

## Written evidence submitted by the National Governance Association (NGA) to the House of Commons Education Select Committee inquiry into Special Educational Needs and Disabilities

14<sup>th</sup> June 2018

The National Governance Association (NGA) exists to improve the well-being of children and young people by promoting high standards in all our schools and improving the effectiveness of their governing boards. The NGA is the only independent body representing school governors and trustees at national level across England. We support and advise governing boards in both local authority maintained schools and academies.

### Summary

- NGA welcomes greater involvement from the child/young person and their parents when developing a EHC plan;
- The delays experienced by some children/young people need to be addressed. Children/young people and their families should not have to deal with the stress and uncertainty this can cause;
- Although NGA welcomes the SEND reforms, their benefit can only be properly realised if sufficient funding is made available.

### 1. Assessment of and support for children and young people with SEND

- 1.1. The process of assessing pupils' needs is very detailed and although greater involvement from the child/young person and their parents is positive, this inevitably requires additional time being invested by staff.
- 1.2. Members have expressed concern that the combination of funding and timing issues is having a negative impact on the EHC plan regime and some young people may not be receiving a plan when they should have one.
- 1.3. There is an inherent conflict in a system in which the assessment for EHC plans is conducted by the same body responsible for providing funding.
- 1.4. When going through the process, children and young people can experience long delays. This is highlighted in the focus report from the Local Government and Social Care Ombudsman published in October 2017.<sup>1</sup> Such delays are likely to have an adverse effect on the child/young person and their families and may result in a delay in the necessary support being provided.
- 1.5. NGA is concerned that local authorities are reporting a rise in the number of pupils with SEND being home educated, sometimes because parents are not confident that schools can provide appropriate support, and it is likely that delays in obtaining EHC plans are a contributory factor in this.

---

<sup>1</sup> Local Government & Social Care Ombudsman, 'Education, Health and Care Plans: our first 100 investigations' (October 2017) <https://www.lgo.org.uk/information-centre/reports/focus-reports> [accessed 31 May 2018]



1.6. When it comes to monitoring the progress and attainment of pupils with SEND, governing boards need to be confident in the information provided to them by executive leaders in order to effectively hold them to account. Governors and trustees of special schools currently report difficulty in benchmarking against other schools and this is something that the Department for Education (DfE) could provide further support with.

## 2. The transition from Statements of special educational needs and Learning Disability Assessments to Education, Health and Care Plans

1.7. Schools are reporting that the transition period for transferring children and young people to EHC plans has been difficult to meet. Despite schools investing staff time in the transition, there still remain delays.

1.8. NGA has heard concerning reports of provision for children/young people being reduced during the transition due to funding constraints.

## 3. The level and distribution of funding for SEND provision

1.9. The Department for Education (DfE)'s priorities for the next spending review period should be to ensure that there is sufficient funding in the school and college system. It is vital that the high needs budget is adequately funded so that pupils with special educational needs are supported to fulfil their potential.

1.10. NGA has campaigned for many years for a change to the way in which funding is distributed to schools and supported in principle, the introduction of the National Funding Formula (NFF)<sup>2</sup>. However, an improved distribution methodology is only a partial solution if the overall quantum of funding is insufficient. While NGA welcomed the £1.3bn additional funding for the schools and the high needs budget in July 2017 it did not address the reductions in funding schools had already experienced or the ongoing cost pressures facing schools. Nor does it take into account the additional pressures schools have had to face by the reduction in local authority budgets and consequently support services previously free to school. For academies, the abolition of the Education Services Grant has had the same impact. This reduction in services is in many cases having an adverse impact on the well-being of pupils.

1.11. NGA is increasingly concerned about the sufficiency of high needs funding. Governing boards are responsible for the financial oversight of their schools, which includes deciding how the budget is spent. As such, governors and trustees have unique insight into the financial health of the

---

<sup>2</sup> NGA response to second NFF Consultation - <https://www.nga.org.uk/About-Us/What-we-think/Consultations/2017-consultations/Schools-national-funding-formula-stage-2.aspx>



organisations they are governing. Governors and trustees have reported that their schools are unable to adequately support pupils with special educational needs and disabilities (SEND), who are among the most vulnerable in their schools, to achieve their potential.

1.12. NGA supports the reforms of the SEND system which have been put in place over the last few years but sufficient resources must be made available for them to be successful. We support the County Councils Network's call for the government to urgently increase the amount of funding in the high needs block this year and to come up with a sustainable long-term solution to meeting increasing demand for SEND services.<sup>3</sup>

1.13. The reform of school and high needs budgets have brought to the fore the inadequacy of the high needs budget. Over recent years, this has to some extent been masked by the ability of local authorities (LAs) to move money from the schools budget into the high needs budget (with Schools Forum approval). The changes introduced from April 2018 have capped this movement of funds and highlighted the shortage of funding. Lack of capacity to support pupils with SEND in school can have wide ranging consequences and in some cases may mean pupils being excluded or parents taking the decision to home educate because schools are unable to meet pupils' needs adequately. This is, of course, a serious injustice and the DfE should take all steps necessary to prevent pupils being let down by the education system in this way, including ensuring adequate levels of funding.

#### 4. The roles of and co-operation between education, health and social care sectors

1.14. Many governors and trustees are reporting increasing difficulty in accessing the health and social care provision that children need. Dramatic reductions in funding for local authority services have meant that thresholds for accessing support are often higher than they had previously been.

#### 5. Provision for 19-25-year olds including support for independent living; transition to adult services; and access to education, apprenticeships and work

1.15. While NGA recognises the importance of provision for 19-25 year olds and the role that schools can play in facilitating a successful transition, we do not have the required expertise to comment on the detail of provision.

1.16. However, our members who provide support for young people up to the age of 19 have repeatedly raised concerns about the lack of support available for these young people to access employment.

---

<sup>3</sup> County Councils Network, 'Councils warn that yearly overspends on special education are 'unsustainable'' (May 2018) <https://www.countycouncilsnetwork.org.uk/councils-warn-that-yearly-overspends-on-special-education-are-unsustainable/> [accessed 25 May 2018]