

## **SEND review: Right support, Right place, Right time**

**The National Sensory Impairment Partnership (NatSIP)** <https://www.natsip.org.uk/> is a unique national partnership of professionals and the main organisations working across the sensory impairment (SI) sector to improve outcomes for children and young people with SI and their families. NatSIP provides a major gateway for SI professional practice through its online resources and training. NatSIP represents the SI community of practice with partners and members from SI Voluntary and Community Sector (VCS) organisations, Local Authority (LA) specialist SI support services (including post 16 providers), special and mainstream schools and colleges and professional bodies.

NatSIP activities are based on continuous contact, conversations and feedback across the sector, including representatives of parent groups. NatSIP also provides a number of national SI community online email forums for the sharing of professional practice amongst Heads of SI Services and specialist SI professionals.

### **NatSIP response to questions asked in the Green Paper:**

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

NatSIP welcomes the principle of establishing clearer national standards although we have very significant reservations about how these would be applied without knowing their scope and how they would be developed and implemented. Specifically, NatSIP has significant concerns that the current legislation is still not well understood and implemented, especially in respect of the duties around the Equality Act 2010. **We do not welcome any potential development of legally enforceable national standards which undermine the existing legislative responsibilities or necessitated altering those without further national consultation.**

**The most positive use of national standards would be as an exemplification of how to implement existing requirements within the legislation with a focus on the standards and support that should be available to support children with Sensory Impairment.** For example:

- Recognition of low incidence disability (LISEND) and access to specialist SI professionals
- Setting out clearly the existing duties and reasonable adjustments that mainstream schools have to make for children with SI
- Standards for particular curriculum approaches with guidance on access and standards of support for children with SI (such as the NatSIP Eligibility Framework and Quality Standards)
- Standards and models for co-production with parents
- Quality assurance systems of accountability for all schools/academies/colleges and local authorities to meet SI need should be in place with an expectation of regular review, engaging with a range of stakeholders outside the organisation
- Accountability for SI learners who have experience of multiple exclusions and/or fixed term exclusions due to behaviours, not evidenced as unmet need, due to their SI.

National standards are more likely to raise parental confidence if they are clearly focused on strengthening early intervention and inclusion and not on constraining any existing parental rights. To ensure that standards are meaningful they need to align with a clear plan to invest in the specialist SI workforce. The SI workforce needs adequate funding and its specialist role in supporting mainstream practice recognised. It is essential to maintain the national mandatory qualifications for specialist SI teachers, which have recently been updated and revised.

2) How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

It is vital that the proposal for local SEND partnerships takes into account low incidence disabilities (LISEND) including SI. **Legislation should require local SEND partnerships to include the different needs of children with SI. In current arrangements, the needs of these groups are often overlooked in local strategic planning as the parent and CYP voice is not always well reflected.** Local SEND partnerships should include representation from the local specialist SI education service. We also believe that local inclusion plans should specify what action will be taken to maintain or improve provision for SI children.

**The proposed local inclusion plans must include adequate and protected high needs funding for LAs to deliver and appropriately staff specialist SI education services. Data gathering by NatSIP partner members, such as RNIB and NDCS, of local provision shows that specialist services are under considerable pressure at a time when the numbers of children with SI who require specialist support is growing.** More children and young people with vision impairment (VI) require specialist support, yet many services have experienced budget cuts and inconsistent funding. Research found that more than three quarters of LAs have had budgets cut or frozen for specialist VI education support in the past four years. This is despite an eight per cent increase in the number of children and young people accessing VI services since 2017, indicating that these services need more funding, not less [2].

**LAs should be required to conduct a review of the specialist SEND SI workforce in the local partnership area to identify if and what steps need to be taken to ensure sufficient numbers of qualified SI professionals in coming years, and the CPD needs of the current workforce in the area.** This should include succession plan for experienced staff who may be due or planning to retire. There are significant concerns around numbers of qualified SI teachers (QTSIs) and the lack of incentives for local areas to invest in training the next generation.

More detail is required about

- how new local SEND partnerships would look. Are there existing local SEND partnerships operating already in areas that align with the suggested 'new' model?
- the difference between these plans and existing local area offers and how it is perceived they will inform local offers
- how the new arrangement draws upon existing partnerships that have proven successful outcomes for the 0-25 range e.g., CHSWG (Children's Hearing Services Working Group)

3. What factors would enable local authorities to successfully commission provision for low-incidence high-cost need, and further education, across local authority boundaries?

**The recent guidance document on sustainability in high needs systems supported the idea of combining specialist support services.** In addition, there are strong arguments for the joint commissioning of very high-cost low incidence residential services, where numbers are not adequate to sustain a very local service. As well as continuing debate at national level for LAs to consider these arrangements where appropriate, Government could do the following to encourage the approach

1. **Research and model joint commissioning through pilot projects to establish best practice.** Some models already exist around this in Sensory Impairment see <https://www.natsip.org.uk/doc-library-login/send-reforms-implementation-support/joint-commissioning-files/1421-regional-commissioning-report-mar-2018>
2. **Introduce ongoing financial incentives for LAs to initiate cross-border arrangements.**
3. **Make it a requirement of local inclusion plans, by strengthening guidance on commissioning around the plan and through the SEND partnership.**
4. **The Department for Education (DfE) to actively promote regional commissioning through a brokerage role.** The proposed new funding agreements between the DfE and LAs should provide the Department with a mechanism to broker these cross-border arrangements where necessary and monitor their success.

#### 4. What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

**NatSIP welcomes the move to a standardised and digitised EHCP.** It is important the new digitised version of the EHCP is formally tested for accessibility to ensure it works for children, young people, and parents with SI, as well as for the professional working with them. The EHCP should also be available to request in alternative formats, including in paper form, large print, braille and audio.

There should not be any extension around timescales for decisions following an Annual Review. Four weeks is an unreasonable length of time for decisions to be made given that evidence and reports should already have been collected.

In terms of digitised plans, we believe another potential benefit will be for professionals to easily see what other reports have been submitted about a child. This would enhance multi-disciplinary working. We recognise that this is something that parents would need to consent to. Further work on data protection as part of any development, would be required. It will obviously be important to ensure that families without ready or easy access to the internet are not disadvantaged by any moves to digitised plans.

There will need to be clear and transparent national protocols that will remove the existing barriers to electronic sharing between different agencies and the related security requirements. There must be quality assurance of the process, including the annual review meeting, that involves stakeholders outside the organisation's structure to remove bias. Mandatory training of all SEND officers and SENDCos should be in place regarding understanding the needs and implications of low incidence sensory impairment needs.

**We have serious reservations about proposals for new statutory local multi-agency panels.** It is not clear in the proposals how the panels are intended to work in conjunction with existing arrangements and assessments. How far are they additional to current arrangements or intended to eventually replace them, given they appear to add an additional layer of administration and review? We are not clear that this simplifies the system. While the inclusion of parents on such panels is

helpful in increasing transparency this could also leave individual parents in the position of policing the SEND system and other parent's entitlements which may not be desirable. This is especially the case if the Department chooses to give them statutory powers of direction as suggested in the Green Paper.

5: How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents' confidence in the EHCP process?

**We do not agree with this proposal at this stage in the development of the SEND system.** This is an unwarranted restriction on parental choice within the system at a time when the Government's own analysis suggests many parts of it do not serve children and parents interests. We understand the concerns behind this approach and would support the aims of the inclusion plan to develop a clear strategy to support local provision wherever appropriate and provide parents with good quality advice about their options. However, the proposals should be revisited once there is demonstrable evidence that the system is working better in delivering high quality local provision and support, including that this is better integrated with special provision locally or otherwise. There should be no weakening of the current legal framework where parents can make an open preference for consideration of a setting that they think will best meet the needs of their child.

Making it easier for all parents of children with SEND to get their first-choice preference for an education setting, where that setting has specific provision for children with SEND, could be instrumental in raising parental confidence in the system whilst also potentially reducing demand for a statutory plan.

6: To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?

**NatSIP strongly disagrees with this proposal.**

The Government already consulted on this proposal in 2011 and it was completely rejected. Instead, the legislation put in place a process of parents having to consider mediation. The Green Paper presents no evidence to the contrary but instead relies on pointing to the growth in Tribunals as evidence for this proposal. While disagreement and mediation can be very helpful for many parents and avoid conflict, and additional costs, it works because it is voluntary and not compulsory. A more evidence-based approach would be a quality assessment exercise in how mediation services are being used and then sharing good practice nationally.

Cullen et al (2017) [http://wrap.warwick.ac.uk/87432/1/WRAP\\_cedar-300317-wrap\\_-\\_cedar\\_review.pdf](http://wrap.warwick.ac.uk/87432/1/WRAP_cedar-300317-wrap_-_cedar_review.pdf) undertook a research study to review experiences of mediation in relation to SEND disputes and concluded that formal mediation services are effective in decreasing the number of appeals registered with the Tribunal and that the effectiveness of mediation at preventing appeals is increasing over time (Cullen et al, 2017:105). Cullen et al also describe how mediation is not always 'the right tool to use' and there were some issues that are 'unlikely to be resolved through mediation' (Cullen et al, 2017:116). They found that in more complex cases, mediation tended to be less successful at resolving the issues (Cullen et al, 2017:119).

Mediation was refused where parents felt they were not being listened to or where trust had broken down (Cullen et al, 2017:115). Further the 'LA representatives in our study did not seem convinced of mediation's effectiveness in preventing escalation to appeal' (Cullen et al, 2017:116). They provide a list of features of successful mediation (Cullen et al 2017:113), which includes the willingness of both parties to engage in the process with openness, honesty and a willingness to

listen and review position/decision; parents being independently well supported; and the skills of the mediator. Tribunal services do not use 'the legal test' and do not necessarily point out illegal or questionable practice (Cullen et al, 2017:119). As a result, parents might accept outcomes that are not in line with the current SEND legislation unlike the Tribunal which has to follow the law.

There is also a risk that if mediation is mandatory, that local authorities will default to this process rather than attempting to resolve issues at the earliest possible stage. Mediator Margaret Doyle describes how mediation 'is the default position now for some LAs in responding to a SEND dispute' (Doyle, 2022) <https://www.specialneedsjungle.com/sendreview-mandatory-mediation-appeals-isnt-wanted-needed/> . Given that the vast majority of appeals to Tribunal are conceded by LAs or successful for parents the focus should be more on improving the quality of LA decision-making and early discussion, rather than on mandating parents to attend mediation meetings.

There would be considerable concern about the capacity of the current mediation system to meet the needs if mediation was made compulsory and of the capacity of SENDIASS services to support parents at mediation. Both these elements would have to receive very significant investment which would undermine the Department's anticipated savings in moving towards compulsory mediation. We are also concerned that this will introduce significant delays into the system. Where appeals are around educational placement for a child or young person, any further delay is likely to significantly undermine parental confidence, as well as the child or young person's wellbeing and happiness.

As is proposed in the Green Paper, we should be relying on improving early intervention and support for the individual learner and improving the necessary specialist support. If these measures were put in place with proper accountability, then we would not need mediation and Tribunals to the same extent. We strongly maintain that the focus should instead be on ensuring LAs are complying with the law and meeting their statutory duties to children and young people with SI, whilst engaging with parents and schools at the earliest opportunity. As part of this, we want to see close monitoring of the SEND partnerships and local inclusion plans, with penalties in place if the national standards are not met.

7. Do you consider the current remedies available to the SEND Tribunal for disabled children who have been discriminated against by schools effective in putting children and young people's education back on track?

**No these are not adequate.** There have been a number of published cases where parents have had to take continuing legal action, at great cost, to get the results of their Tribunal implemented. Many more cases exist where parents simply do not have the resources, time or capacity to take action. There are a number of ways this could be addressed

1. Both the House of Commons Education Select Committee Report 2019 and the Triennial Review of the Local Government and Care Ombudsman have recommended extending the remit of the LGO to cover a wider range of Education Cases within schools and covering SEN support not just children with EHCPs, especially where a financial remedy might be appropriate given the circumstances of the case. <https://www.lgo.org.uk/information-centre/news/2021/dec/strengthening-and-modernising-ombudsman-sets-out-proposals-to-strengthen-public-voice> It was noted by the Select Committee a successful trial of this approach was undertaken but no action taken. The Committee reaffirmed their support for this approach in a letter to the SoS on the 12<sup>th</sup> of July 2022.

<https://committees.parliament.uk/committee/203/education-committee/publications/3/correspondence/>

2. The Tribunal could be empowered to award financial remedy in cases where it concluded that this was the most appropriate means of ensuring that provision was secured, or parents compensated for additional costs in enforcing a Tribunal decision, see <https://www.specialneedsjungle.com/legal-action-launched-against-sendreview-consultation-over-misleading-disability-discrimination-tribunal-question/>
3. We do not feel that this power should be routinely used, as there is a danger that resources would be further drained from the system. However, it would act both as a deterrent to LAs and to service providers who do not make the provisions ordered by the Tribunal, so the power would only have to be rarely used.

#### 8. What steps should be taken to strengthen early years practice with regard to conducting the two-year-old progress check and integration with the Healthy Child Programme review?

SI can significantly affect a child's early development and later life chances. Outcomes in the early years (from birth to age two) can determine likely outcomes across a life-course. It is therefore essential that children with vision impairment receive timely, high quality, assessment and specialist support in the early years.

We are concerned that many children with SI may not be getting the support that they need in the early years and from diagnosis, which could significantly affect their early development and later life chances.

Children with severe SI are at particular risk of 'developmental setback' in the early years – the plateauing, or loss of, cognitive, language and social skills.

Referral pathways from health services to education and social care can be convoluted, meaning that children and their families face delays in receiving early years support from education specialists. There needs to be closer working between the Departments for Health and Education.

A VI model – the Vision Impairment Network for Children and Young People (VINCYP) model for early identification – has already been piloted in Scotland. This is a nationally managed clinical network with a clear referral pathway, and a Clinical Audit System (CAS) which aims to ensure that all newly diagnosed 0–16-year-olds with VI are recorded. This pilot should be rolled out across England.

There should be a requirement for early intervention support for babies and young children with VI to be provided by a Qualified Teacher of Vision Impairment (QTVI) in the family home as well as in early years settings. At the moment, babies and young children with VI may not have access to a structured, home-based programme of intervention with regular visits and input from QTVIs and Qualified Habilitation Specialists (QHSs) to support their development.

To help secure high-quality early intervention, we believe it should be a requirement that Qualified Teachers of the Deaf (QToDs), Qualified Teachers of children with Multi-Sensory Impairment (QTMSIs) and QTVIs be involved in an integrated review of a SI child aged two and that they work closely with early years practitioners and health visitors as part of this. QToDs are already involved in integrated reviews in many areas. However, it is not universal. Figures from the Consortium for

Research into Deaf Education (CRIDE) shows that 53% of local authority specialist education services do not contribute information to the integrated review (or do so only for a few children) whilst only 14% reported that they contribute information for all or nearly all deaf children.

9: To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo?

While we do not have a specific view on new mandatory qualification we are concerned about the current expectations and workload for SENCOs and how these impact on their ability to work successfully with specialist teachers for SI to support the development of appropriate support in schools and other settings. We would also like to see compulsory specific training on awareness of the impact of SI on learning as part of SENCO training. NatSIP has delivered for DfE such courses in the past and these have been highly valued. However, there is no access to national funding for these and NASENCo providers to not routinely integrate this training into their core offer on the course.

SENCo and NPQ training should be informed by the NatSIP's Mainstream Training Pack  
<https://www.natsip.org.uk/mainstream-training-pack>

11. To what extent do you agree or disagree that both specialist and mixed MATs should be allowed to coexist in the fully trust-led future? This would allow current local authority maintained special schools and alternative provision settings to join either type of MAT?

Academy settings are not always transparent to parents and other stakeholders in their budget management of local authority funding. Many MATs are opting to hire or promote unqualified support staff, and unqualified assistant SENDCo staff to undertake the work of the specialist teacher. There is a legal requirement for staff in the role of a specialist SI teacher to have successfully completed their mandatory qualification within three years and for the teacher with a SI MQ to contribute to assessment and provision. There should be an obligation of any specialist or mixed MAT to be transparent in the revision of service level agreements for high needs funding provisions. This should detail the budget expenditure for resource provisions i.e. a requirement that the school can demonstrate how it uses, monitors and reviews the use of funding or resources allocated to it for the specialist resource provision to improve outcomes for deaf, VI or MSI CYP. Quality assurance publications across the SI sector exist e.g. NDCS, with NatSIP, Quality Standards: Resource Provisions for Deaf Children and Young People in Mainstream Schools.

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

A focus on supporting young disabled people into employment is welcome. Many young people with SI leave school inadequately prepared for the workplace. Young people with VI aged 16 to 25 are twice as likely to be not in education, employment or training (NEET) compared to other young people of the same age.

To ensure young people with VI can access, participate in and be supported to achieve an apprenticeship it is important they receive support from a qualified habilitation specialist (QHS). QHSs support young people develop their mobility and independent living skills, including safely navigating to and in the work environment.



Despite the importance of QHSs, research has found low numbers of children and young people with VI accessing habilitation support. Only one in five children and young people on the active VI caseload (19 per cent) are receiving or waiting to be assessed for habilitation support. Of these, one in eight children and young people are waiting to be assessed. There needs to be action from the Government to boost the numbers of QHSs. This should include a clear and fully-funded plan of action to improve recruitment and opportunities to qualify into the profession, and retention of the current workforce.

The research also showed that 23% of employers said they were not willing to make adaptations to employ someone with a VI despite legal obligations under the Equality Act.

There also needs to be greater focus within Government on addressing attitudes in the workplace and educating employers to ensure their practices and workplace environments are inclusive and accessible for blind and partially sighted people. As part of this, employers offering apprenticeships should also be encouraged to align their working practices to the RNIB Visibly Better Employer quality standard. The Visibly Better scheme examines how inclusive an employer's practices are for both existing staff with sight loss and potential future applicants, provides recommendations for improvement, and, after implementation of suggested changes, awards the employer Visibly Better Employer status.

Most deaf young people and their families do not receive careers guidance that address their specific needs. For example, they are not given the opportunity to discuss or learn about the reasonable adjustments deaf people can have at work. In addition, they do not learn about the Access to Work scheme and what support can be funded in the workplace.

The following steps could improve careers programmes for deaf young people (and more widely, other young people with SI and disabled young people):

- guidance should be strengthened, and the new transition standards must place clear responsibilities on schools and colleges to work together with specialists (QToDS, QTVIs and QTMSIs) to ensure disabled young people receive information about reasonable adjustments in work and post-16 education, work-based training opportunities (i.e., apprenticeships, traineeships and supported internships) and employment schemes such as Access to Work and Jobcentre Plus programmes
- Careers Hubs should include SEND representatives from local authorities to ensure joined-up support between Careers Hubs and schools, colleges and employers
- the National Careers Service should be required to promote and provide access to advisors with specialism in disability through its helpline and live chat service
- young people with SEND should be prioritised for work experience placements. The national standards should place clear responsibilities on schools and colleges to secure accessible placements
- the SEND Code of Practice should reference the Gatsby Benchmarks and use them as guide for provision.

### **Further education**

Paragraph 46 of chapter 3 of the SEND review states that a new occupational standard (NOS) is being developed for further education teachers and that will "likely" include a specialist option in SEND. We strongly believe that this should be mandatory, particularly given the high numbers of



young people with SEND in further education. We also consider that any new module on SEND must include a section on SI and working with specialist teachers, and that young people with SI have the opportunity to help develop the content for this.

Supported internships and traineeships will provide some deaf, MSI and VI young people with a potential route to an apprenticeship. We welcome their expansion. However, more consideration needs to be given to the effective transition from a supported internship or traineeship to an apprenticeship and how the gap can be bridged.

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

**Attainment data broken down by special educational need (SEN) and/ or disability is a key metric that should be captured and used to measure local and national performance.** With the right support, children and young people with SI can achieve to the best of their individual ability at the same level as their peers and lead successful, independent lives. However, at present children with a primary SEN with SI have lower attainment compared to children without a SEN.

The SEND review asks if there any additional data that the Department will need to start collecting for the dashboards. We believe that the Department should amend how data is collected through the School Census to ensure that accurate data on all children with SI is being captured. However, **there are major problems currently with data collection by DfE across SI.**

**Most of the official data that is published by the DfE, including on attainment, only relates to a pupil's primary SEN which therefore distorts and underestimates the real level of SEND and need in this area and provides a poor platform for local planning.**

#### **Vision Impairment:**

With around 28% of VI children and young people having their VI recorded as a secondary SEN, a significant group of children with VI are missing from attainment data. As well as capturing attainment as a key metric, the DfE should also match this data to secondary SEN, to capture the attainment of all children with VI. It is also important that attainment data is able to be broken down by VI only and VI plus additional SEN.

#### **Deaf children and young people:**

Currently, the School Census only captures information on deaf children and young people if they have been formally identified as having a special educational need. Schools have too much discretion to determine if a deaf child is formally identified in this way, particularly given that the definition of SEN within the Children and Families Act refers to children who have a "disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions" as being within the definition of SEN.

A comparison of DfE data with other figures indicates that up to and around 42% of school-aged deaf children are not recorded in the School Census.

To address this, the Department should ask schools to collect data on whether a child has a disability, in addition to whether they have a special educational need. Alternatively, the Department should issue clearer guidance to schools that a child with any level of hearing loss should be regarded as having a special educational need on the basis that even a mild hearing loss

can have a significant impact and/or require schools to take advice from a QToD about whether a child should be regarded as having a special educational need.

If the attainment gap is to be closed for children and young people with SI, LA SI services must be adequately resourced to meet their needs. **We recommend funding for local authority SI services is also recorded as a key metric.** It is also important that the number of CYP on SI service caseloads, or known to services, are recorded as a key metric alongside the number of QTSIs and qualified QHSs. This will allow the ratio of SI specialists to CYP with SI to be monitored.

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

**We do not support the proposal to develop a national framework for funding bands and tariffs.** A national framework may provide a new flashpoint for disagreement and conflict which would contradict the government's goal to increase parental confidence in the system. It would grade children against funding requirements and not personalise assessed needs. Support for children and young people with SI must be assessed and based on individual needs, as set out in the Children and Families Act 2014. In all situations input for children and young people with SI must include specialist assessment and support by a teacher with mandatory qualification. A banding system is too blunt and inflexible an instrument for children with SI, who are a diverse population with very individual low incidence needs. We are concerned that any new system would risk leaving these children and young people without the necessary support they need to thrive.

The proposals do not indicate how pupil needs will be moderated to ensure bands are understood and used consistently across local authority areas. There is no clarity about how bands could be similarly funded given that LAs are largely resourced for high needs on a historical rather than needs-led basis. **Replacing the current high needs formula factors with Local Authority 'band profiles' would introduce considerable perverse incentives which would work against the principles of standardisation and equal opportunity.**

A system of tariffs would seem to rely on being able to clearly define all the inputs and unit costs associated with providing support to a child with SI. This may be possible in some cases, but it is much harder to quantify the time needed and the level of one-to-one support. This additional support needs to be provided by highly skilled and trained SI professionals who are able to use their judgement to determine what is needed in individual cases in a flexible and responsive way. We are concerned that the use of tariffs might simply lead to the "cheapest" available being used, taking away professional judgement and autonomy over which role or equipment is best placed to meet a specific need. It is also in danger therefore of undermining the approach of the Equality Act and reasonable adjustments.

We are also unclear how any national framework for bandings and tariffs would interplay with the current statutory framework around Education, Health and Care (EHC) plans. There is a duty on local authorities to secure any provision that is set out as necessary in section F and I of the EHC plan. We could not support any proposal that would erode or caveat this duty. **We think it is important that section F continues to take precedence over any bandings or tariffs that may be in place.**

We are concerned that the introduction of bandings and tariffs would result in less funding being available to these specialist settings to meet the individual needs of children with SI. Even small changes in the funding available could risk undermining their viability, reducing the specialist provision available to deaf children.

## **Impact on specialist education services**

Specialist education services for SI CYP are usually funded through the high needs block in LAs. In stating that banding and tariffs would apply across high needs expenditure, the SEND review implies that they will also apply to these peripatetic services.

We are very concerned about how this could work in practice. Currently, most SI services provide support to most families, children and mainstream settings as part of a LA core offer, without any kind of 'charging' to education settings. It has long been recognised that a traded services model (whereby all or part of the high needs budget is delegated to schools, which then purchase services from the local authority) does not work well for low incidence needs such as SI. This is because even small fluctuations in funding risk compromising the viability of these important central services. There is an additional risk that education settings and commissioners may not have a sufficient understanding of what support they need to purchase, given that many will only rarely encounter deaf, MSI and VI children and will not have the skills to be able to carry out specialist assessments of these children's needs. Yet the main advantage of a tariff system would be encouraging such a market for schools especially as we move towards an academy system. Without safeguards in place to secure that SI provision there is a significant danger that specialist services will be further eroded. NatSIP reported on the risks of traded services in their commissioning guidance, which was informed by work with over 70 service leaders via a number of seminars and commissioning clinics.

"Moving to a traded service where only the core statutory work is LA funded, with the expectation that schools will commission the rest of the service, has been cited as one of the most common changes. However, feedback from SI Services has suggested that schools are highly unlikely to commission the required volume of support that was either being provided previously or that the service assesses as being required. Where there has been a diminution of service this has also led to a lack of early intervention with the consequence that additional support has then been required at a later stage which inevitably falls back on the LA with an increased demand for EHCPs or additional intervention."

It would help LAs to meet the needs of pupils with low incidence high needs, such as SI, better if there was a recognition that some SEND are more expensive to provide for than others. For example, in the case of non-visual learners a special skills curriculum has to be delivered alongside the mainstream curriculum by specialist staff, and essential screen reader or braille technology is very expensive. Economies of scale such as teaching small groups instead of one-to-one are not usually possible because of the low incidence of VI in children. If a LA works to a classification system where all the pupils in the same category of need for the different SENDs (e.g., pupils classified as 'severe' for social and emotional needs and pupils classified 'severe' for vision) access the same amount of money this can disadvantage those with the 'more expensive' SEND and their needs cannot then be met. Whilst this gives equal weighting to all areas of SEND it is not an equal system for meeting need and so can lead to poorer individual outcomes and increased costs later on.

Research into how banding has worked in LAs has also looked at how the approach can have perverse incentives to increase costs. High needs budgets: effective management in local authorities found that

"A number of the case study authorities had developed banding systems. These were seen initially to have supported greater consistency in LA decision-making about funding levels. However, they did not appear to be critical in supporting a more managed approach to high needs funding. Indeed, some of those interviewed felt that they might contribute to further inflation of costs."

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1084458/DFE\\_HN\\_Budget\\_case\\_study\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084458/DFE_HN_Budget_case_study_report.pdf)

19: How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

**There needs to be representation from low incidence groups on the Delivery Board or the needs of these groups will be overlooked.** There needs to be guidance to the board on ensuring that low incidence needs are taken into account in their work.

Many of NatSIP's members are already embedded in local consultation forums such as the National Deaf Children's Society attending Children's Hearing Services Working Groups (CHSWGs). These multi-disciplinary groups bring together local services for deaf children in each area and also include representation from parents of deaf children. A similar structure is now being explored and piloted for VI in some areas. NatSIP has close links with Heads of specialist education support services for children with SI HoSS) and these networks need to be called on in any planning.

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

1. More funding for the SI workforce, which is declining in number. See; [www.ndcs.org.uk/media/7641/cride-2021-england-report-final.pdf](http://www.ndcs.org.uk/media/7641/cride-2021-england-report-final.pdf)
2. Increased recognition of the specialist qualifications in SI and funding for training of new specialist SI teachers to ensure that the workforce is up to full strength.
3. Ensure that LAs continue to have the capacity to fund specialist SI support services at LA level and not move to a traded service model. At the moment these services are under severe financial stress, for example 39 out of 139 local authorities (28%) have made cuts to their budgets for specialist education services for deaf children over the past year whilst 28 (20%) have frozen their budget (in effect, a real-terms cut). RNIB's annual FOI research found the criteria for allocating levels of support and for consideration of EHCP assessment for children and young people with VI varied considerably across local authorities. Some 85 % of responding local authorities are meeting the statutory criteria in the Children and Families Act by carrying out EHCP assessments based on a child's individual needs. Worryingly, 27 % of authorities stated a child or young person must meet a specific level of severity/ visual acuity, 11% said they must be failing to make the expected level of progress, 11% said they are expected to attend a special school and a further 9 per cent said they must have additional SEND, in order to meet the criteria for support.
4. Requirement that the needs of children with SI are properly addressed in the new inclusion plan and planning process that sits behind this. That the inclusion dashboard not only records outcomes for children and young people with SI but also the capacity of the local system to provide the necessary support to these children which is a statutory requirement.
5. Parents of children and young people with SI to be required to be included in the new accountability arrangements so that there is no danger that they will not be represented in any discussions and strategic planning.
6. That the developments of the proposals around what is 'Ordinarily Available' in schools requires that resources and support that schools or setting offers on SI is clearly indicated. The capacity of the offer must be indicated, not just that they have access to a specialist service. To help schools meet these requirements they need to know that specialist support is going to be available from the LA to make this offer.

7. The SENCo qualification, like the initial teacher training courses, does not train QTS teachers in the depth of knowledge and understanding that is acquired through the specialist SI mandatory qualifications. Whilst there is a need for national level improvement with initial teacher training (ITT) provisions addressing the quality of content about teaching CYP with SEND, there is a recognition that this will not make every teacher a teacher of SI because of the low incidence of SI. This rationale also reflects why for LISEND it is not logical to disseminate funding per individual school. Support needs to follow the individual child and young person; thus, a centralised specialist SI support service, responsible for maintaining a QTSI workforce specially qualified to work with the 0-25 SI CYP cohort, is essential to support children with LISEND and to make the best use of resources. CYP with SI need specific training at ITT level to support early intervention and then ongoing service training, including for SENCos and TAs, focused on SI children. NatSIP ran successful training programmes for DfE in these areas, but training providers will not self-fund these programmes because of the low incidence nature of the need. Therefore, the school's workforce does not have the capacity to support children with SI effectively and know when to appropriately access additional specialist SI support. Current additional universal training programmes supported through DfE contracting to Whole School SEND (WSS) do not focus on SI and LISEND because of the low incidence nature of the need. This was recognised in the DfE funded analysis of the training needs at school level but was not then addressed. The NatSIP report commissioned by the DfE to the Gap Analysis Report clearly showed that there was a mismatch between the training resources available and those take up by schools. This followed from the UCL report showing a gap in training and support for SI.  
<https://www.natsip.org.uk/doc-library-login/natsip-briefing-documents-and-papers/gap-analysis-the-availability-of-specialist-sensory-impairment-support-services-to-support-mainstream-teachers-and-ancillary-staff/1527-2019-03-gap-analysis-report-v4-natsip-0919>
8. Promote regional commissioning for high needs low incidence CYP to ensure consistent provision across the country and so that needs can be met on a more consistent basis.
9. More integration is required in the revised CoP between the SEND framework requirements and the Equality Act 2010 requirements. The rights legislation is fundamentally important for children and young people with SI. There needs to be a review of the current guidance on the Equality Act and the DfE should commission the Equality Commission to carry this out. There also needs to be a much greater awareness of the potential for using reasonable adjustments in schools and settings as part of the framework which help prevent more parents thinking the only way to secure statutory protection for support is through an EHCP in the first place.
10. The proposals do not reference the long-term impact of the pandemic and how the aspirational 2030 achievement goals will be achieved. Clearer reference is required regarding how all provisions are required to meet the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) goals.
11. No school, college or setting to be graded 'good' or 'outstanding' unless their SEN and disability provision is also 'good' or 'outstanding' and assessed by SEND (SI in our case) specialists.

## **Barriers to Success**

The most obvious barrier to implementing the proposals in the Green Paper in respect of SI is absence of a consistent national strategy for ensuring that specialist support services are able to support early intervention across the whole SEND system. The SEND review identifies a vicious cycle in which funding is directed away from early intervention in relation to LA specialist education

services. SI services have no formal statutory basis for early intervention and that funding is not ring-fenced, creating an additional vulnerability for these relatively small services for LISEND. The Department can address this by creating a statutory duty for LAs to ensure that specialist education services for CYP with SI are sufficient to meet the needs of SI CYP in each area. This should then be reflected in the new accountability framework, inclusion plan and monitored through the inclusion dashboard. Funding should then be guaranteed for that strategy; however it is distributed.

**The proposed new funding agreements between the Department for Education and local authorities should include an explicit requirement around funding of specialist education services for children and young people with sensory impairment.**

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

1. While NatSIP welcomes the Government's commitment to increase the capacity of the specialist workforce, it is essential this includes action to boost the numbers of Qualified SI Teachers and Qualified Habilitation Specialists. This should include a clear and fully-funded plan of action to improve recruitment and opportunities to qualify into the profession, and retention of the current workforce. We would recommend the development of a clear national workforce strategy for specialist SEND professionals, especially SI.
2. Review and clarify the accountability framework so that families are clear what they should expect and are confident that any failings will be spotted and dealt with effectively and quickly and that SI is fully represented in local and national forums.
3. Ensure that the funding is in place at schools, colleges and LA level to deliver a complete offer for children and young people with SI.
4. A renewed focus in the CoP practice on the requirements in the Equality Act, especially around access planning but also in respect of ensuring staff are aware of reasonable accommodation requirements. This could be better monitored by LAs as part of the Local Offer, Inclusion Plan and Ofsted in school and college inspections. DfE should commission the Equality Commission to do new guidance on this area and support.

**22: Is there anything else you would like to say about the proposals**

**Overall, NatSIP is disappointed that the Green Paper has a lack of specificity and linkages to low incidence specialist support, including sensory impairment, and fails to show how this will be secured in any revised system. NatSIP is very supportive of the move to ensure that all teachers can be good teachers of SEND but for this, and early intervention, to work the system also needs to recognise and address the specific skills and knowledge which need to be provided to supporting children and young people with SI if they are to thrive and achieve better outcomes. Appropriate early intervention and ongoing resourcing allows parents and services to rely less on EHCP as the route to securing necessary SI specialist support.**

**A market-based approach where schools know best and commission support is never going to work fully in these areas because of the low incidence nature of SI need. This was well established by the work commissioned by the DfE from NatSIP. To effectively provide for children and young people with SI, their families and the professionals who support them throughout their lives, we need more structured strategic focus on what support needs to continue to be funded and guaranteed in the move to a more academy-based system. Without this the aspirations of the Green Paper and the original reforms will not be met for children with SI.**

More broadly, the new structures and frameworks described in the Green Paper are in danger of increasing bureaucracy and tension in the system, rather than improving provision and outcomes. As outlined in the Green Paper the proposals on accountability seem to duplicate many existing forums and processes, unless they are actually meant to replace them? The Green Paper has no proposals to address the erosion of specialist SI support services that are essential to increasing the capacity of mainstream schools to identify and respond early to children's needs. (See above.) Nor does it acknowledge Ofsted's finding on the impact on schools' ability to respond to a range of needs if not properly supported. It is important to note that in local area reviews OFSTED has routinely referred to the important and positive role specialist SI support services have played in ensuring the implementation of the reforms.