

National SEND Update

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Chair – Whole School SEND

National Leader of Governance

**Follow me on
Twitter for regular
SEND updates from
across the sector.**



@AdamBoddison

@nasen_org

Membership Announcement



FREE from 4th January 2021

nasen.org.uk/membership

@adamboddison
@nasen_org

ACCIS
Education
Leaders in SEND Recruitment

 **GL**
assessment

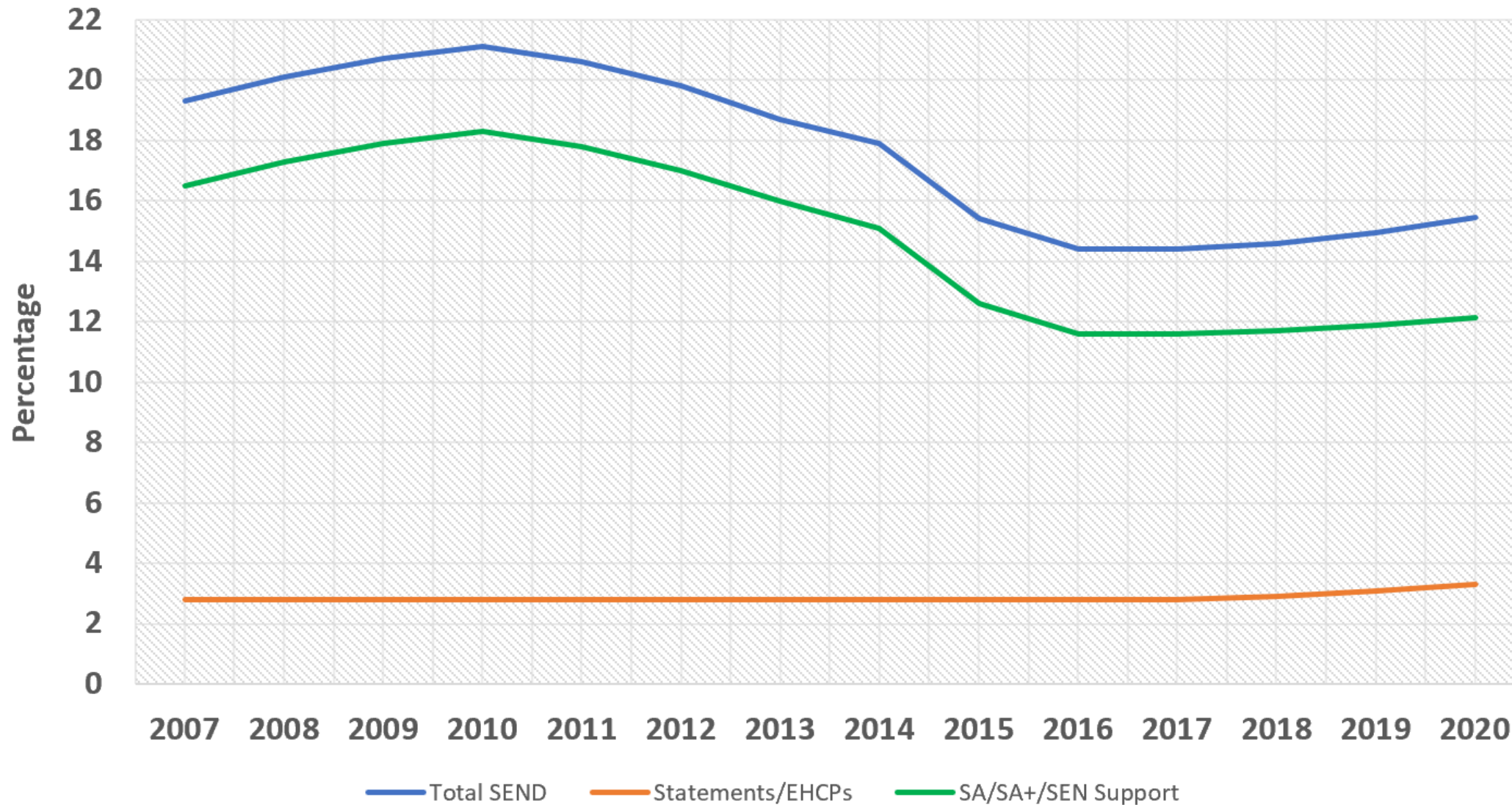
nasen
Helping Everyone Achieve

 **Whole**
School
SEND

 **nisai** group

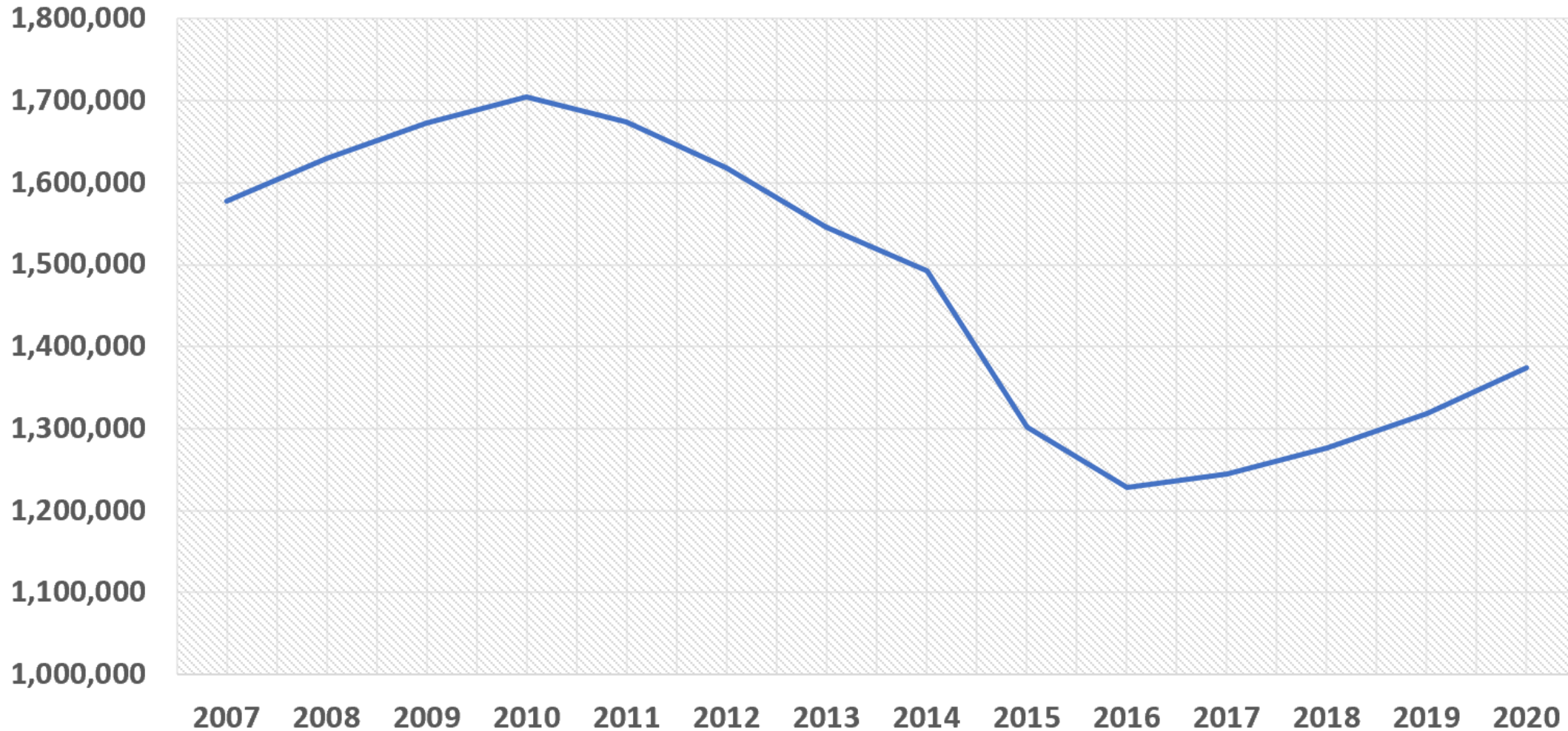
sendgateway
powered by nasen

National Census Data – SEND over Time



Source: DfE SEND
statistical release
July 2020

National Census Data – SEND over Time



Source: DfE SEND
statistical release
July 2020

Topical Matters



1. SEND Review
2. Comprehensive Spending Review
3. Return to School
 - Teacher anxiety
 - Pupil SEMH needs
 - Rise in school exclusions (return to school 'honeymoon period'?)
4. Spike in Elective Home Education (temporary or long term?)
 - Fear of contracting the virus
 - Off-rolling
 - Working/learning from home

COVID-19 **SEND** REVIEW GUIDE

A curated reflection framework



Supporting a Successful Return to School for Adopted Children

13th July 2020

Chaired by Margaret Mulholland, ASCL

Funded by
Department
for Education



Returning to school after a period of absence

Questions to help the process for children, young people and their families

In partnership with

Ask Listen Do
Making conversations count
in health, social care and education



Transition Planning for Year 11

Questions to support young people with SEND and families in conversation with schools

In partnership with

Ask Listen Do
Making conversations count
in health, social care and education

Recovery, Re-introduction and Renewal: Safe and Successful Returns to School

*A Handbook for Schools and Education
Settings following Critical Incidents*

Supplemented by online resources <https://www.aep.org.uk/recovery-re-introduction-renewal/>

'It is possible to
prepare for the future without
knowing what it will be.'

The primary way to prepare for
the unknown is to attend to the
quality of our relationships,
to how well we know and trust
one another.'

Margaret Wheatley, 2004



www.sendgateway.org.uk

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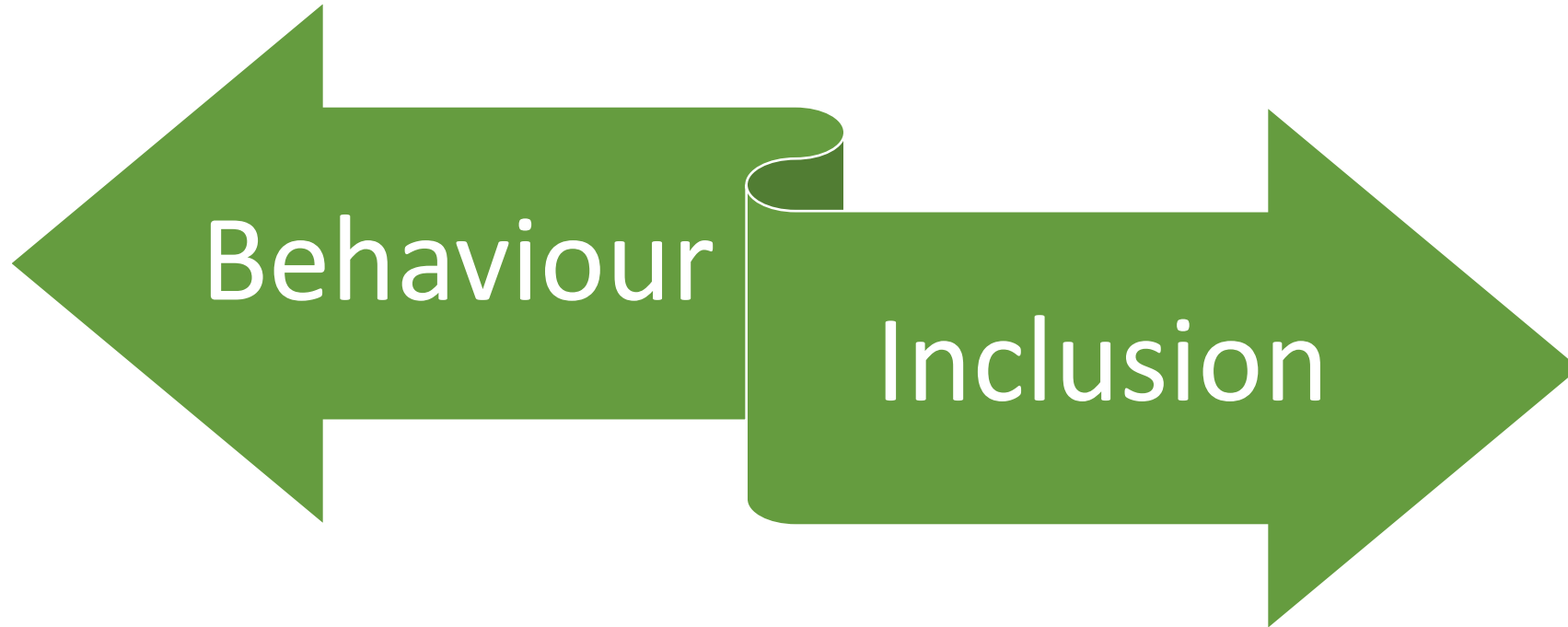


Five Suggestions for Governors and Trustees

1. Give SEND an equivalent status to pupil premium
2. Make SEND everybody's responsibility (like safeguarding)
3. Ensure every leader is a leader of SEND
4. Think SEND!
5. Maximise the impact of the SENCO through effective deployment



National Tension



Academy keeps top Ofsted grade despite 'exceptional' pupil movement

Pippa Allen-Kinross



Fri 7th Jun 2019, 5.00



New inspection regime to tackle off-rolling, says Ofsted

Inspectorate considers plans to reward schools for ensuring pupils complete their studies

'No school should be graded outstanding unless it can demonstrate that it is also inclusive'

Ofsted urged to change policy that allows schools breaching SEND code to be rated 'outstanding'

By Helen Ward
29 November 2017

Share this



Ofsted – Education Inspection Framework

- The framework makes clear that to be judged good for leadership and management, leaders must ‘have a clear and ambitious vision for providing high-quality, inclusive education and training to all’.
- Similarly, the good grade descriptors for the new quality of education judgement include ‘leaders use or construct a curriculum that is ambitious and designed to give all learners, particularly the most disadvantaged and including pupils with SEND, the knowledge and cultural capital they need to succeed in life.’



FE Week, May 2017

Ofsted – Education Inspection Framework



School inspection handbook

Handbook for inspecting schools in England under section 5 of the Education Act 2005

This handbook describes the main activities carried out during inspections of maintained schools and academies in England under section 5 of the Education Act 2005.

- **Paragraph 43:** Ofsted will “report on any failure to comply with statutory arrangements when they form part of the inspection framework and evaluation schedule, including those relating to the workforce (see part 2 of this handbook)”
 - **Paragraph 195 (in part 2 of the handbook):** “Inspectors will gather evidence of the impact of the quality of education offered by the school from the following sources: ... how well pupils with SEND are prepared for the next stage of education and their adult lives.” – specific reference to the SEND Code of Practice
-
- **Paragraph 208:** “Inspectors will evaluate the experience of particular individuals and groups... For pupils with SEND, this will include ensuring that appropriate reasonable adjustments are made in accordance with the Equality Act 2010 and the SEND code of practice.”

True or False?

1. It is 3.1% of children nationally, who have an EHC plan.
2. A child's EHC plan is a statutory document.
3. It is the Local Authority, through the school, which must meet the requirements of an EHC plan.
4. The focus of an EHC plan is on outcomes, including preparation for adulthood.
5. Where a nursery, school or college is named in an EHC plan, they **must** admit the child or young person.
6. Health bodies must work with Local Authorities to promote the integration of services.
7. More boys than girls are identified as having SEND.
8. Less than 10% of adults with learning difficulties are in work.
9. Children with SEND are more likely to be permanently excluded from school.
10. The SEND Code of Practice will be revised before the end of 2020.

SENCO Workload Survey

- The aims of the research were to:
 - Update current understanding of the SENCO demographic, post the SEND reforms in relation to: experience, training, support, nature of the role, time to execute the role, additional responsibilities, seniority/SLT status.
 - To make recommendations to key stakeholders (including school leaders and the DfE) to improve the consistency of provision nationally.
 - To identify factors which impact on the effective execution of the SENCO role.
- Published in November 2018 with more than 1900 responses
- The project was funded by NEU and nasen and was led by Dr Helen Curran (Bath Spa University).
- The research team included Hannah Moloney, Anne Heavey and Prof Adam Boddison.



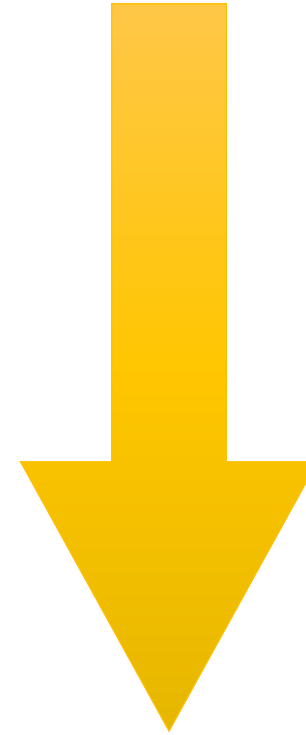
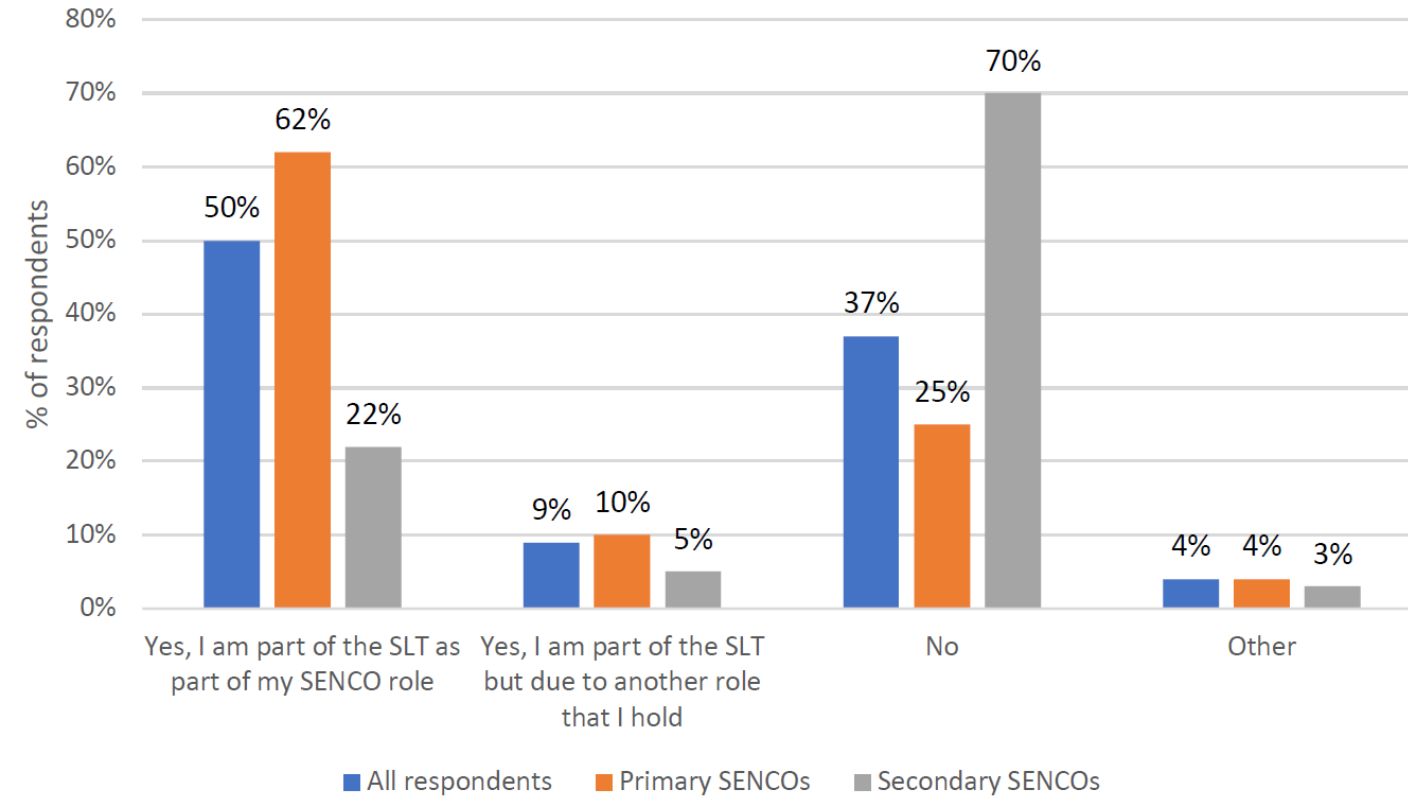
www.bathspa.ac.uk/sencosurvey

SENCO Workload Survey

- 71% of SENCOs stated that they enjoy their role most, or all, of the time.
- 74% of SENCOs stated that they do not have enough time to ensure that pupils on SEN Support are able to access the provision that they need.
- Only 23% of SENCOs felt that they had enough time to ensure that pupils with EHC plans accessed the provision that they need.
- Only 26% felt that the role was manageable for one person with 78% of SENCOs stating that other roles and/or tasks routinely pulled them away from being able to carry out the SENCO role effectively.
- Less than half (46%) of SENCOs felt that their role was understood by senior leaders.
- Only 34% of SENCOs intend to be in the role in five years' time.

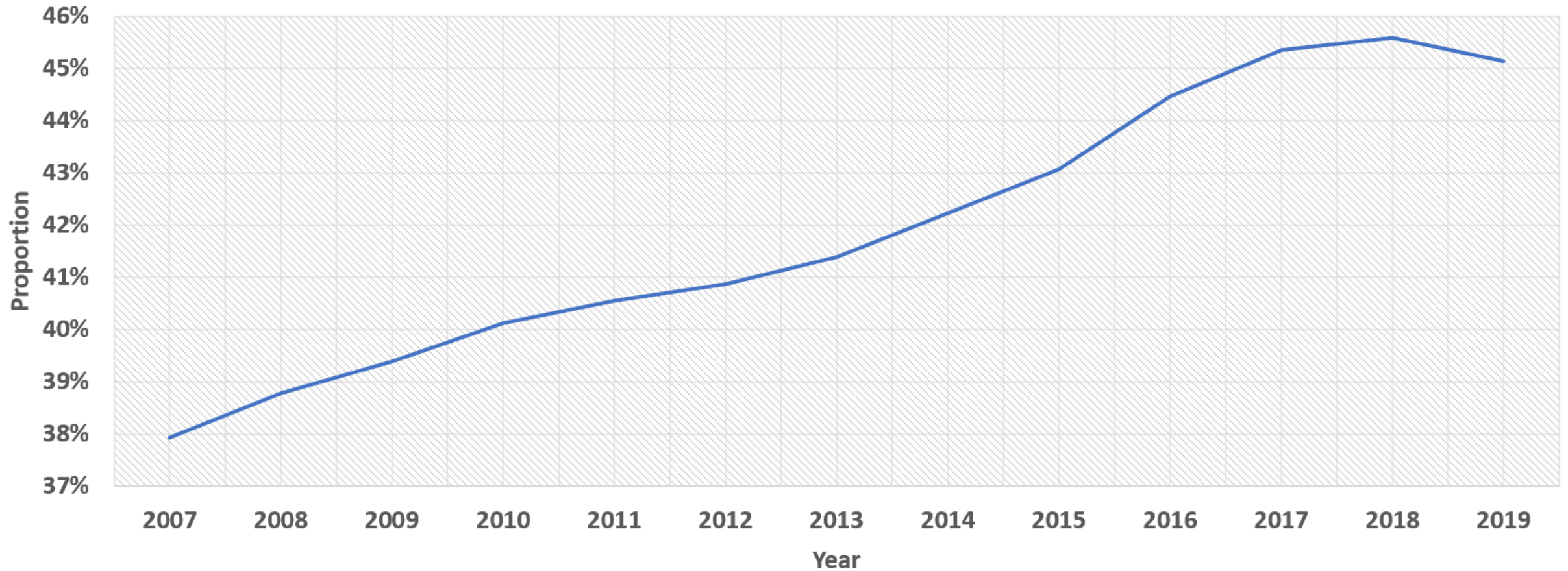
SENCO Workload Survey

Are you part of the Senior Leadership team (SLT) in your school?



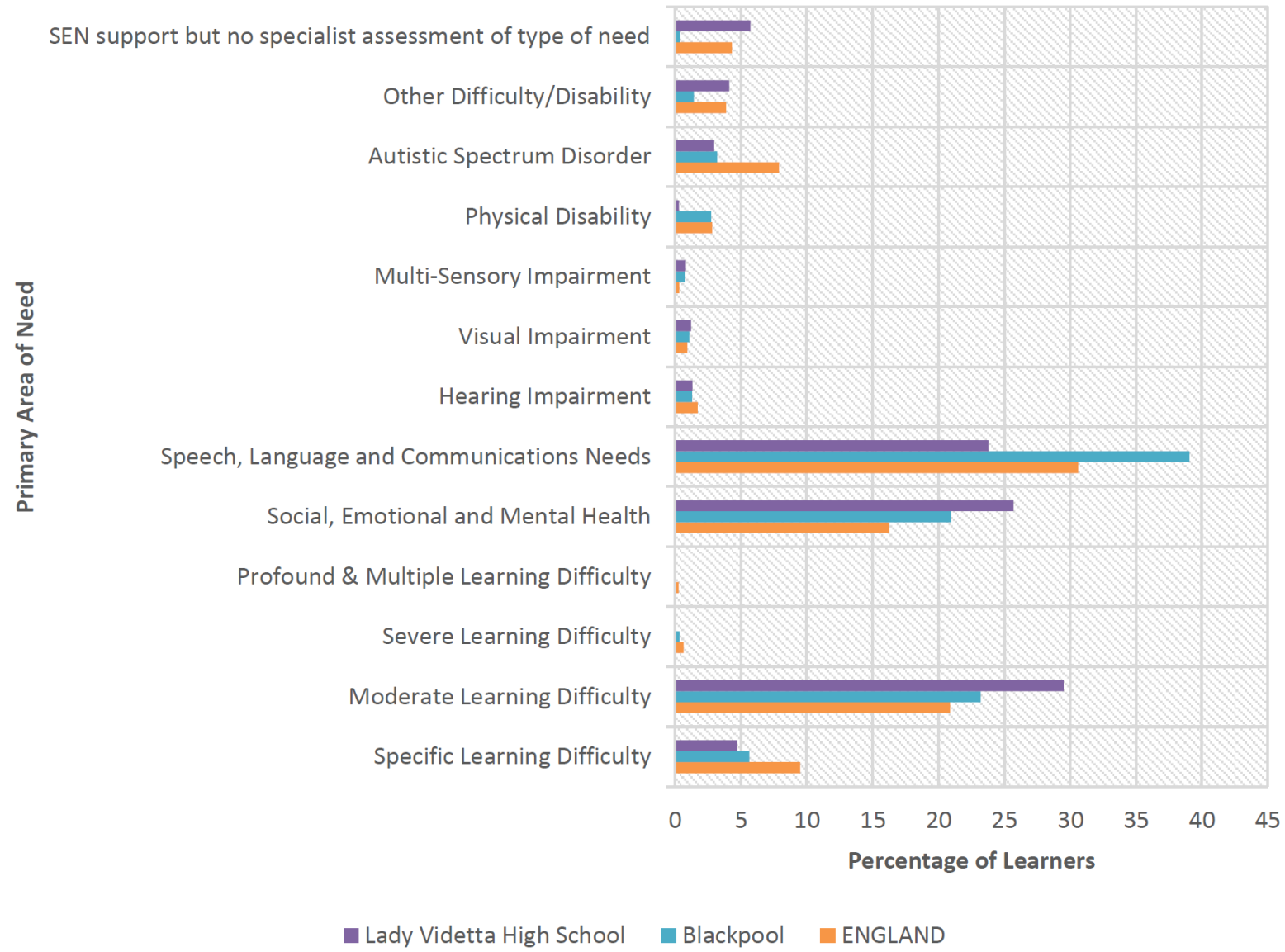
bathspa.onlinesurveys.ac.uk/sencosurvey

Proportion of Children with statements or EHC plans attending maintained or non-maintained special schools



Source: DfE SEND
statistical releases
2007 – 2019

Proportion of Learners by Primary Area of Need



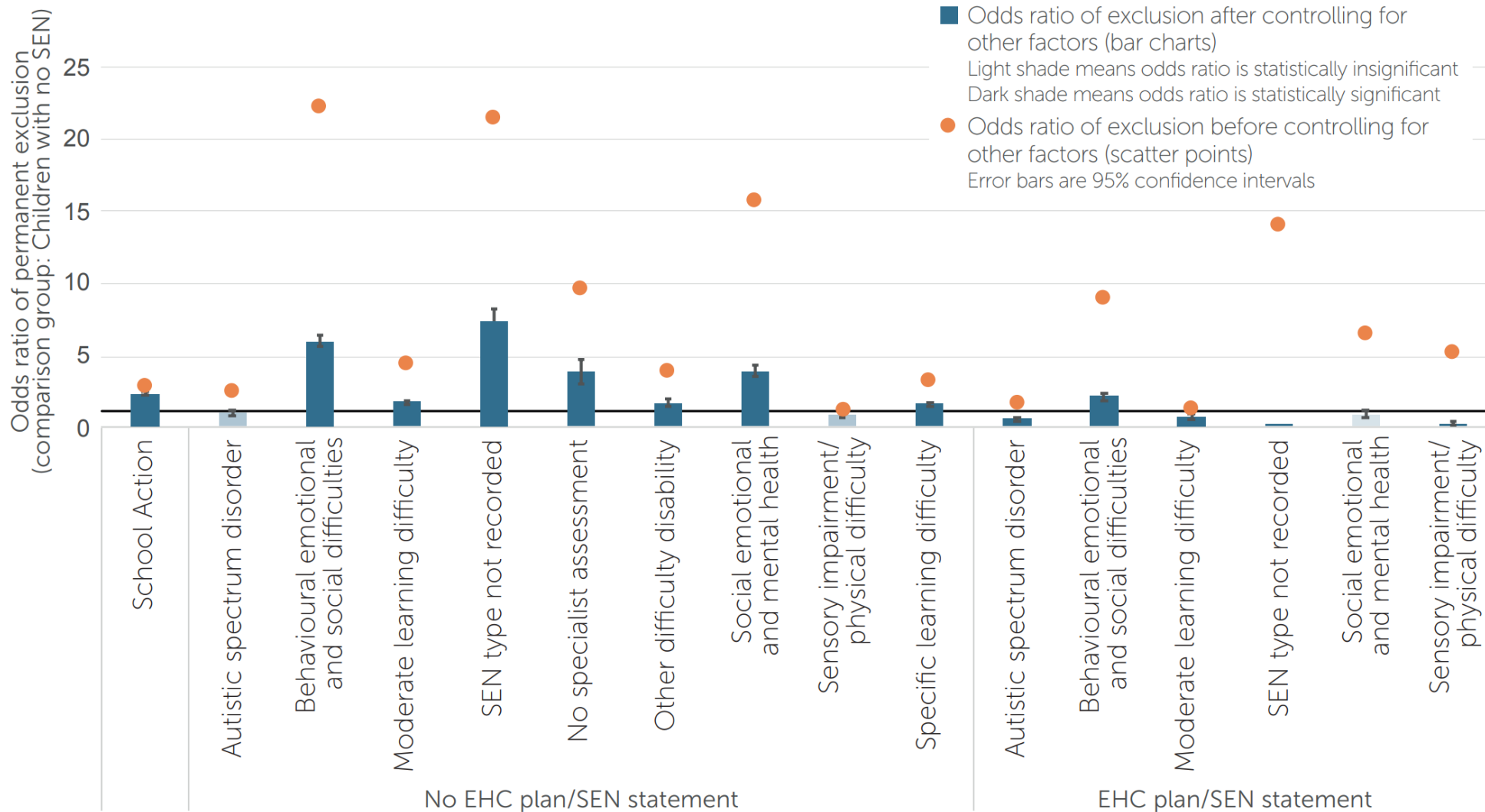


Figure 6: odds ratio of permanent exclusion by SEN provision and type of primary need (comparison group: children with no SEN)

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

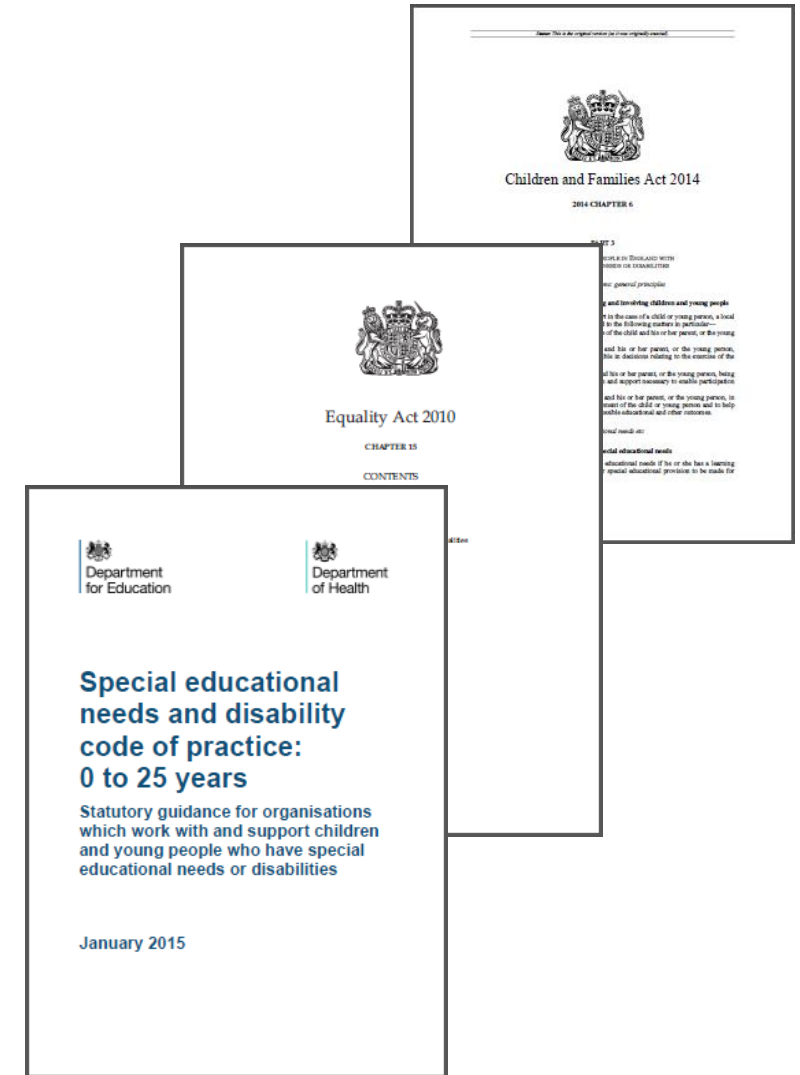
The Legislation

All boards have legal duties in relation to pupils with SEND.

Legal duties concerning SEND are set out in:

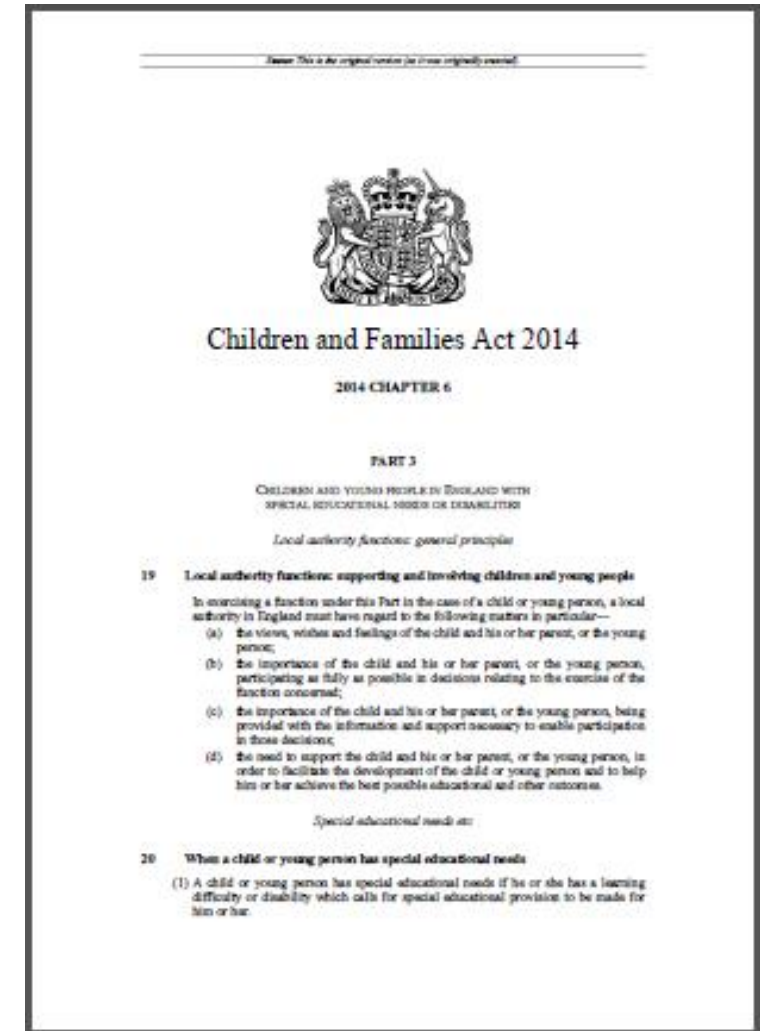
- The Children and Families Act 2014
- Statutory guidance, the SEND code of practice, 2015

Schools and trusts must also have regard to duties set out in the **Equality Act 2010**.



The Children and Families Act 2014

- ✓ Co-operate with the LA in reviewing local provision
- ✓ Use best endeavours to make sure that pupils with SEND get the support they need
- ✓ Ensure that pupils with SEND engage in the activities of the school alongside pupils who do not have SEND
- ✓ Inform parents when they are making special educational provision for a child
- ✓ Ensure that arrangements are in place to support pupils at school with medical conditions
- ✓ Have a clear approach to identifying and responding to SEND
- ✓ Provide an annual report for parents on their child's progress
- ✓ Ensure that there is a qualified teacher as SENCO
- ✓ Determine their approach to using their resources to support the progress of pupils with SEND



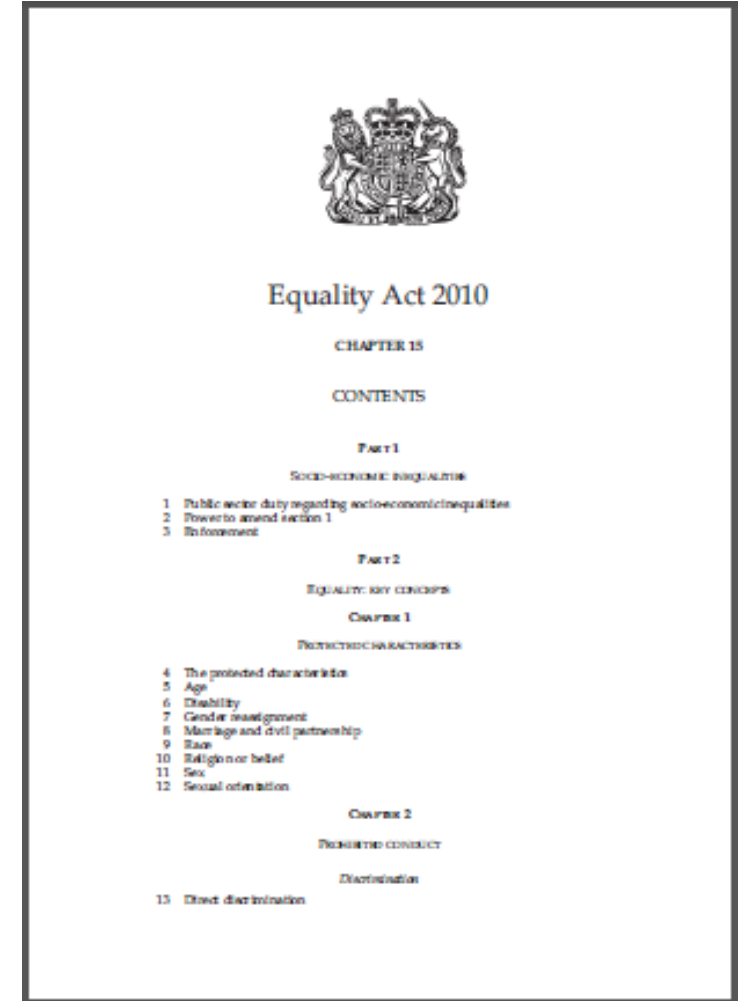
Equality Act 2010

The school **must**:

- ✓ Not discriminate against disabled pupils
- ✓ Make reasonable adjustments
- ✓ Publish an accessibility plan

The act makes it unlawful for the responsible body of a school to **discriminate** (directly or indirectly) against, **harass** or **victimise** a pupil or potential pupil:

- ✓ In relation to admissions
- ✓ In the way it provides education for pupils
- ✓ In the way it provides pupils access to any benefit facility or service or by excluding a pupil or subjecting them to any other detriment

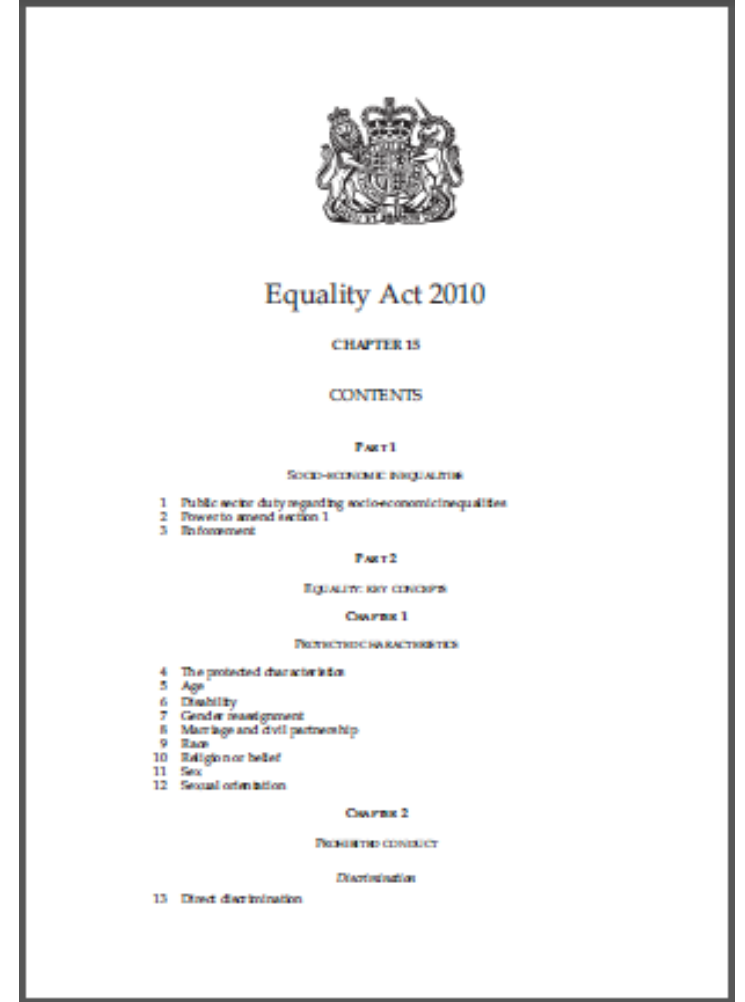


Equality Act 2010

Reasonable adjustments duty

This is an **anticipatory** duty

- ✓ Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school **must take reasonable steps to try and avoid that disadvantage**
- ✓ Schools will be expected to provide an **auxiliary aid or service** for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils




Equality Act 2010

Accessibility plan

It a legal requirement that settings must have an **accessibility plan** that aims to:

- Increase the extent to which disabled pupils can participate in the curriculum
- Improve the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided
- Improve the availability of accessible information to disabled pupils



Equality Act 2010

CHAPTER 15

CONTENTS

PART 1

SOCIO-ECONOMIC INEQUALITIES

- 1 Public sector duty regarding socio-economic inequalities
- 2 Powers to amend section 1
- 3 Enforcement

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

- 4 The protected characteristics
- 5 Age
- 6 Disability
- 7 Gender reassignment
- 8 Marriage and civil partnership
- 9 Race
- 10 Religion or belief
- 11 Sex
- 12 Sexual orientation

CHAPTER 2

PROHIBITED CONDUCT

Discrimination

- 13 Direct discrimination

Statutory Policies

Special educational needs

MS Acad FS

Review frequency: The SEN Information Report should be updated annually and any changes to the information occurring during the year should be updated as soon as possible

Approval: Full governing body or proprietor.

Legislation: Maintained schools, academies and free schools – [The Children and Families Act, Section 89](#) and [The Special Educational Needs and Disability Regulations 2014](#)

Also see [The 0-25 Special Educational Needs and Disability Code of Practice](#).

Accessibility plan

MS Acad FS IS SFC PRU NMSS

Review frequency: Every three years.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the headteacher.

Legislation: [Equality Act 2010: Schedule 10, Paragraph 3](#) and [Disability Discrimination \(prescribed Times and Periods for Accessibility Strategies and Plans for Schools\) \(England\) Regulations, 2005](#).

Supporting pupils with medical conditions

MS Acad FS PRU

Review frequency: Governing bodies, proprietors and management committees free to determine.

Approval: Governing bodies of maintained schools, proprietors of academies, and management committees of pupil referral units.

Statutory guidance: [Supporting pupils at school with medical conditions](#)

Legislation: [Children and Families Act 2014 section 100](#)

Admissions arrangements

MS Acad FS

(Applies to voluntary-aided schools and foundation schools directly and to community and voluntary-controlled schools if the local authority formally delegates the responsibility).

Review frequency: Arrangements to be determined annually. Any changes must be consulted on and where no changes are made, consultation is required at least every seven years.

Approval: Full governing body or a committee of the governing body where the school is an admissions authority.

Legislation: Applies directly to academies and free schools via their funding agreements.

Maintained schools - [Section 88C of the School Standards and Framework Act 1998](#) and the [School Admissions \(Admission Arrangements and Co-ordination of Admission Arrangements\) \(England\) Regulations 2012](#).

Also see: [Statutory School Admissions Code](#) and [School Admission Appeals Code](#).

Equality information and objectives (public sector equality duty) statement for publication

MS Acad FS PRU

(Applies to local authorities on behalf of PRUs).

Review frequency: Every four years and publish information annually (see below).

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the headteacher.

Legislation: [The Equality Act 2010](#) and [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#).

Under specific duties, governing bodies, local authorities and proprietors are required to draw up and publish equality objectives every four years and annually publish information demonstrating how they are meeting the aims of the general public sector equality duty.

Department
for Education

Statutory policies for schools

Advice on the policies and documents that governing bodies and proprietors of schools are required to have by law

September 2014

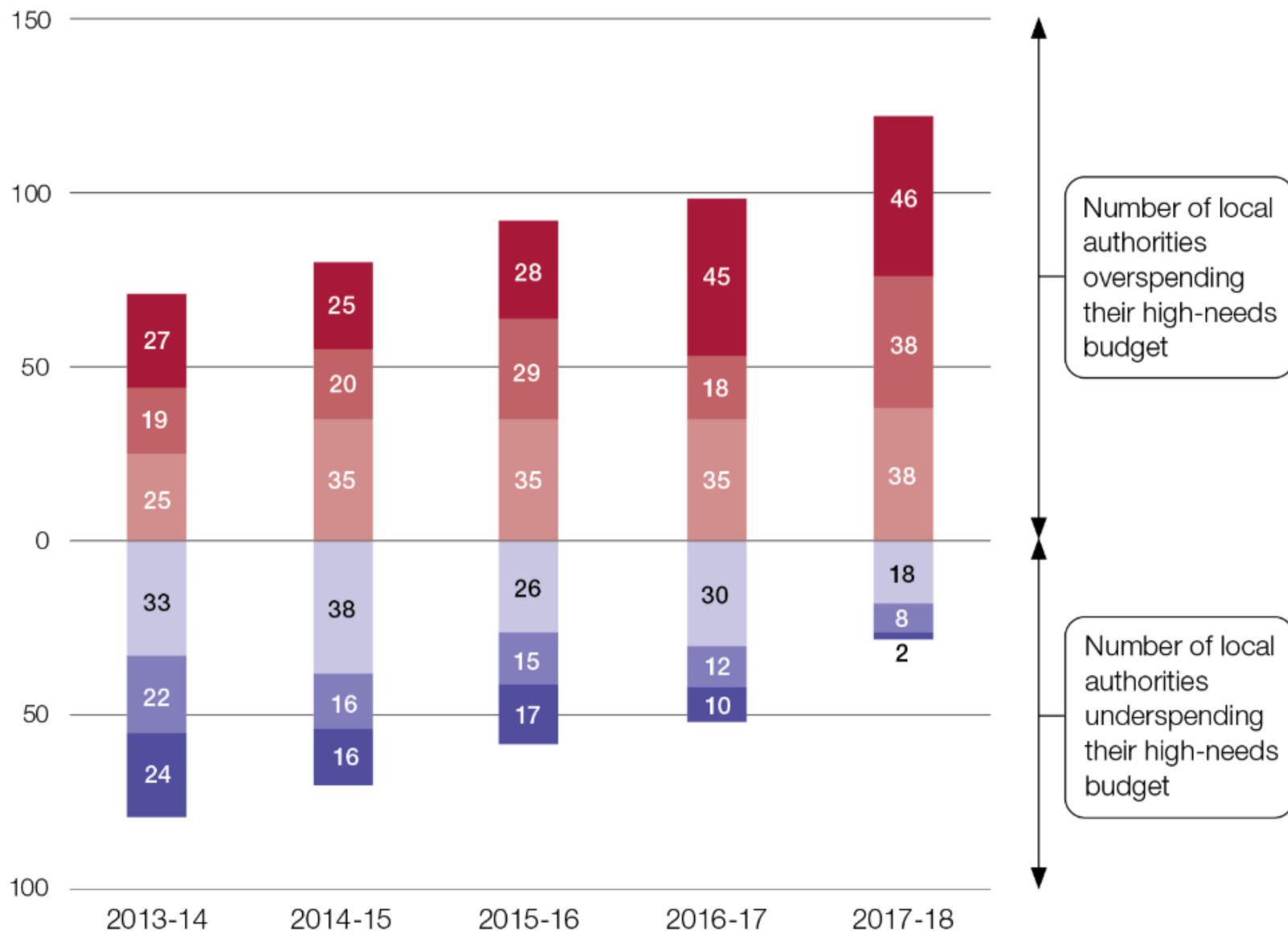


National Audit Office

Support for pupils with special educational needs and disabilities in England

- Overspend of 10% or more
- Overspend of 5% or more, but less than 10%
- Overspend of more than 0%, but less than 5%
- Underspend of 0% or more, but less than 5%
- Underspend of 5% or more, but less than 10%
- Underspend of 10% or more

Number of local authorities

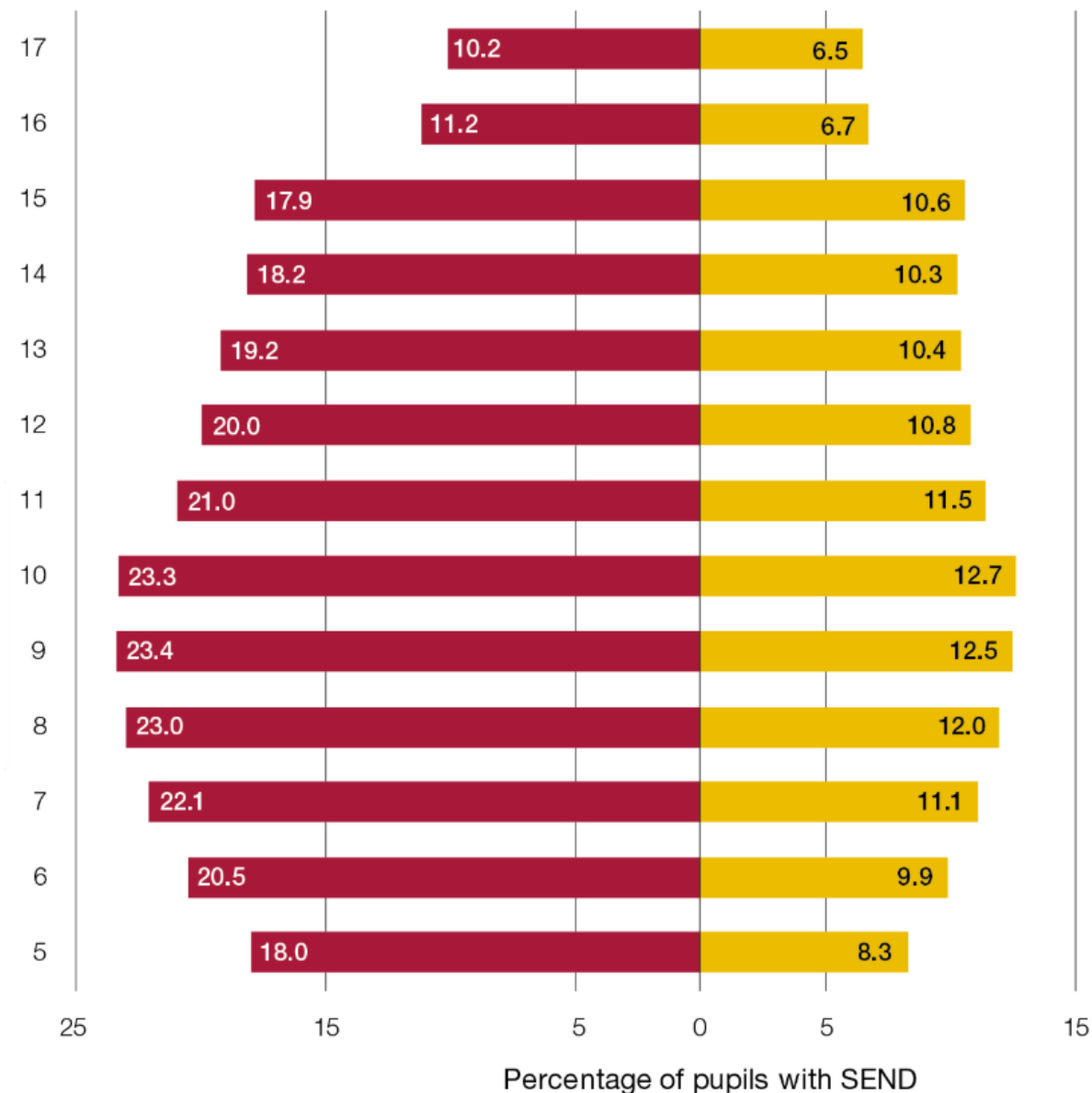


Support for pupils with special educational needs and disabilities in England



■ Boys with SEND (%)
■ Girls with SEND (%)

Age of pupils (years)



Percentage of pupils with SEND



Selected Recommendations

House of Commons

Education Committee

- We are confident that the 2014 reforms were the right ones. We believe that if the challenges within the system—including finance—are addressed, local authorities will be able to discharge their duties sufficiently.
- ...unless there is a systemic cultural shift on the part of all parties involved, additional funding will make little difference to the outcomes and experiences of children and young people with SEND.
- we expect the Department's SEND review to fundamentally address the relationship between need and available provision.





House of Commons Education Committee



Selected Recommendations

- We call on the Government to make the notional budget a focus of its review into the financial arrangements of provision for pupils with SEND, and for those in alternative provision. The Government should pay particular attention to ensuring that the funding system works for children and young people with SEND who do not need EHCPs so that they are not inevitably dragged into that part of the system.
- [The DfE should] commission an independent reviewer to examine the cost implications of requiring all schools and colleges to have a full-time dedicated SENCO and recommending the size of school which should only be required to employ a part-time dedicated SENCO.



For Parents



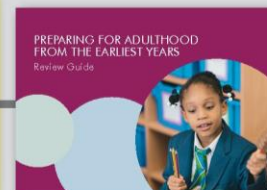
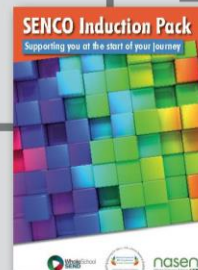
For Headteachers,
Executive Headteachers
and Trustees



For Governors in
all schools



For Headteachers



For SENCOs and
other Senior Leaders

Condition-Specific
Introductory Videos
for NQTs



For individuals or
whole staff in schools

We understand how difficult it can be to get...
that's why nasen are excited to announce th

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Online Learning: Focus on SEND

Webcasts

to many different online CPDL

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don't have time to attend the

please email: cpd@nasen.org

Thank you for listening!

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