



Statement following the publication of the ISOS report.

As many of you may have seen in the press over the last couple of days, ISOS have released a report entitled **“Towards an effective and financially sustainable approach to SEND in England”**.

There are aspects of this report that we agree with, but others that we fundamentally oppose. We have therefore written the below:

The report is 166 pages long, so we do not seek to highlight every aspect of the report and our views on this, but to give an overview of the general themes and our position in relation to these.

The ISOS report starts with the statement that “The SEND system is broken” but goes on to say that the Children and Families Act 2014, was developed with the best of intentions.

As parent carers we absolutely agree with this, the idea of education, health and social care all working together to meet the needs of children and young people is undeniably a good idea, and we feel that the vast majority of parent carers would also agree that the SEND system is broken.

The ISOS report set out to answer three questions.

1. What are the root causes of the challenges seen in the SEND system that need to be addressed in order that the approach to SEND in England be effective and sustainable?
2. Does the previous government’s improvement plan adequately address those fundamental challenges in the system?
3. What is needed in terms of national policy reform to address the root causes and deliver an effective and sustainable approach to SEND?

The ISOS report goes on to talk about key facts:

1. More children and young people than ever are being identified as having SEND.
2. There are more children and young people than ever before whose needs are not being met in mainstream education, and thus require specialist provision.
3. More money than ever before is being invested in SEND, but it is significantly less than what is actually being spent on SEND by LA’s, health services and education settings.
4. Despite rapidly rising expenditure, outcomes of children and young people with SEND and families’ day-to-day experiences of the system have not improved.



The report further says that reform is needed and that this reform needs to be national and systemic, this is something that as parent carers we agree with.

As Solihull Parent Carer Voice, we are glad that more children and young people are identified as having SEND. Identifying children and young people's needs is an important step in them receiving the support that they need to meet their potential.

We also agree that mainstream schools are struggling to meet the needs of children and young people. This is particularly evidenced in Solihull by the fact that we have almost 10% more children and young people with an EHCP in specialist school than the national average.

We appreciate that the report is clear that it does not seek to place blame on any particular 'actors' in the system, however we are concerned that some aspects of the report could be interpreted as attributing financial sustainability issues to the behaviour and the views of parent carers.

The ISOS report details what it believes to be the root causes of difficulties with the SEND system.

1. The volume challenge.

The report details that the SEND system is struggling to respond to ever-increasing volume in the number of children and young people requiring SEN support and the number of EHCP's. The report mentions that giving parents greater rights to express a preference for a broader range of schools, at a time when other reforms were reducing the scope of mainstream schools to be inclusive, has undermined parent carers and practitioners' confidence in mainstream schools. The report highlights that the early years sector should be at the heart of efforts to identify needs. That there are workforce challenges and difficulties with funding and accountability. The report also notes a distinct set of challenges around post-16, with challenges around transitions, planning, funding and place planning.

2. The decision-making challenge.

ISOS describes a lack of clarity around how SEN and EHCP's are defined, suggesting that because the definition of SEND talks about requiring more support than is generally provided for others of the same age, but that what should generally be provided in mainstream is not specified. With regards to EHCP's, the report suggests that the 2 tests in a decision to assess are problematic as there is no definition as to what might constitute the level or type of special educational provision that would necessitate an EHCP, and that the inclusion of the word 'may' makes the legal test too broad. The report details that responsibility and accountability in the SEND system is misaligned and further goes on to note that there is a "problematic effect of the SEND Tribunal on the operation of the SEND system".

3. The market challenge.

The report comments, that SEND system leaders have suggested that there is a lack of clarity around the role that independent providers should place in the SEND system, they also argued that there should be standardised funding and accountability for all providers taking state funded placements of children and young people with EHCP's. The report also notes that most of the people who took part in the research thought there are positive aspects to the current SENDAP Improvement Plan but felt that it would not address the fundamental challenges in the system.

The ISOS report then goes on to detail 8 recommendations.

1. A new national ambition, based on two core principles of promoting inclusion in education, and preparing young people for adult life. Clarity around what 'additional needs' means, how different needs are to be met and clear consistent expectations of inclusive practise in mainstream as well as the role of specialist provision.
2. A national framework that describes types and levels of needs, accompanied by a best practice guidance. A new Institute of Inclusive Education to be an "independent custodian of national expectations and evidence-based practice." Supporting mainstream education to reform support for children and young people with additional needs.
3. Enabling inclusive practice in mainstream education, development of a 'core offer' or targeted multi-disciplinary support, that all education settings can access without children and young people requiring an EHCP. Making it easier for children and young people to access support without the need for an EHCP, and reforming the statutory framework so it is only introduced after a more inclusive approach has been put in place. Reforms to early years, school and post-16 education that aim to build inclusive capacity. A new role for special schools- providing placements for children and young people with the most complex needs but with "porous boundaries" so that expertise can be shared, and pupils can move between settings.
4. Reform the SEND statutory framework so there is a clear, consistent, equitable and sustainable offer of support. Regular, personalised assessments and reviews of a new Learner Record. Retaining the right of parental preference for school admissions but being clear of where the limits of individual choice and entitlement lie. New, independent non-judicial mechanisms for dealing with disagreements about decision making and access to specific provision- the report envisages that this would be a role for the National Institute rather than SEND Tribunals.
5. A new Destinations and Progression Service in each local area to have oversight of all young people as they transition from children's to adults' services. Standardising across education, health and care the age at which young people move from children's to adults'.
6. Changing the role of partners in the system to ensure they are coherent and provide a robust foundation for joint- working, with responsibilities aligned to powers and

accountabilities. Strengthening local partnerships but creating statutory Local Inclusion Partnerships which would include named partners from the LA, health, education, the local PCF and local strategic groups representing young people with SEND. These partnerships would have statutory powers and joint funding.

7. Involving the independent sector in strategic planning in local areas and using this sector strategically for highly specialised provision. Ensuring that the independent sector complements rather than replaces local state funded provision. Enabling Local Inclusion Partnerships to open their own state funded provision. Putting in place an equivalence of regulatory standards and funding between state funded and independent sectors.
8. The National Institute leading on developing a multi-disciplinary workforce strategy for inclusive education, additional needs and preparation for adulthood. This would specify the skills and practitioners that are needed to deliver offers. The National Institute would also advise on the content of both initial training and CPD for the workforce.

As Solihull Parent Carer Voice, our thoughts on these recommendations are below.

1. Vision and principles.

We agree that there is the need for a national vision and a set of guiding principles, we want all children and young people to feel valued and to reach their potential. We also want all children and young people, and their parent carers to feel listened to and that their voice matters. We would hope that national vision and principles would include complete coproduction and decision-making. Children and young people and their families must have a say in decisions made about them and about the services that are available to support them.

2. A National Framework.

We see potential benefits as well as significant challenges to a framework. Clarity around need and practice would be welcomed, however classifications of need may not accurately reflect a child/young person and may limit the support they receive. Children and young people cannot just neatly be placed into boxes.

We also are very concerned that the report recommends the reduction of statutory entitlements.

3. Creating a more inclusive mainstream offer.

As Solihull Parent Carer Voice, we do agree that reforms have reduced the incentives for schools to be inclusive when it comes to children and young people with SEND, however we are aware that there are some schools who do a fantastic job, and others who do not. As such we believe that the reduction in confidence in schools, is not purely to do with system reform pressures, but more about how individual schools have implemented changes and responded to these pressures. We welcome the ambition for families to have more confidence in mainstream education and for pupils



to consistently have their needs met. We do note however that the current accountability measures- Ofsted Inspections, Progress 8, league tables etc, would need to be changed to encourage more inclusive practice. We also note that the report does not consider that not all school buildings are physically inclusive (in terms of space, size, environment, access).

We also agree that there needs to be robust place planning to ensure there are enough placements locally for all children and young people.

We would like more clarity regarding the comments in the report regarding only accessing the Statutory framework once the new more inclusive building blocks are put in place. The SEND Code of Practice 2015 clause 9.14 currently discusses how decisions regarding EHCP assessments will take into account evidence- including that of the actions and interventions that have already been put in place. The comments in the ISOS report do not give enough detail, however it could be interpreted to mean that the threshold will be moved higher.

4. Reforming the statutory framework.

We agree with the principle of having a statutory framework that incentivises an inclusive system. However, we disagree with removing SEND Tribunals and using the National Institute instead. We also disagree with the ISOS reports' conclusion that tribunal outcomes is evidence that the current legislation is impossible to implement and fundamentally flawed. We believe that the focus should be on local systems making the right decision at the right time and properly applying the law.

We also have real concerns about any proposed change to, or replacement of the current legislated definition of SEND. Removing any legal safeguards for children and young people with SEND is a step backwards.

5. Post 16 and preparation for adulthood.

As Solihull Parent Carer Voice, we welcome a focus on post-16 and would welcome a standardised age for transition. We know that more needs to be done regarding transition and preparation for adulthood, to ensure that systems are aligned, and that support is in place for young people.

We would however, like clarification that the current rights of young people until age 25 are protected. We would also like more clarity around the PfA work for young people who are in mainstream. If, as this report suggests more young people are educated in mainstream schools, how will PfA be undertaken to meet the needs.

6. Realigning powers and responsibilities.

We welcome the recommendation of Local Inclusion Partnership boards, however we feel the suggested membership of these boards should be specified to include social care and post 16 professionals. We are pleased that in Solihull, our current JAND Board encompasses those who are recommended to sit on a Local Inclusion Partnership Board (as well as more, such as children's and adult's social care)

We also welcome strengthening joint commissioning through the Local Inclusion Partnership, it must however be done in coproduction with children and young people and their families. We would like clarity around the commissioning of both SENDIASS

and PCF's. It is important that both remain as independent bodies, to provide independent information, advice and support, and to be a critical friend working in coproduction to improve services for children and young people. We would like to see both being consistently jointly commissioned by Local Authorities and Integrated Care Boards.

Whilst we welcome the suggestion of local inclusion funds, we are concerned that given financial pressures on the high needs block in almost all local authorities, and significant overspends with most ICB's, setting up a legal framework to share equity may increase the complexity in the system. The suggestion also doesn't consider the difficulties where there are overlapping Local Authorities and ICB's.

7. The Independent Sector.

We agree that the independent sector is very costly, and we do agree with the suggestion that the independent sector should not be allowed to profit from the provision it offers. We do however know that the independent sector, often provides bespoke provision, with often higher levels of intervention, support and care, than is offered routinely in other provisions in the local area.

8. Development of a National Workforce Strategy.

We agree with this proposal. Workforce has been an issue for many years, as has workforce retention. We need to ensure that we recruit, train and retain a good, inclusive workforce.

To conclude, there are some merits to this report and indeed, there are some recommendations in the report that are already being tested in the current Change Programme.

As Solihull Parent Carer Voice, however we do believe that this report is oversimplified and that it does not adequately include, consider or promote the role of children and young people or of their parent carers. For any system to change there must be full coproduction with ALL stakeholders.

We do agree that their needs to be a focus on inclusive practice to meet the needs of children and young people with SEND, and we agree that there needs to be better accountability at SEN support.

We are however deeply concerned, that the theme of the report seems to be one of raising thresholds for accessing statutory frameworks, raising thresholds for accessing specialist schools, and removing the SEND Tribunal.

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