



Education Committee

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From Mr Robin Walker MP, Chair

David Johnston
Parliamentary Under-Secretary of State for Children, Families and Wellbeing
Department for Education

19 September 2023

Dear David,

I am writing to you concerning the [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan](#), released in March of this year. As you are aware, the Committee held a panel in [March 2023](#), with expert stakeholders, to gauge reactions to the SEND and AP Improvement Plan. We were thankful to have Claire Coutinho, then Minister for Children, Families and Wellbeing in attendance for a ministerial session on [May 23rd](#), where we could raise many concerns that were made aware to us. We were pleased to receive her [letter](#) in July of this year, updating the Committee with more information on several strands of the Department's work.

The Committee welcomes proposals from the SEND and AP Improvement Plan. Commitments to train more SENCOs and educational psychologists, standardisation and digitalisation of Education, Health and Care Plans (EHCPs), and the general increase in funding through the Change Programme are welcomed by the Committee.

The Committee were also pleased to hear in the evidence session that the Department were "absolutely not trying to" ration EHCPs through the SEND and AP Improvement Plan.¹ This statement was also welcomed by the sector. For this reason, we are concerned over the September 2023 [report](#) in the Observer, relating to the Delivering Better Value in Send programme.² The report suggested that the Government signed a [contract](#) with the consultancy firm Newton Europe in July 2022, "targeting at least a 20% reduction in new EHCPs issued." Please could you provide us with further detail about this contract and explain if and how this is compatible with the approach that Claire Coutinho described to the Committee where she categorically stated that Department is not "targeting a particular reduction" in EHCPs.³

We were also glad to clarify many issues in the session in May 2023, and in Claire Coutinho's follow up letter in July.⁴ One prominent concern from witnesses and families was that mediation to tackle disputes over EHCPs, before parents registered an appeal to the tribunal, would be "mandatory". Tim Nicholls, Head of Influencing and Research, National Autistic Society, labelled this idea "neither practical nor ethical." There were concerns amongst witnesses over the power dynamics in mandatory mediation, and that the process would "add another delay on the way."⁵ When questioned on this matter, Claire Coutinho confirmed that in the Change Programme, the DfE is "not testing mandatory mediation." This is a welcome step that reflects the concerns of the sector, and we are looking closely see how the Department will best implement positive mediation.

¹ [Q46](#) [Claire Coutinho]

² The Delivering Better Value Send programme supports 55 councils to bring down Send budget deficits.

³ [Q46](#) [Claire Coutinho; Alison Ismail]

⁴ Claire Coutinho MP, Follow-up letter to the Education Select Committee regarding SEND

⁵ [Q24](#) [Tim Nicholls]

We also received concerns from witnesses that often special schools do not receive a specialist Ofsted inspector who comes from a SEND background. Dr Nicola Crossley, SEND representative for the Association of School and College Leaders (ASCL) and CEO of Liberty Trust, expressed the “need to have a focus on SEN by SEN practitioners.”⁶ When this matter was discussed in the ministerial session, Alison Ismail, Director for Special Educational Needs and Disability and Alternative Provision, stated that the Department “can definitely look into” the make-up of inspector teams.⁷ Claire Coutinho clarified in her letter that through the [Ofsted strategy 2022-27](#), “all inspectors who inspect specialist settings”, receive “specific SEND training on induction followed by enhanced SEND training and annual ‘top-up’ enhanced SEND training.”⁸ We are glad to hear this; this should continue in order to produce the best results for children with additional needs, however if the Department has any information on the proportion of inspectors who come from a special school background we would be grateful for it.

As you know, the [2022 SEND Review](#) announced the implementation of ‘tailored lists’, to help parents and carers choose which SEND and AP provision is best for them. Stakeholders informed us in March that they were concerned that the lists would instead act as a restriction of choice. Dr Daniel Stavrou, Policy Vice Chair of the Special Education Consortium and Assistant Director for Education, Council for Disabled Children, told the Committee in March that he felt the proposal centred around fiscal concerns, rather than aiding parental choice. Mike Hobday, Executive Director, Policy and Campaigns, National Deaf Children’s Society, agreed with this point, with the witnesses fearing that the lists would instead restrict choice by limiting the amount of options available.⁹ We are pleased that the Department has stated that these lists are being tested as “advisory” lists.¹⁰ It is essential for the wellbeing of children and young people with SEND that their choice of settings and provisions are based on their need, with the best possible available options. We look forward to seeing the progression of this scheme in helping families choose the best care for young people with SEND.

Additionally, stakeholders in the March oral evidence session called for the Government’s ‘Supported Internships’ programme to be opened up for young people with SEND who do not have an EHCP. This would allow far more young people with SEND to access the structured study programmes, work placements, and qualified job coaches. Tim Nicholls stated there could be “tremendous benefits” from the widening of access.¹¹ We were therefore pleased to hear that the Department are currently conducting a pilot which will double the capacity of the supported internship programme.¹² Whilst we are happy to see from Claire Coutinho’s letter that the pilot is due to launch in the 2023-24 academic year, please could you supply the Committee with further information about this pilot, including its location, when available.¹³

Funding delays

A significant issue for SEND and AP provision is that of in-year funding in specialist provision, where funding for additional need will not reach the child until the following academic term. Additionally,

⁶ [Q19](#) [Dr Crossley]

⁷ [Q79](#) [Alison Ismail]

⁸ This includes special schools and alternative provision (AP) and schools with specially resource provisions and/or SEN units

⁹ [Qq26-7](#) [Dr Stavrou, Mike Hobday]

¹⁰ [Q71](#) [Claire Coutinho]

¹¹ [Q32](#)

¹² [Q95](#) [Claire Coutinho]

¹³ Claire Coutinho, [Follow-up letter to the Education Select Committee regarding SEND](#); [Q95](#) [Claire Coutinho]

special schools will often not receive funding for additional children until the subsequent financial year. This leaves many settings in financial difficulty, often operating in a deficit. This was raised in our initial session, Dr Nicola Crossley, SEND representative for the Association of School and College Leaders, stating there are calls from the sector to review how funding is allocated.¹⁴ We are happy to see that the Department “had an ambition” to look into this matter, and the potential for amending legislature.¹⁵ We also discussed the issue of SEND funding with Minister Gibb at our July 2023 accountability hearing on Government plans for Maths to 18 and schools funding. Although we received assurances about the levels of funding, concerns have been raised in particular regarding teaching assistants’ pay in the special school sector as or as special schools need a high proportion of teaching assistants and we urge the Department to monitor this situation closely.¹⁶

Timescales

Perhaps the most prominent issue that witnesses raised at our March 2023 session was that of timescales, both in terms of vagueness and length. We were told of the “sense of frustration” in continual evidence-gathering, as opposed to action from the Department.¹⁷ Whilst we are glad to have clarification on some timescales, there are still concerns over the time it will take to implement many measures of the SEND and AP Improvement Plan. Namely, standardisation and digitalisation of EHCPs, national standards, and recruitment and training of 5,000 early years practitioners. These will not be fully, or in some cases even partly enacted, until 2025.¹⁸ As these measures have support both from the sector and the Committee, it is disappointing that they will not be in place for another two years. Can the Department set out any further milestones towards achieving these aims that could provide any reassurance of earlier progress?

General workforce concerns

Witnesses raised a prominent aspect of SEND provision that underpins many of the issues – that of the workforce. Tim Nicholls told the Committee that for autistic children, “there is not the understanding and training within all school staff.” Dr Crossley pointed to how recruitment and retention is an eminent concern across all phases and stages of education, “particularly in specialist provision.”¹⁹ We are glad to see the inclusion of 5,000 extra early years SENCOs, and the increase in the number of educational psychologists, as part of the SEND and AP Improvement Plan. However, witnesses specifically called for an “all-school approach”, where the general workforce in schools and the early years will be better equipped to provide care for children and young people with SEND.²⁰ We are glad to see the SENCO NPQ and universal services contract aimed to equip the non-specialist workforce, as pointed to in the accountability session.²¹ Additionally, the stand-alone SEND subsection in level 3 early years qualifications is a welcome step in the direction of upskilling the general workforce.²²

However, I raised the issue that often non-teaching staff are not included in funded pay increases. Claire Coutinho stated that she “recognises the challenge” here.²³ The Committee appreciates the

¹⁴ [Q16](#) [Dr Crossley]

¹⁵ [Qq62-3](#) [Claire Coutinho]

¹⁶ [Qq55-57](#)

¹⁷ [Qq2-3](#) [Mike Hobday, Dr Crossley]

¹⁸ [Qq49, 55, 83](#) [Claire Coutinho]

¹⁹ [Q2](#) [Tim Nicholls, Dr Crossley]

²⁰ [Q2, 22](#) [Tim Nicholls]

²¹ [Q56](#) [Claire Coutinho]

²² [Q82](#) [Claire Coutinho]

²³ [Q57](#) [Chair, Claire Coutinho]

recognition of this challenge, and the measures included in the SEND and AP Improvement Plan, but must stress the importance of upskilling the general workforce in order to equip them to provide better care for young people with SEND and in alternative provision. In the future, this must be an area of focus for the Department. This is especially pertinent considering recruitment and retention issues across the education sector.

Regional disparities

We thank the Department for supplying data on regional distribution of early years SENCO trainees since October 2022, as raised in Committee.²⁴ We note a concerning disparity between locations, with only 5% of trainees being located in the North East, compared to 18% in the South East and the North West. The DfE should therefore closely monitor these figures and ensure sufficient distribution of early years SENCOs across the country. .

At the evidence session we heard that 76% of SEND institutions are now part of a careers hub, amongst other measures to improve accessibility of advice.²⁵ Please could you supply us with further information on the regional breakdown of the location of careers hubs.

Progress checks at age two

Another issue raised by our expert witnesses in March was the removal of a “very welcome item” from the 2022 Send Review, that of relevant professionals being involved in the health visitor-led two-year old checks.²⁶ Claire Coutinho’s letter tells us that where possible, the Early Years Foundation Stage (EYFS) progress check and the Healthy Child Programme health and development review should inform each other and support integrated working.²⁷ Whilst this is a welcome clarification, the term “where possible” leaves the Committee concerned, as joined-up working between health visitors and early years practitioners is essential for effective early identification and intervention for young people with SEND.

To conclude, the SEND and AP Improvement Plan includes many measures that will benefit children and young people with SEND and in alternative provision, and we were pleased with many of the Department’s answers and clarifications in the oral evidence session and subsequent letter. However, there are still concerns within the sector and from us at the Committee. Issues of funding, regional disparity, workforce concerns, early identification and timescales remain prominent. These are specific areas the Committee will be focusing on in the future, to ensure the Department is working effectively to give children with SEND and in AP the best chance in life.

Yours sincerely,



Mr Robin Walker MP
Chair of the Education Committee

²⁴ [Q84](#) [Ian Mearns]; [Claire Coutinho, Follow-up letter to the Education Select Committee regarding SEND](#)

²⁵ [Q98](#) [Claire Coutinho]

²⁶ Q39 [Mike Hobday]

²⁷ Claire Coutinho, [Follow-up letter to the Education Select Committee regarding SEND](#)