available at a statutory and non-statutory level** (i.e., the difference between having an EHCP and SEN Support);
- b. **there are poorly defined statutory tests for accessing statutory support** (i.e., the tests for an EHC needs assessment and plan); and
- c. **providing additional resource in the form of individual top-ups** that are linked (albeit not directly but is often the case) to statutory plans.

Within such a system, the discrepancy between the support available at statutory and non-statutory level creates an incentive to seek statutory support. If support available at the non-statutory level is reduced, this will create greater pressure to secure EHCPs as a means of accessing support. With funding for those with higher levels of additional needs provided in the form of individual top-up funding, as the number of EHCPs rises, an increasing proportion of available resources for additional support will be directed towards the statutory system and away from the non-statutory system – the orange line starts to go up, the dark blue line starts to go down.

There is then a “multiplier effect”. As non-statutory support becomes weaker, requests for statutory assessments and EHCPs are likely to increase. As the number of EHCPs increases, there is a smaller proportion of available resources for non-statutory support, which only makes the discrepancy between statutory and non-statutory support starker. This trend will be

compounded if capacity and budgets within education settings and wider targeted services are under increasing pressure, and if funding levels are squeezed, which will further reduce support available at a non-statutory level.

A consequence of the increase in the number of children and young people with EHCPs is that the need for placements in specialist settings will also increase (step 5 in the graphic). This creates a further call on available resources – more investment in places in specialist provision reduces what is available for non-statutory preventative and targeted services (step 6).

In this illustration, the system then reaches a “breaking point” where the numbers requiring EHCPs and specialist provision outstrips available resources (step 7). What this means in practice is that the system cannot create new places in specialist provision quickly enough to keep up with the need for them. This leads to children and young people who need specialist provision being without places or being educated in settings (often mainstream) that are not set up to meet their needs. This in turn places greater pressure on those mainstream settings and their finances (step 8), which makes it all the more important for mainstream settings to secure statutory plans and additional top-up funding. At this stage of the vicious circle, not only has the offer of non-statutory support (the dark blue line) declined, but equally significantly the support available for those with statutory plans (the orange line) also begins to decline because the growth in the number of statutory plans outstrips the available resources in the system.

The system is, at this point, trapped in something of a Catch-22. Statutory plans are the only way to secure support for individual

children and young people, but the fact that the growth in statutory plans has outstripped available resources means that the support provided with a statutory plan diminishes, increasing dissatisfaction with the system (step 9). We reach a point, therefore, where the incentives in the system have led to increased identification of SEND, increased statutory assessments and plans, increased use of specialist provision, and yet a weaker offer of support for all children and young people with SEND, both with and without statutory plans. While the graphic is illustrative, this is, in a nutshell, what we described in the chapter on the scale of the challenge in our original report – increased identification, increased use of specialist provision, increased spend, and yet no improvement in experiences for families and outcomes for young people.

One could argue, as a counterpoint, that the real issue here is a lack of sufficient resourcing, and that increasing funding commensurate with the increase in identified need demand would avoid the risks we have described. Again, this is a reasonable challenge, but one we would argue is overly optimistic. The strategy of increasing resources while leaving the system otherwise unreformed is what has, to some extent, been tried over the past six years. As we described in our original report, during this time investment in the SEND system through the high needs block has essentially doubled yet spend has trebled and the number of children and young people requiring statutory provision has continued to grow unabated. One could argue that not enough money has been put into the system. Ultimately, however, the experience of the past six years suggests that additional investment without fundamental reform is unlikely to address the challenges within the SEND system.

What we proposed in our original report

Three of our original eight recommendations fall within what we have called Pillar 2.

Recommendation 4: Reforming the statutory framework for inclusion

Under [recommendation 4](#), our proposals included five broad changes.

- i. **Replacing the existing definition with SEND with a broader definition of “additional needs”**, linked to clear expectations of the needs that should be met within mainstream education settings, to enable swift recognition of needs and support. Our intention was to move away from a reliance on labels to access support – we recognise the value of diagnoses, for example in terms of self-understanding, but think requiring a medical diagnosis to access support is problematic – and towards a more pragmatic approach based on providing help where young people need additional support.
- ii. **Introducing what we originally called a “learner record” for all children and young people with additional needs** – we envisaged that this would fulfil the principles and practice envisaged by the Code of Practice, particularly person-centred planning, but would extend this to all children and young people who need additional support. We also envisaged that what we called a “learner record” could act like the “red book” or a

unique identifier for children and young people with additional needs (and perhaps all young people), that would accompany young people throughout their education and through any services from which they access support. A learner record would be valued in its own right, not just as a means to access support. As a result, it would present an opportunity to capture important information about a young person, their aspirations, what they can do and the support they need to thrive. It could be reviewed in a meaningful way at appropriate intervals and would support transitions between settings and services. We envisaged that partner agencies would have duty to cooperate in fulfilling contents of a learner record.

- iii. **Reframing the role of statutory (and non-statutory) plans** – we envisaged a system in which access to support would not be dependent on having a statutory plan. This would allow for some of the other functions that an EHCP is supposed to fulfil – notably to enable person-centred planning and the co-ordination of support around that young person – to be fulfilled by the learner record. We envisaged that a type of individual statutory plan would remain for young people who required significant personalisation beyond what is ordinarily available in mainstream education settings and through targeted support, and where there needed to be a decision about the form of provision that the young person needed.
- iv. **Reforming admissions arrangements** – a consequence of access to support not being dependent on a statutory plan is

that most children and young people with additional needs would access a place in nursery, school or college through normal admissions. We argued that, as well as providing equivalent levels of choice for parents of children with and without additional needs, the shift towards normal admissions and away from a separate consultation process would remove opportunities for settings to deny admission on the basis that they think they cannot meet a young person's needs (often based only on having seen the young person on paper). We proposed that there would be a separate, multi-agency panel to consider placements for those requiring support over and above ordinarily available provision, including access to specialist provision.

- v. **Two new routes of redress**, available for all children and young people with additional needs (not just those with statutory plans). We argued in our report that a legal route of redress is not effective (it does not alter the environment in education settings or the availability of local support and provision), sustainable, or equitable. We proposed two new routes to secure redress, first an Ombudsman-style body to deal with complaints about decision-making *processes*, and second our proposed National Institute as the independent practitioner body to deal with complaints about the *substance* of support.

Recommendation 6: Realigning powers and responsibilities

Under recommendation 6 (accountability and partnership), we proposed –

- i. **stronger accountability for inclusion for education settings** – with stronger oversight, linked to our proposed new routes of redress for all children and young people requiring additional support; and
- ii. **stronger joint responsibilities and accountabilities** for partner agencies, aligned to key functions, brought together in a new statutory Local Inclusion Partnership, that would have a joint area-wide budget for additional support for children and young people.

Recommendation 7: The role of the independent sector

Under recommendation 7 (role of the independent market), we proposed **a new and clearly defined role for the independent sector** – based on strategic planning, that complements state-funded provision. Equivalence of regulations, inspection and funding with the state-funded sector (including prohibition on profit-making).

A summary of the discussions during the workshops

Recommendation 4: Reform of the statutory framework – the definition of SEND

Moving away from a deficit model based on labels and medical diagnoses

There was strong support at the workshops for moving away from a system where access to support is based on labels and medical diagnoses. There was recognition that diagnosis served other useful purposes – for example, many young people talked about the value of diagnosis in being able to understand themselves better – but that those purposes are devalued if diagnosis is seen as a pre-condition for accessing support.

Shifting the language towards something more holistic and practical

Many system leaders at the workshops, particularly those from LAs, health services and education settings, agreed that it was necessary

to reframe the current statutory definition of SEND. They considered that, aside from lacking clarity (defining SEN relative to what should be ordinarily available in a mainstream setting, yet not defining the latter), the current definition hard-wired into legislation a deficit-based conception of additional needs and a distinction between children with and without SEND. They argued that, rather than basing a new system on characteristics seen to be inherent in a child or young person, it would be better to reframe the system in terms of something more holistic (taking a wider view of a child and their family) and practical (framed more in terms of the additional support settings and services could provide to enable children and young people to thrive). While some colleagues and young people preferred the term “additional needs” to SEND, others argued there should be a shift towards the language of “additional support”, with the onus on how the system supported young people and families. This very much fits with the direction of our thinking around the national expectations (what we previously called a National Framework) under Pillar 1, and the shift away from describing and categorising children and young people’s needs towards something based on provision.

Young people’s views about using the term ‘SEND’

Young people were split on the use of the term ‘SEND’. Some considered that the term could be helpful when it was used to help build understanding and get access to support.

‘I think it can be used in a positive way – if teachers and peers try to understand the need.’

‘My parents said I was going to a school for children with disabilities. I was ok with that: it made it clear what support I’d get.’

For other young people, 'SEND' could have negative connotations, especially if it was used in the context of bullying or stigmatising behaviour. Overall, young people agreed that what mattered more was the context in which the term 'SEND' was used and the intention behind it.

Some of the young people preferred to replace the word 'special' with something less loaded, such as 'additional'.

'Special is an absolute no [for me] ... I wish they would use the term additional instead.'

'Additional needs means we're going to a place we can get help from. I like that term.'

'I don't like "special" – makes me feel I'm being treated specially, instead of how everyone else is being treated.'

'I just don't think it's fair to say ["special"] because everyone's gonna be different in some sort of way, whether that be height, eye colour, gender, hair colour. But it's not ok to put people into "special" and "not special" because everyone deserves different levels of attention depending on how they are.'

Some young people to whom we spoke considered SEND implied a deficit, where it was necessary to show bad things had got before a young person could get support.

'When you talk to people about SEND, you can see their faces change – they think it means you are stupid.'

'It is about educational support for all, not labels.'

'The negative stigma is because children and parents have to focus on negative aspects of SEN to get any diagnosis – for example how bad things are which is required for any support to be given in school. Often things have to reach rock bottom which is seen as bad and negative for anyone to get support That is where a lot of negativity comes from.'

The crucial thing, for the young people to whom we spoke, was that there had to be a form of language agreed upon that did not cause young people to feel stigmatised.

'It's not disability, it's just different levels of ability, just people who learn differently.'

Recommendation 4: Reform of the statutory framework – planning and plans

Support for the idea of a record or passport that every child takes with them throughout their childhood and education

Colleagues at the workshops liked the idea of developing some sort of record or passport that a child took with them throughout their childhood, detailing their education and engagement with wider services. We had originally called this a “Learner Record”, but colleagues suggested changing the language to something broader than learning and education, recognising the wider contributions of health and family services – for example, an “additional support record” or “child development record”.

Rethinking the role of planning and plans

There was also recognition from colleagues attending the workshops that, within a future system, the role and function of planning and plans would need to be rethought. We argued in our original report for moving away from a system where individual statutory plans were the main way to access support, and towards a system where there was a broader offer of inclusive provision available as standard within mainstream education settings, complemented by a broader core offer (not dependent on individual statutory plans) of targeted support services. Essentially, this would signal a return to a beefed-up version of the pre-2014 concepts of “school action” and “school action plus”. Many system leaders considered that this would be desirable, shifting from the language of a child on “SEN Support”, which describes something within the child, to language that

signifies the agency and responsibility of education settings and wider services.

Some PCF leaders at the workshops argued that EHCPs were both an essential and imperfect way to access support in the current – essential because this was seen as the only way to ensure a child accessed support and put in place some degree of accountability to ensure that support was delivered, but imperfect because the support was not always provided and not always sufficient. The young people to whom we spoke echoed this range of views.

A future approach that is less reliant on individual statutory plans to access support

Some of the young people to whom we spoke drew a key distinction between the benefits of the practice of planning versus having a formal “Plan”. We explored through the workshop what a future approach might look like that separated the practice of planning from its function in accessing support – planning being valuable as a practice in its own right within a system with a broader offer of support available a core offer for all children and young people, without the need for a statutory plan. We argued that the current system conflates the practice of planning, access to support, accountability and rights of redress. We think a future system is possible where these three elements are seen as distinct and important in their own right. This would be a system in which –

1. **there would be greater access to support as a core offer of ordinarily available provision and targeted support** (as described in the chapter on Pillar 1), and where access to support would be less of a battle;
2. **there would be a greater emphasis on the principles of person-centred planning** – a focus on co-production

with young people and families, a focus on strengths not deficits, and a more meaningful record of additional support, who has been involved and its impact; and

3. **there would need to be “teeth” for families** – PCF leaders and practitioners who were interested in the idea of a system where access to support was not dependent on individual statutory plans noted that meaningful person-centred

planning and better access to a broader core offer of support were necessary but not sufficient, and that there would need to be a mechanism for families to raise concerns to ensure that their child received the support that they needed. We describe – under recommendation 4 – some of our thinking about how dispute resolution could work in a system where access to support is not dependent on having an individual statutory plan.

Young people’s views about the value of plans and planning

We heard a range of views from the young people to whom we spoke about the value of plans, and specifically EHCPs. Some young people were positive about EHCPs, recognising that this could be important in securing additional support and providing clarity and reassurance to parents and practitioners.

‘I think the EHCP is important. My parents wanted to make sure that support is in place for someone like me.’

‘It just changed my life forever basically, knowing that I was actually coming to this school from my old school [because I got my EHCP].’

‘It’s given me more options for help.’

On the other hand, some young people pointed out that not having an EHCP did not mean that a young person did not have needs, and equally a young person could have a plan but might not be getting the support they need (or even have a place in a suitable school).

‘My brother has an EHCP but no school place ... What is the point of him having an EHCP? There is no school for him to go in the local area.’

‘I’ll tell you about the “highs” and “lows” of an EHCP. It is hard to get an EHCP in the first place. It takes too long. Every time you move [setting], it has to get updated. But it is hard to set up meetings to get it updated. It can help to explain your needs personally, but you’ve got to repeat yourself all the time.’

‘You can have the best plan on paper but if people are not following the plan and giving the child the right support it’s not worth the paper it’s written on people need to be held accountable.’

When asked what makes a good plan, the young people to whom we spoke highlighted the importance of plans starting from a place of understanding the young person, and helping to shape support, rather than putting labels on a young person. Some young people argued that it would be

better to move towards planning support for groups, classes and cohorts, rather needing individual plans to compensate for the lack of understanding of and support for young people with additional needs.

‘If there was more general understanding about additional needs, would a plan even be needed? This is a bit of an ideal world, a long way off, but ... is a plan just there to flag a person’s needs? Does it need to be?’

‘Everyone should have a plan – I sort of agree with this, but it should not be A Plan. It should be down to teacher understanding. Would be a lot of effort to write out a plan for every person. Teachers should take more time to understand their students.’

The competing view that Pillar 2 should not be reformed

As described at the outset of this chapter on Pillar 2, there is a competing view that SEND system reform should leave the current statutory framework intact. According to this argument, what is needed instead is greater funding and sharper accountability to ensure adherence to the current legislation. This view was articulated by some PCF leaders in the workshops, and in our wider discussions by organisations that work with families of children with SEND.

Earlier in this chapter, we have described why we think reform of Pillar 2 is needed. We do not disagree with the focus on accountability, but we think accountability needs to be aligned to the roles and responsibilities of partners in the SEND system for it to be effective. Without addressing the misalignment of roles and accountabilities, and the weaknesses in the statutory framework that make it impossible for the state to set out and maintain a consistent and equitable offer of additional support, the evidence of the past 10 years suggests that no amount of additional investment and sharpening existing accountabilities will transform the current system.

Recommendation 4: Reform of the statutory framework – dispute resolution

Creating a more accessible, less adversarial and more effective mechanism for dealing with disputes

During the workshops, there was broad support for creating a wider range of more accessible, less adversarial, and more effective mechanisms for dealing with disputes. Colleagues recognised the “escalatory” nature of the SEND system, where issues can quickly become legal disputes, and the cost (in every sense) to children and families of this. Colleagues recognised potential inequities of relying on the legal system for redress. There was a strong argument from colleagues at the workshops for creating more effective local mechanisms for resolving issues before they got to the point of serious dispute.

Nonetheless, a challenge put to us at many of the workshops, by PCF and education leaders alike, was how, in a system in which there is less reliance on individual statutory plans to specify and ensure access to support, the rights of individual children and young people can be safeguarded. Clearly the enablers and

accountability levers in the wider national system will need to do some of the heavy lifting here. For example, a new inspection framework that focuses more precisely on inclusion will have an impact on determining how much a school prioritises the quality of support for those with additional needs. Even in an education system where inclusion is incentivised and rewarded, however, there remains the need for an effective mechanism for resolving conflicts quickly and without escalation to costly (especially for families) judicial mechanisms where this can be avoided.

Two significant gaps in the current system of dispute resolution

As we set out in our report, and discussed in our workshops, rethinking the system of dispute resolution also provides an opportunity to address two significant omissions in the current system. The first is that, despite the power and leverage of the SEND Tribunal, there is currently little that a parent can do if the setting in which their child is placed is systematically failing to meet that child's needs. The second is that there is no current right of redress or protection of entitlements for the large number of children and young people with additional needs and without an EHCP.

In the regional workshops, we explored what a future system would look like – one that would provide a more effective route for raising and resolving disputes, that addressed gaps in the current system, that did not rely on statutory plans and legal appeals, and that was more likely to change practice on the ground. What colleagues at the regional workshops – particularly PCF and education leaders – argued was that there needed to be some “teeth” in a future system for resolving disputes so that families and practitioners could be confident that decisions were being made equitably and

consistently, and that children and young people were getting the support that they needed.

We reflected on this question and, at a national workshop in January, we set out some initial ideas for how dispute resolution might work in a future system for young people who needed additional support but did not have statutory plans. This is summarised in the graphic (Figure 3) below.

The key aspects of this approach are as follows.

- **There is a key decision about whether a child or young person has needs that require additional support over and above the universal offer for all children and young people in a mainstream education setting.** In a future system, this decision would be taken by a school/setting with the family and a health lead (where applicable).
- **Where a child has been identified as requiring additional support, they would have certain entitlements that are protected by law.** Those entitlements would include a person-centred plan (a “development record”), joined-up support, regular reviews and enhanced support for key transition points. What would be different to the current system of EHCPs is that a development record or similar would not bring with it an entitlement to a separate admissions process (admission would be through normal admissions) nor individually hypothecated top-up funding (support would be available through a setting's / school's delegated budgets and the local area's targeted support services).

- **Partner agencies would be under a statutory duty to co-construct a child’s development record and co-deliver the content** where the child’s needs are beyond what a school or setting can provide from their own resources.
- **There would then be clear routes to raise and resolve disputes in two areas** – first, whether a child’s needs require additional support (i.e., whether to place a child on the additional needs register) and, second, the level and quality of support provided by the setting and wider support services. What we had called the “National Framework” would provide clear, evidence-based standards to ensure these decisions are taken consistently, and against which appeals could be raised. For each decision, there would be a clear ladder of appeal, starting at individual setting / service level, and reaching to a national level (an ombudsman or equivalent for concerns about decisions to identify a child as requiring additional support; a national practice body for decisions about the support provided).

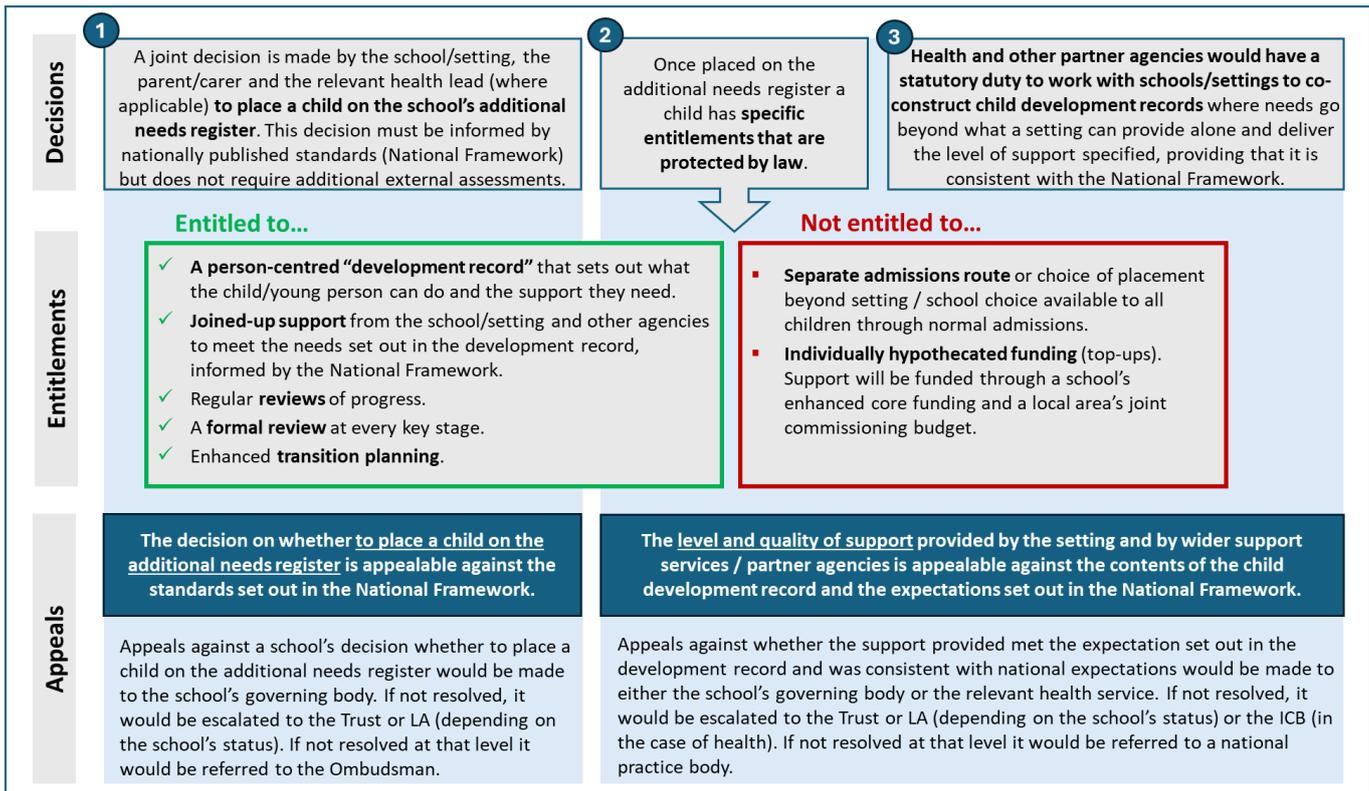
There was broad agreement among participants at the national workshop with the idea of giving

the graduated approach some “teeth” and that placing a child or young person on the additional needs register should constitute a duty on education settings and health partners to ensure that the needs of that child are met effectively. The specific comments raised by participants stressed:

- the need for health partners to be involved at each step of the process;
- that funding for support for additional needs should be ring-fenced, sufficient, and | not tied to individual children and young people;
- that it is right to move the route of appeal as close as possible to delivery; and
- that consistent decision-making and the ability to appeal those decisions are dependent on developing an effective national framework.

A broader point was also raised about the need to consider the impact of moving away from statutory plans on the wider framework of benefits for disability which are currently, in many cases, dependent on either a specific diagnosis or being in receipt of an EHCP.

Figure 3: An outline of a potential new approach to dispute resolution



Recommendation 4: Reform of the statutory framework – admissions

Recognition of the challenges posed by separate EHCP admissions arrangements

A consequence of moving to a system in which more children and young people can access support as part of a core offer, rather than through individual statutory plans, is that many more children and young people would access education placements through standard admissions routes. Colleagues at the workshops recognised the point we made in our original report that the expansion of EHCPs, while intended to increase parental choice, had inadvertently created greater potential for

settings to say that they could not meet a child or young person's needs.

Similarly, a recognition of the scale of the change needed to current admissions arrangements

While there was support for the idea of bringing more children and young people into standard admissions arrangements, colleagues (rightly) noted that this would represent a significant change in the current landscape and questioned how this could be achieved.

We think it is both desirable and possible that more young people who need additional support can attend education settings in their communities, with their peers, and that access to those settings through normal admissions, without the potentially traumatising process of being told that a setting cannot meet their

needs. The Government's Children's Wellbeing and Schools Bills potentially sets out a new way of thinking and framing responsibilities around admissions and the oversight of placements for children who need additional support.

Furthermore – and this is one of several areas that demonstrates the inter-dependency between Pillars and 1 and 2 – building a broader offer of ordinarily available and targeted support will mean education settings will increasingly have the capacity and confidence to provide a wider range of support such that there will be less need for separately negotiated admissions of young people that are conditional on whether that young person comes with the promise of extra funding or not.

Recommendation 6: Realigning powers and responsibilities

Support for revisiting and strengthening the respective roles and responsibilities of education, health and care partners

During the workshops, there was broad support for revisiting the respective roles and responsibilities of partners across education, health and care, and strengthening arrangements for working together for children who need additional support. Colleagues at the workshops emphasised that there was the need to strengthen joint working across education, health and care services not only at a strategic level, but also in terms of day-to-day practice. Specifically, health and education setting leaders described the fact that many early and preventative interventions around speech therapy, occupational therapy or mental well-being did not need to be administered in a clinical setting but could be delivered as part of an inclusive offer of ordinarily available provision in education settings, complemented

by targeted support from a multi-disciplinary team. As noted in the previous chapter, many young people described that it was preferable to access support in their school or education setting, rather than having to attend a separate clinical facility.

Is a new partnership body needed to foster joint responsibilities, or can this be achieved another way?

One question raised is whether it would be desirable to create a new partnership body – what we called the Local Inclusion Partnership – or whether the same ends of aligned priorities, responsibilities and accountabilities could be achieved through other means. Linked to this, children's health service leaders argued that the current system placed too much emphasis on compliance and not enough on quality – they described how the main way their services were judged was whether they provided contributions to statutory assessments on time. They argued that, in order for health services to be part of a more holistic, inclusive approach for children and young people needing additional support, it would be necessary to enable local health services to prioritise and fund this.

Education setting leaders emphasised, furthermore, the need to find a way to ensure that the education sector was represented as a key partner in local SEND systems. They noted that the “education” in EHC often does not mean education settings, but means a local authority's SEND statutory team.

We reflected on these points, particularly the question of whether fostering stronger joint working requires there to be a new statutory body, in the form of the Local Inclusion Partnership. We recognise that there are different ways in which partnership responsibilities could be configured, and some

of the ideas suggested at the workshops included –

1. **creating a new statutory body that holds statutory responsibilities and a joint budget** – this was the role we envisaged for new Local Inclusion Partnerships in our original report;
2. **creating joint and equal statutory responsibilities for named partners** – this approach would be more akin to current local safeguarding partnership responsibilities, but with the addition of a more substantial joint or pooled budget (with clarity about contributions from each partner, and representation from the education sector);
3. **bringing together the statutory responsibilities for education, health and care services for children and young people under a single organisation** – this view was expressed by some senior LA officers, who thought

that some community and targeted aspects of children’s health services should be brought under the statutory roles of the Director and Lead Member for Children’s Services; or

4. **stronger statutory responsibilities for individual partners** – aligning the respective roles and responsibilities of individual partners, services and settings, backed up by stronger accountability.

Our view remains that aligning and fostering joint responsibilities and funding – rather than relying on individual responsibilities – is crucial to joining up services and ensuring families receive a seamless offer of support. Without this, the system will remain fragmented – with mismatched responsibilities shared between local government, health services, and education settings. That said, the precise form those partnership responsibilities could take may vary – we can see potential merit in all of the first three examples listed above.

Young people’s views about partnership working and young people’s voice

A theme in our discussions with young people was the need for young people to feel that they were heard, listened to and their views used to inform how education settings and services sought to support them. The young people to whom we spoke expressed a strong view that, building on the work of some pioneering local groups for young people with additional needs, there should be an equivalent of a Parent Carer Forum for young people in every local area. Young people’s groups should have the same status, support and formal role with local SEND systems as Parent Carer Forums.

‘The voice that we should hear more of is the voice of young people themselves. Nobody knows someone better than themselves. ... It would be wise to have a group like the Parent Carer Forum for young people.’

Recommendation 7: The role of the independent sector

Support for the idea of a more clearly defined role for the independent sector that complements the state-funded sector

There was broad support for the idea of setting out a more clearly defined, strategic role for the independent sector, where it complemented state-funded provision, which would be accompanied by equivalent regulation around inspection, oversight and funding methodology. There was support for stronger regulation of pricing in the independent sector, a greater national role in setting the parameters for commissioning from the independent sector, and a prohibition on profit-making from taking state-funded placements of children and young people with additional needs.

The link between changes to the independent market and powers to shape local state-funded provision to reflect local needs

The question raised was about how the state-funded sector could respond if the changes we proposed resulted in some private providers leaving the market. We think that it is vital that councils (or, as in our original report, Local

Inclusion Partnerships) regain the powers to commission, shape and create new local state-funded specialist provision. Enabling local areas to put in place strategies for ensuring the right local state-funded specialist provision must go hand in hand with reform of the independent market in order to avoid any sudden shifts that leave young people without places.

Equally, however, given the parlous state of public finances in education, local government and the SEND system, it is essential that action is taken to prohibit profit-making from state-funded placements of children with additional needs and unilateral price increases. There can be no justification for this in a system where public debt is increasing into the billions and where outcomes and experiences for young people remain poor. Provisions in the Children's Wellbeing and Schools Bill will return some powers around shaping provision to LAs and strengthen expectations around co-operation on place planning and admissions, while indicating a willingness to reform the independent market to address similar issues in the children's social care sector.

* * *

The path to reform

We spent considerable time in the workshops discussing the challenges of implementing a new system for supporting children with additional needs. There were, unsurprisingly, a very wide range of views on which elements of reform should be prioritised, how these might be sequenced, and the timeframe for an implementation journey. Drawing together the points raised in the workshops, we think that there is a pathway to reforming the SEND system. This final chapter captures, in broad outline, the key steps in that process and how they might be sequenced.

The necessity of taking forward reform of Pillar 1 and Pillar 2 in tandem

The strong and consistent message that came back from the workshops is that it will be critical to make progress on Pillar 1 and Pillar 2 *in unison*. PCF leaders emphasised the importance of building the capacity of the system as a whole (Pillar 1) to deliver an inclusive education, aligning incentives and accountability for inclusion, and building the confidence of parents and young people alike in the new offer of support before reforming the existing statutory framework (Pillar 2). There were, however, equally strong voices that described the challenges to building a truly responsive inclusive system (Pillar 1) while the legislative framework (Pillar 2) continues to divert capacity, expertise and resources into the development and maintenance of EHCPs. For LA and some education system leaders, without reform of Pillar 2, it will not be possible to rebuild Pillar 1.

There was an equally clear message from all stakeholder groups that asking people to “do more for less” is simply not tenable. This strongly suggests that investment in transition and pump-priming the delivery of a new and more inclusive system will be necessary in the early stages of implementation to make a more equitable and efficient distribution of funding achievable in the longer term.

Reform must start with articulating a new national ambition, values and expectations

There was a strong consensus from the workshops that the reform journey must start with a clear statement of the national ambition to put inclusion at the heart of the education system, as a design principle rather than an afterthought. There was also a clear view that developing some form of “National Framework” or national expectations – to provide a more consistent set of expectations of inclusive practice and a much clearer basis for making decisions about provision and support – was an essential underpinning for any future changes. In any programme of reform, these would be the foundations that would need to be laid first.

Reforms of the SEND system and wider changes to key aspects of current education policy must be aligned towards achieving the same goals

Participants also flagged the need to join up the significant elements of education system reform that are underway currently. The curriculum review and Ofsted's consultation on the future of school inspection and the development of school report cards provide critical opportunities to reset the enablers and levers within the school system to incentivise inclusion more strongly as a national value and ambition. Similarly, the expansion of entitlements in the early years offers an opportunity to embed inclusion and access for all children within an expanded state offer of early education. Conversely, if we fail to seize these opportunities, we will still be faced with a situation in future years where schools and education settings are having to find workarounds to include children and young people with additional needs despite the wider system incentives, not because of them.

The move towards a more inclusive system must enable and build capacity for inclusion, not simply mandate “more inclusion”

There was a strong view among participants in the workshop discussions that the move towards – and the day-to-day practice of – an inclusive system needed to be enabled, rather than simply mandated. PCF leaders argued strongly about the need for families to see tangible evidence of a different way of providing additional support. Education leaders

cautioned against simply placing greater expectations on settings and schools to “do more inclusion” without building capacity and enabling inclusion in a more positive and proactive manner.

Among the many ways in which capacity for more inclusive provision might be built (Pillar 1), workshop attendees were strongly attracted to the idea of developing a core and regular entitlement to expert multi-disciplinary support. This would include regular support for settings, schools and colleges from, for example, speech and language therapists, educational psychologists, occupational therapists, mental health support workers and others. Workshop participants thought the development of this offer was among the changes that could have the biggest impact in a relatively short timeframe.

Participants recognised, however, that achieving this depended on a much wider focus on workforce development and deployment. This will require building the skills of the existing workforce around additional needs so that they are able to benefit from and use the advice from experts in the most effective way possible. At the same time, this will also mean freeing up the valuable expertise that currently exists in education settings, in educational psychology services, and in therapeutic services like speech and language, which is currently skewed towards the process of statutory assessments, so that it can be used more to work directly with children and young people, families, and practitioners in education settings. This illustrates the inter-dependency between reforms of Pillar 1 and Pillar 2, and the need for reforms of both to proceed together.

A focus on the early years

In building an education system that starts from the principle of inclusion, many workshop participants identified the importance of prioritising change in provision and support for children aged 5 and under in the implementation journey. Their argument was two-fold. First, they pointed to the evidence that early intervention and putting the right support in place before additional needs have become embedded and before crises in learning escalate will lead to better long-term outcomes for many children and young people. Second, despite the many structural challenges in the early years sector, participants also recognised that it was a sector in which the play-based curriculum, higher adult-to-child ratios and a core focus on child-centred development might lend themselves to respond in a more agile way to a stronger imperative around inclusive education. This would, however, be dependent on prioritising workforce development, strengthening integrated working between settings and wider support services in education and health, and ensuring that provision and support were adequately funded.

A phased approach to the introduction of reforms

In thinking through the implementation of both Pillars 1 and 2, participants were keen to:

- explore the opportunities to prioritise changes that would enable expertise and capacity to be released from the processes of creating statutory plans;
- explore how changes to admissions procedures might “level the playing field” between mainstream schools and settings; and

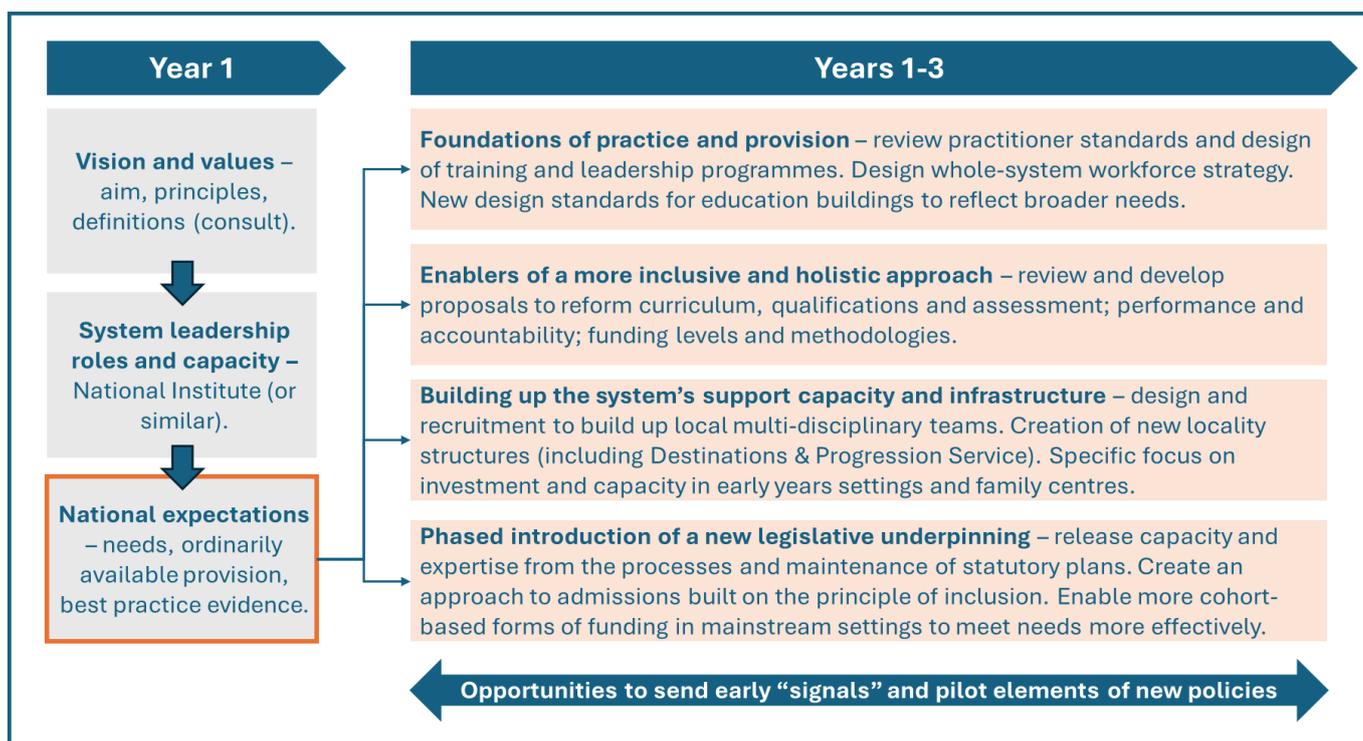
- think through how a phased approach to the introduction of a different approach to statutory entitlements and EHCPs might send a powerful signal around future system intentions while maintaining appropriate safeguards around the provision for children and young people in education right now.

There was also an appetite to consider how high-needs funding for mainstream schools and settings might be reformed to move away from “top-ups” hypothecated to individual children and towards cohort-level funding that would enable children and young people’s needs to be met in more creative and effective ways. There was a suggestion from some participants that changing expectations and conditions around funding could be trialled in advance of, and separately from more wholesale legislative changes.

In conclusion

Reflecting on the views about implementation and the sequencing of reform that we heard at the workshops, we developed a simple graphic (Figure 4) that attempts to set out what the early stages of a reform journey might look like. This emphasises the importance of developing a new national ambition and a consistent set of national expectations at the outset to provide an anchor for the reform journey for both Pillars 1 and 2. The graphic also highlights the importance of seeing reform in terms of several interdependent and mutually reinforcing strands – laying the foundations of practice, building incentives for inclusion, building support capacity, and defining the legislative parameters of the system – to be taken forward in tandem.

Figure 4: A possible timeline for laying the foundations of reform



To end on a note of optimism, many of those who took part in the workshops described local initiatives that embodied many of the principles of a future system that we were discussing. There is opportunity to learn from these examples and use them as anchor points in the reform journey. This is not simply about sharing examples of good practice, however. In the short term, national policymakers must be willing to take advantage of opportunities to recognise, enable and encourage examples of effective practice, particularly where these are creating mutual trust and respect between the different stakeholders, and a willingness to work together in pursuit of better outcomes for children, young people and families. These examples offer a window into what a more just, equitable and inclusive approach to education and child development might yield.

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