

NGA's submission to Government review on SEND

1. Background

- 1.1 The National Governance Association (NGA) is the national membership body for school governors and trustees. NGA has several categories of membership comprising school governing boards, individual governors and clerks, and independent local associations of school governing boards. NGA seeks to represent the interests of governing boards in all state funded schools (local authority maintained and academies). Our organisation's aim is 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.
- 1.2 NGA facilitates an [advisory group on SEND](#), which is open to all governors, trustees and clerks/governance professionals who are members of NGA and partners who support NGA's commitment to providing the best possible support for pupils with SEND. The advisory group on SEND provides an opportunity for those governing to network, exchange information and good practice. It also provides a platform to discuss issues relating to special provision, meeting the needs of pupils with special educational needs and disabilities (SEND) and current policy in this area.
- 1.3 The following submission reflects feedback received from the advisory group on SEND.

2. Context

- 2.1 Governing boards have statutory responsibilities for pupils with SEND and must use their best endeavours to make sure that a child with SEND gets the support they need. However, the combination of increased demand for support, cost pressures and reduced capacity within local authorities means that, at many schools, the best endeavours of the governing board may not be sufficient to improve provision and outcomes. The impact of this can be seen in part through the statistic that pupils receiving SEND support are six times more likely to be permanently excluded than pupils with SEND. Furthermore, the acknowledged increase in illegal exclusions (off rolling) of pupils with SEND, which should not be tolerated. Behind the statistics, young lives are being damaged.
- 2.2 NGA believes that changes and investment are needed in the SEND system to deal with the unprecedented rise in demand for support and assist our most vulnerable pupils.

3. The impact of COVID-19 on children and young people with SEND

3.1 Pupils have lost out on teaching, but also may have been affected in all sorts of other ways by COVID-19 and the lockdown. It has been an especially difficult time for children and young people with SEND and their families. NGA acknowledge that temporary changes to the law, the publication of guidance, resources and funding allocated for essential equipment, has gone some way towards ensuring that children and young people with SEND continue to receive the right support in a timely way. However, the government has also acknowledged the impact of COVID-19 on its strategic response to addressing the flaws in the SEND system and bringing greater consistency in the quality and availability of provision to meet the needs of children and young people with SEND. We are therefore adding our voice to those in the sector calling on the government to increase its focus and bring a greater sense of urgency to the ongoing improvement of the SEND system.

4. NGA's annual school governance survey in 2020

4.1 NGA has carried out an annual survey of school governors and trustees since 2011. The aim of the survey is to gather the views of those who govern in order to inform and shape education policy and, in the absence of official data, to provide an overview of the state of school governance in England. Over the years, the scope of the survey has increased and so too has the number of responses: 6,800 governors, trustees and academy committee members shared their views in the 2020 survey, an increase of 14% from 2019 and more than seven times as many respondents as in 2011.

4.2 The 2020 annual governance survey will be published in October. The findings demonstrate that resources to meet the needs of pupils with SEND remains one of the most pressing issues of concern for governing boards, regardless of school structure, phase, region and/or Ofsted grade. It also demonstrates that these concerns are inextricably linked to historic funding issues; school finances continue to be stretched to breaking point and governing boards are still having to make difficult decision to deal with the impact of severe real-terms cuts in recent years and costs which are rising above the rate of inflation. In this context it is hardly surprising that over two thirds of governing boards who responded to the [governance survey in 2019](#), said that their school was not sufficiently funded to meet the needs of pupils with SEND.

4.3. As well as highlighting acute issues linked to school funding and SEND provision, the annual governance survey provides compelling evidence of the pressures placed on the school system by cuts to other services, including those services that support vulnerable children. Approximately 74% of respondents in 2020 said that their schools/trusts were having to step in in some way to fill gaps in essential service provision in their locality. This represents an increase of 9% from 2019 and is neither good for families who need specialist support nor for schools which exist to educate pupils.

5. The funding required for sustainable SEND provision

- 5.1 As the people responsible for overseeing the school's budget, school governance volunteers are well placed to commentate on the impact of funding pressures. NGA has been campaigning to secure the additional funding needed by schools and their governing boards to ensure that children and young people receive the standard of education they deserve.
- 5.2 NGA is pleased the government is delivering on its promise to improve school funding with this second year of its three-year plan for extra investment £7.1 billion. However, we were also concerned that it fell short of the £12.6 billion that, according to [detailed analysis](#) carried out by a coalition of national professional organisations, was needed to deliver a sustainable world class education for every child.
- 5.3 The £780 million of additional funding allocated for high needs in 2020/21 and a further £730 million in 2021/22 will help to reduce the pressure on this funding block which, along with the 16-19 budget, is the most stretched. However, the Local Government Association in [their report "Tipping Point"](#) estimates that the high needs funding block would be overspent by £1.2 billion in 2020/21. Therefore, it is difficult to see how the additional funding is sufficient to deliver on the Prime Minister's pledge to ensure every pupil can access the education that is right for them.
- 5.4 NGA is part of [coalition of education organisations](#) calling on the government to provide a sufficiently funded, national, High Needs Funding Formula that reflects the cost of provision identified to meet the needs of those with SEND. The starting point is a more substantial increase to the High Needs block, somewhere in the region of the £2.4 billion that the f40 campaign group says is needed by 2023.
- 5.6 NGA would also welcome further guidance from the Department for Education (DfE) to support governing boards in making informed judgements about how their school's SEND budget is spent and putting the same emphasis on SEND funding as is given to the pupil premium.

6. The demand for Education Health Care plans (EHCP) and local variation

- 6.1 According to the DfE National Statistics (2019) there has been an increase of 11% of children receiving EHCP between 2018 and 2019. During the same period, the number of EHCP plans issued within the 20-week limit has decreased from 65% to 60%.
- 6.2 There is widespread acknowledgement of the financial and administrative burden placed on local authorities by the increased demand EHCP. Feedback from our members highlights significant the local variations when it comes to meeting the increased demand. It also draws attention to the fact that some local authorities manage SEND well, while others do not.

- 6.3 Those governing particularly in mainstream settings have an important role in helping to reduce the current demand for EHCP through the support and challenge that they give to their schools and trusts to be inclusive, work collaboratively and make early interventions to meet the needs of children with lower-level needs. However, their impact is reduced by the lack sufficient funding and consistent support at local level (that includes access to services and advice). This then increases the likelihood of an increasing number of parents believing they are the route to additional funding to support their children, and that they pave the way for places at specialist SEND schools.
- 6.4 NGA agrees with those in the sector who are calling on the government to further investigate the increased demand for EHCP and the unexplained local variation. We also agree with the conclusion of the [Education Select Committee report on SEND published in October 2019](#), that the guidance in the SEND Code of Practice needs to be strengthened to provide greater clarity over how children should be supported, along with a more standard interpretation of the process that should be followed for EHCP needs assessments.

7. The leadership of SEND in schools and trusts

- 7.1 Each and every child deserves an education, which is appropriate for their needs enabling them to develop to the very best of their potential. Therefore, the governance of SEND is much more than a legal compliance function, it is fundamental to embedding a leadership culture that promotes collective responsibility for SEND and coproduction: allowing the family to be part of the process. A key driver for this is the working relationship between the appointed governor for SEND and the school's Special Educational Needs Co-ordinator (SENCO).
- 7.2 SENCOS play an increasingly important role in schools. NGA agrees with the conclusion of the [Education Select Committee report on SEND](#) published in October 2019 that the role of SENCO is of such importance that those undertaking it should have enough dedicated time, pay and knowledge to enable them to do their job well. We would also support an investigation of the cost implications of requiring all schools and colleges to have a full-time dedicated SENCO, and which schools should only be required to employ a part-time dedicated SENCO.
- 7.3 **Ofsted** has a powerful sway over schools; what it says is listened to exceptionally closely and its influence over the direction of policy in the school sector is unique. **NGA welcomes the focus on SEND in the new Ofsted framework. However, it is surprising that SEND does not feature in conversations between governors/trustees and inspectors to a greater extent.** [Research recently carried out by NGA](#) involved analysis of 844 inspection reports released between September 2019 and January 2020. Just 4% of the reports referred to the extent to which those governing supported or did not support pupils with SEND well. This suggests that the role governing boards play in ensuring best endeavours to create a full inclusive culture and ethos that guides the practice of the school is not being fully recognised by the inspectorate.

- 7.4 NGA supports the call made by Professor Adam Boddison, Chief Executive of the National Association for Special Educational Needs (NASEN), for the status of SEND to be elevated in Ofsted inspections. The discussions between inspectors and governing boards should cover on a more consistent basis the extent to which governing boards are meeting their duties in relation to SEND, while noting no school should be awarded outstanding if they are not inclusive and do not consider SEND appropriately (Boddison, 2019).

Steve Edmonds

Director of Advice and Guidance
National Governance Association

steve.edmonds@nga.org.uk

August 2020