

## Executive Summary

1. The SEND and Alternative Provision Green Paper explored the issues present within the current SEND system. It set out the government's proposals to improve outcomes for children and young people; improve experiences for families, reducing the current adversity and frustration they face; and deliver financial sustainability. It also considered the specific issues facing the alternative provision sector. This is because 82% of children and young people in state-place funded alternative provision have identified special educational needs (SEN)<sup>2</sup>, and it is increasingly being used to supplement local SEND systems.
2. The publication of the green paper marked the start of an extensive 16-week consultation (see Annex A). We attended 175 events, hearing from over 4,500 people including children, young people and families. We received around 6,000 responses to the online consultation, in addition to submissions from organisations and respondents received directly through email.

## Delivering for children and families

3. What we heard through the consultation – particularly from parents and families - gives us confidence to establish a new national SEND and alternative provision system with the mission to:
  - **fulfil children's potential:** children and young people with SEND (or attending alternative provision) enjoy their childhood, achieve good outcomes and are well prepared for adulthood and employment;
  - **build parents' trust:** parents and carers experience a fairer, easily navigable system (across education, health and care) that restores their confidence that their children will get the right support, in the right place, at the right time;
  - **provide financial sustainability:** local leaders make the best use of record investment in the high needs budget to meet children and young people's needs and improve outcomes, while placing local authorities on a stable financial footing.
4. The foundation for the new nationally consistent SEND and alternative provision system will be new evidenced-based National Standards. Standards will improve early identification of needs and intervention, and set out clear expectations for the types of support that should be ordinarily available in mainstream settings. This will give families and providers clarity, consistency and confidence in the support that is ordinarily available, in order to be responsive to children's needs. With these expectations, and improved mainstream provision, more children and young people will receive the

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<sup>2</sup> Special educational needs in England, Department for Education, 2022

support they need through ordinarily available provision in their local setting. Fewer will therefore need to access support through an Education, Health and Care Plan (EHCP).

5. For those children and young people with SEND who do require an EHCP and specialist provision, we want to ensure that parents experience a less adversarial system and restore their trust that their children will get prompt access to the support they need. We have heard parental concerns about the complexity they need to navigate in trying to get decisions made and provision agreed, and the frustration they feel whilst they wait for information to be confirmed and letters to be answered. Standardised EHCPs will reduce bureaucracy in the system; and alongside this publication, we are approving a tranche of applications from local authorities to open new special free schools in their area. We will shortly launch competitions to seek high-quality proposer groups to run these schools. This is in addition to 92 open special free schools and a further 49 which are in the delivery pipeline. This will mean that more children and young people have timely access to sufficient local special school places.
6. We are committed to delivering alternative provision that is fully integrated with the wider SEND system. Consultation feedback supported this integration and the vision of alternative provision we set out in the green paper. Respondents recognised the vital role that alternative provision can play in supporting children and young people to remain in mainstream education by offering early, targeted support; and in offering time-limited or transitional places in alternative provision schools for pupils who need more intensive support. The vast majority of pupils receiving alternative provision also have SEND, and these services need to be aligned throughout local planning and delivery. This is why we refer to measures about the 'SEND and alternative provision system' throughout this Plan, with specific reforms to alternative provision embedded within individual chapters.
7. We also heard about the growing challenges facing the system. Despite significant investment, local authority spending continues to outstrip funding. That is why we have already announced investment to support delivery of this Plan: £400 million of the £2 billion additional funding for schools, announced in the Autumn Statement, will be allocated to local authorities' high needs budgets in 2023-24. In 2023-24, high needs funding will be rising to £10.1 billion - an increase of over 50% from the 2019-20 allocations.
8. This extra funding will help local authorities and schools with the increasing costs of supporting children and young people with SEND. It is clear, though, that more needs to be done to support and stabilise the system, as we deliver systemic changes to ensure we have a sustainable and effective system that delivers better outcomes for children and young people and improved services for families. As this Plan is implemented, we will carefully monitor the pace of progress towards the mission for the new national system, to ensure that reforms are working as intended for children and young people, their parents and families, and all those that work with them.

## **Creating a more inclusive society through a new national SEND and alternative provision system**

9. To fully realise our mission for the new national system, we agree with those respondents who called for us to seize this moment to reimagine what a more positive experience for children and young people with SEND and their families should look like in England (see Annex B). Our vision is to create a more inclusive society that celebrates and enables success in all forms, with the cultures, attitudes and environments to offer every child and young person the support that they need to participate fully, thrive and fulfil their potential. We want the process of identifying needs and accessing support to be early, dignified and affirmative, focusing on a child or young person's achievements, talents, and strengths. We also want the process to be easier to navigate, with parents being clear on what support they can expect for their child and where they can turn for help, including how to make use of support through the SEND Local Offer and SEND Information, Advice and Support Services (SENDIASS).
10. This vision aligns with other key reforms underway across government. The recently published Children's Social Care Implementation Strategy envisages that every child and family who need it will have access to high-quality help no matter where they live. We have worked closely to ensure that the reforms across both SEND and Children's Social Care align, in recognition of the important overlap between these groups of children and young people and the services and systems designed to support them. The upcoming Academies Regulation and Commissioning Review will set out plans to spread the impact of high-quality multi-academy trusts and incentivise improvement for all children in all parts of the country, including support for children and young people with SEND who attend mainstream settings. In addition, a new Disability Action Plan will be consulted on and published in 2023, setting out the practical action ministers across government will take over the next two years to improve disabled people's lives.

## **Delivering National SEND and Alternative Provision Standards**

11. In the green paper, we proposed that the new single national SEND and alternative provision system should deliver consistent, clear and early support for children and young people with SEND. Through the consultation, we heard that a national system must give greater clarity to parents about the timely and accurate identification of needs, and how decisions around support are made from early years to post-16. Support should be put in place, based on a child or young person's needs, not where they happen to live, in line with this government's commitment to levelling up.
12. The national system, delivered through the collective impact of the policies set out in this Plan, will provide greater clarity on evidence-based support, share examples of best practice, and minimise perverse incentives that can prevent inclusion:

- For children and young people, this means that they will be able to access and regularly attend the most appropriate early years setting, school or college for their needs – be this mainstream or specialist.
- For parents and carers, a national system will provide clarity about what support their children should be receiving without a fight to secure what is appropriate, and without needing to navigate a complex system. This will increase confidence and, in turn, minimise disputes.
- For providers, it will give them clarity on the support they should be providing, who should be working together, and will enable government to hold delivery partners to account and intervene where expectations are not met. It will also provide clarity on the resources available to deliver the right provision, for example, by ensuring that the new National SEND and Alternative Provision Standards are clear on which budgets should be used to provide different types of support.

13. Critically, we agree with what we heard during the consultation: that the national system should be co-produced with families, children and young people, so we can build their confidence that the system will meet their needs quickly and effectively. We are actively engaging with children, young people and families from the earliest stages of development of the new system.

#### **14. National Special Educational Needs and Alternative Provision Standards**

(*National Standards*) will set clear and ambitious expectations for what good looks like in identifying and meeting needs, and clarify who is responsible for delivering provision and from which budgets, across the 0-25 system.

15. With the right resources and accountability in place, our intention as we deliver the new national system is for children's needs to be identified earlier and met more effectively. National Standards will place a greater emphasis on the important role mainstream settings play in providing quality first teaching and evidence-based SEN Support to meet the needs of the majority of pupils with SEND, so that all settings provide consistently high-quality provision. By improving early identification and the quality of SEN Support, we expect to reduce the need for EHCPs because the needs of more children and young people will be met without them, through ordinarily available provision. We are committed to working closely with children, young people and their families when writing the National Standards to ensure that the system is responsive to individual needs – and based on the latest evidence of what works – within a fair, consistent and sustainable national system.

16. The delivery of National Standards will be supported by new SEND and alternative provision practice guides for frontline professionals and an amended SEND Code of Practice for all system partners (which we will consult on). These will set out the wider processes and systems to ensure children and young people get the right support, in the right place, at the right time.

17. By the end of 2025, we will publish the first three practice guides focused on advice for mainstream settings. We will build on existing best practice, such as the Nuffield Early Language Intervention, the work of the Autism Education Trust, and the government's guidance on promoting children and young people's mental health and wellbeing. This will target the greatest areas of need in primary and secondary, as well as supporting the cross-government focus on improving the mental health of children and young people. We will identify any gaps in best practice to help build a stronger evidence base in the long term.
18. As we deliver the new national system, our objective is to ensure that all children's additional needs are met effectively and quickly within affordable provision, reducing the need for an EHCP and, where an EHCP is needed, to ensure that parents do not endure lengthy, adversarial and costly processes. We will judge our success, in part, by the extent to which we reduce parental complaints about their experiences of the system and the volume of cases parents take to Tribunal because of the better services we will deliver through the new national system. This will include swifter, better responses to parental concerns such as through our proposals for mediation and new guidance for local authority SEND casework teams, who play a vital role in supporting families to navigate the system and ensuring they have good experiences.
19. As we develop the National Standards, we will use these as a basis for developing a **national approach to delivering funding bands and tariffs** to support commissioners and providers to meet the expectations set out in the National Standards.

## Delivering a single national SEND and alternative provision system

20. This Plan sets out how an effective single national system based on the new National Standards will be delivered locally, through new local partnerships and an improved EHCP process to ensure that the experience of seeking support at every stage is less bureaucratic and less adversarial for families and providers alike.

### A national system underpinned by National Standards

21. We will:

- set up **engagement across education, health, and care** during spring 2023 to **develop National Standards**. This will include parents, carers, children and young people, strategic leaders, frontline professionals, voluntary sector representatives, local authorities and cross-government civil servants. This will ensure we consider a wide range of perspectives, including those with expertise across a broad range of needs, and in specific settings such as alternative provision, early years, youth justice and further education.

- by the end of 2023, start testing some elements of the **National Standards** with Regional Expert Partnerships (who will help us co-produce, test and refine key reforms via the Change Programme).
- **publish**, by the end of 2025, a significant proportion of the **National Standards** with a focus on those that are most deliverable in the current system.
- **introduce local SEND and alternative provision partnerships** that bring together partners to plan and commission support for children and young people with SEND and in alternative provision, meeting the National Standards.
- **expect local SEND and alternative provision partnerships to create evidence-based local inclusion plans** that will set out how the needs of children and young people in the local area will be met in line with National Standards.
- **develop and spread best practice of partnerships and plans** through our Change Programme, starting with the Regional Expert Partnership areas from spring 2023.
- invest **£2.6 billion** between 2022 and 2025 to fund **new places and improve existing provision** for children and young people with SEND or who require alternative provision. We are **approving a tranche of applications** from local authorities to open new special free schools in their area. We will shortly launch competitions to seek high-quality proposer groups to run these schools. This is in addition to 92 open special free schools and a further 49 which are in the delivery pipeline.
- **develop innovative approaches for short breaks** for children, young people and their families with **£30 million in funding** being allocated to new projects over three years.
- **review social care legislation relating to disabled children** so we can improve clarity for families about the support they are legally entitled to.
- **work with stakeholders to deliver a standard EHCP template, with supporting processes and guidance from 2025.** This will include testing the impact of a consistent approach to supporting local authority decision-making through the use of multi-agency panels.
- **develop digital requirements for EHCP systems** to improve experiences for parents, carers and professionals, reduce bureaucracy and improve our ability to monitor the health of the SEND system.
- require local authorities to **improve information available to families** and provide a **tailored list of suitable settings informed by the local inclusion plan.** We will continue to listen to children, young people, families, SEND sector professionals and system leaders as we develop and test delivery options through the Change Programme.

- **create a three-tier alternative provision system**, focusing on targeted early support within mainstream school, time-limited intensive placements in an alternative provision setting, and longer-term placements to support return to mainstream or a sustainable post-16 destination.

### **Successful transitions and preparation for adulthood**

22. Our ambition to enable children and young people to fulfil their potential means we need to place a far greater emphasis on preparation for adulthood. We want to have high aspirations for children and young people with SEND and in alternative provision, with smooth transitions into their next step, including further and higher education and employment.

23. We will:

- **publish guidance to support effective transitions** between all stages of education, and into employment and adult services.
- **conduct a pilot** to consider the evidence required to access flexibilities to standard **English and mathematics requirements for apprenticeships**.
- **invest £18 million** between 2022 and 2025 to **double the capacity of the Supported Internships Programme**.
- continue to support the Department for Work and Pensions' **Adjustments Passport pilot** to smooth the transition into employment.
- **improve the Disabled Students' Allowance process** by continuing to work with the Student Loans Company to reduce the time for support to be agreed.

### **Delivering a single national system through three key enablers**

24. We agree with the feedback we heard that National Standards, and the single national system, will not deliver real change for parents and carers on their own. To deliver for children, young people and their parents, we need a stronger emphasis on improving the underpinning drivers that will make a national system a reality: a strong and robust workforce; strengthened accountabilities; and sustainable and fair resourcing. This Improvement Plan sets out our roadmap for implementing a single, national system and achieving real change in practice so that every child and young person can thrive.

### **A skilled workforce and excellent leadership**

25. We will:

- introduce a **new leadership level SENCo** (Special Educational Needs Co-ordinator) **NPQ** (National Professional Qualification) for schools.
- review the **Initial Teacher Training and Early Career Frameworks** (commencing early this year).

- **fund up to 5,000 early years staff** to gain an **accredited Level 3 early years SENCo qualification** to support the early years sector, with training running until August 2024.
- increase the **capacity of specialists**, including by investing a further £21 million to train two more cohorts of educational psychologists in the academic years 2024 and 2025; and, in partnership with NHS England, as part of our £70 million Change Programme, pioneering innovative practice through running Early Language and Support For Every Child (ELSEC) pathfinders to improve access to **speech and language therapy** for those who need it.
- work together to take a **joint Department for Education and Department of Health and Social Care approach to SEND workforce planning**, including establishing a steering group in 2023 to oversee this work, which we aim to complete by 2025.
- publish the first **three practice guides** for frontline professionals, building on existing best practice, including the Nuffield Early Language Intervention, the work of the Autism Education Trust, and the government's guidance on promoting children and young people's mental health and wellbeing.
- propose **new guidance** on delivering a responsive and supportive SEND **casework service** to families when consulting on the SEND Code of Practice.
- develop a **longer-term approach for teaching assistants** to ensure their impact is consistent across the system, starting with a **research project** to develop our evidence base on current school approaches, demand and best practice.
- **strongly encourage the adoption of the DSCO (Designated Social Care Officer) role** in each local area, including by proposing an amendment to the SEND Code of Practice.
- **extend funding** until March 2025 of the **alternative provision specialist taskforce (APST) pilot programme**, which is testing co-location of a diverse specialist workforce in pilot alternative provision schools.

### **Strengthened accountabilities and clear routes of redress**

26. We will:

- **publish a local and national inclusion dashboard** from autumn 2023 to support the development of local inclusion plans, giving parents improved transparency of local performance, informing decision-making and driving self-improvement across the system with ongoing updates and iterations in response to user feedback.
- **deliver updated Ofsted and Care Quality Commission (CQC) Area SEND inspections** from 2023 with a greater focus on the outcomes and experience of children and young people with SEND and in alternative provision.



- create a **ladder of intervention for local areas** from 2023, **greater powers for the Secretary of State for Health** through the Health and Care Act 2022, and robust action for all where statutory duties for children and young people with SEND and in alternative provision are not met, to **strengthen accountabilities** across all parts of the system.
- require every Integrated Care Board to have a **named Executive Board member lead accountable for SEND**.
- **facilitate a more joined-up response between the Department for Education and NHS England** to improve outcomes and experiences for children and young people with SEND, including social, emotional and mental health issues, and tackle systemic failings leading to significant concerns.
- **strengthen redress for individual disagreements** by clarifying who is responsible for resolving complaints and undertaking further testing of effective mediation approaches.
- set up an **expert group** to support the development of a **bespoke national alternative provision performance framework**.
- work with local authority, trust and school leaders to review processes and develop options for **ensuring transparent and effective movement of pupils** without EHCPs, such as those requiring alternative provision, to address behavioural needs.

## **A financially sustainable system delivering improved outcomes**

27. We will:

- increase **core school funding by £3.5 billion** in 2023-24 compared to the year before, of which almost £1 billion of that increase will go towards high needs. This means high needs funding will be £10.1 billion in 2023-24.
- support **local authorities** through the Delivering Better Value and the Safety Valve programmes and share the best practice from local areas with inclusive and sustainable high needs provision more widely.
- develop a **system of funding bands and tariffs** so that consistent National Standards are backed by more consistent funding across the country.
- publish a response to the **consultation on the schools National Funding Formula** in 2023 which includes proposals on funding for SEND, including the notional SEND budget, and a mechanism for transferring funding to high needs budgets.
- develop **new approaches to funding alternative provision** aligned to their focus on preventative work with, and reintegration of pupils into, mainstream schools. We will do this in consultation with mainstream schools, the alternative provision sector and local authorities.
- re-examine the state's **relationship with independent special schools** to ensure we set comparable expectations for all state-funded specialist providers.

## A sustainable system set up for long-term success

28. Our vision is that, once these reforms have been implemented, we will have achieved the following (see Annex C):

- The new **national SEND and alternative provision system will be well established** and bring national consistency to the identification of need and provision of support as set out in the evidence-based National Standards.
- The system will be **financially sustainable** for local authorities with needs routinely being met effectively where they arise.
- **Parents have confidence** that high-quality teaching and targeted evidence-based support will be available as a matter of course in mainstream settings when a need is identified, to avoid needs escalating.
- **Children and young people can access additional support** through a **fair and consistent process** where children, young people, families and professionals work together to put in place the right value-for-money support to meet their needs.
- Longer-term proposals, such as options for the tailored list, have been tested, co-produced and delivered.
- Evidence will emerge from **Regional Expert Partnerships** to support the co-production of careful and effective improvements to the statutory framework in the next Parliament.

29. The National SEND and Alternative Provision Implementation Board will publish updates on progress in delivery against this Plan for children, young people and parents.