



Public Accounts Committee

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DfE recall – SEND Review

Dear Ms Acland-Hood,

Thank you for giving evidence to the Public Accounts Committee on 11 May 2022 about the SEND Review and other matters. We will not be publishing a report on this occasion, but I am writing to put on record specific points of concern to us.

Timetable for change

We are pleased that the green paper with the results of the SEND Review has now finally been published. We note, however, that there is still considerable work to do to flesh out the high-level proposals and develop the national delivery plan. We remain concerned therefore about how long it is still likely to take before the changes take effect and families start to see real improvements in services. I note your confidence that the Department will publish the delivery plan later this year, and we will hold you to account for that commitment.

Some proposals in the green paper will need legislation to implement, and you were able to give us no assurance on when that might be brought forward. You told us, however, that there is quite a lot you can do without legislation, and other work you can do in preparation for the legislation that will allow you to move quickly once it is in place. For example, you suggested that you might start work on developing shadow national standards and Indra Morris pointed to 'inclusion dashboards' in this context. Notwithstanding that your choice of metrics may evolve over time, we think it would be helpful for the Department to prepare a model dashboard for the national SEND system now, to test how the dashboards might work and prompt early discussion with families and other stakeholders. We would welcome your advice on when you might be in a position to share a shadow national dashboard with us.

Implementing changes in practice

You assured us that you believed parents could have more faith in the success of these reforms compared with their experience of those introduced under the Children and Families Act 2014. You emphasised, however, that it would take a lot of effort by the Department, and partners across the system, to make the new arrangements work.



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Among other things, we expect you to set out the following material either as part of or alongside the national delivery plan when it is published later in the year:

- Details of what improvements the Department is aiming to achieve and over what time period, and what specific metrics will be used to assess whether the SEND support system is improving and becoming more sustainable. We asked for this in our March 2022 report on the *Financial sustainability of schools*, and you referred to the national delivery plan in your recent Treasury Minute response.
- A full regulatory assessment. We welcome the confirmation you gave us that the Department intends to publish this with the delivery plan. The green paper also says that the Department will conduct a local authority new burdens assessment as part of the proposal to introduce new local SEND partnerships. We remain concerned about the capacity of local authorities and schools to deliver the changes needed to make the ambitions in the green paper a reality.
- Plans for evaluating the impact of the changes. You told us that the Department is making £70 million available to support delivery and implementation. Although you have not yet decided how to use that money, pending the consultation and development of the delivery plan, we welcome your assurance that evaluation will be built in.

Transparency and accountability for high-needs funding

You confirmed that multi-academy trusts, including mixed trusts that have special schools and mainstream schools, are able to pool high-needs funding and reallocate it between their schools. You set out how pooling funding might, in some cases, meet the needs of children better by, for example, being used to buy a speech and language therapist who could work across a whole trust.

As you know, we have raised concerns before, including in our October 2021 report on *School Funding*, about the fact that it is not possible for parents to tell whether their child's academy school is receiving the government's minimum per-pupil funding levels. We recognise that high-needs funding is not ringfenced to be spent on particular pupils, but we are concerned that pooling this funding between schools in multi-academy trusts creates similar risks to transparency and accountability for use of funds that do not exist in other schools.

We expect to see more transparency around how multi-academy trusts are using high-needs funding, and which schools are receiving it. Without that, we can have no assurance that money to support pupils with high needs, and the schools they are attending, is reaching them as intended. We would be grateful for your response setting out how you will ensure greater transparency for parents and Parliament about how funding is being used and the benefits achieved.

Outcomes achieved

You told us that the Department is less concerned with the distribution of funding than with the outcomes achieved for children and young people. You did not make explicit, however, which outcomes



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you meant or expand on how the Department intends to measure these outcomes. We expect to see, in the national delivery plan, a clear articulation of the desired outcomes for children, young people and their families. This should include a clear explanation of how, and using what evidence, the Department will track whether these outcomes are being achieved.

Variation in identifying needs

More progress needs to be made in understanding and addressing variation in identifying children and young people's needs. We previously recommended, in our 2020 report on *Support for children with SEND*, that the Department should use the data it already collects to develop a better, evidence-based understanding of why there is so much variation between different groups of children in identifying SEND. In the Treasury Minute response, you committed to publishing that analysis alongside the SEND review but did not do so. We await your response with confirmation of when you will publish this analysis.

Digital education, health and care (EHC) plans

You outlined the potential benefits of consistent, digital, EHC plans including, for example, how they could be used in supporting children and young people to transition between different parts of the system. However, it is clear that a lot more work needs to be done to design and implement a digitised system. From what you said, you have not developed the IT to do this, decided whether it should be a national data system, estimated how much the system might cost, or determined who might pay for it.

We are mindful of government's generally sorry record in implementing IT systems successfully, and urge the Department to take account of our previous relevant reports. To ensure the success of future schemes, it will be vital that you are clear about: the scope and purpose of the new system; whether it will be implemented as a national system or one or more local systems, consistent with national standards; and who will pay to build and maintain it.

We also look to the Department to reassure parents that the standardised system is not a cost-saving measure designed to limit choice. You will also need to make sure that the system, and the administrative processes built around it, are fully inclusive of people who may not be able to access digital technology.

Incentives for schools to be fully inclusive

We are disappointed in the very limited progress that you appear to have made to address our previous concerns about incentives for mainstream schools to be inclusive of children and young people with SEND. The ambitions in the green paper are unlikely to be met without the mainstream school system becoming more inclusive.

We recommended in 2020 that the Department should work with schools and other stakeholders, and draw on good practice, to identify how funding mechanisms can be used more effectively to strike the right balance between incentivising schools to be inclusive without encouraging over-identification of



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SEND. A key financial incentive is the requirement for mainstream schools to meet the first £6,000 costs of support for pupils with SEND before they can claim high-needs funding. You indicated in your Treasury Minute response that how mainstream schools are best supported to make appropriate provision for pupils with SEND, and the associated funding mechanisms, would be considered in the SEND Review.

You told us during our evidence session in May, however, that the Department wished to include this as part of a coherent piece of work on school funding but that, while we may see the nub of this bit of work in the Schools Bill, there will not be a finished plan. We urge you to give sufficient attention, in the delivery plan, to strengthening the incentives on schools. This should cover both the financial incentives created by the £6,000 threshold and other incentives linked to school performance tables and the broader accountability framework for schools.

I would welcome your prompt response on the issues set out in this letter by close of play **Friday 15 July**. This will allow us to agree and publish your correspondence before the parliamentary summer recess.

Yours sincerely

Dame Meg Hillier MP
Chair of the Committee of Public Accounts