ABOUT NASS

The National Association of Independent Schools and Non-Maintained Special Schools (NASS) is a membership association for special schools that are not maintained by local authorities. We were founded in 1998 and are funded by subscriptions from member schools and income from training and events. We currently have 307 members. We represent 210 independent special schools, 56 non-maintained special schools, 5 special free schools, 8 special academies and 23 maintaining organisation members. We have a further 6 associate members. Just under half our member schools offer residential provision.

NASS aims to be the voice of non-local authority special school provision. We represent our members and their views with key stakeholders such as Department for Education and Ofsted. We respond to all pertinent government consultations. From time-to-time we commission or conduct our own research on topics as diverse as Social Return on Investment and mental health of children with Special Educational Needs and Disabilities (SEND). The other arm of our work focuses on providing support and advice to members. We provide a range of training events, tailored to the needs of special schools.

We are pleased to have the chance to respond to this inquiry, which considers whether children with SEND are being supported effectively and the outcomes of that support; and the funding, spending and financial sustainability of SEND support.

In keeping with the committee’s guidelines, we have not repeated information that we submitted as part of the Education Select Committee’s inquiry on SEND, but have linked to it instead.

Are children with SEND being supported effectively, and what are the outcomes of that support?

Lack of strategic planning for children with complex, low incidence needs

Our evidence to the Education Select Ctte SEND Inquiry outlines why the children in our member schools are largely those with the most complex, low-incidence needs. Because of this, we have a unique view of:

- the increasing numbers of children with complex needs
- the increasingly complex needs of some of those children
- the uneven geographic distribution of special schools catering for those with the most complex needs
- the different behaviours and approaches of LAs in relation to specialist provision (most of our schools work with over 20 LAs, one has children from 85 different LAs) and the impact of those approaches on children and families
- the resources wasted on procurement systems for SEND, where the vast majority of placements are still made outside of those procurement systems.

There has been no work at a national level to map SEND provision for those with complex, low-incidence needs, identify gaps, and provide a strategic solution to filling those gaps. Because of this, we don’t always have the right SEND provision in the right places to meet children’s needs at the right time.

For example, there is a concentration of specialist provision in the South East of the country with far sparser provision in the North East and East of the country. We suggest the DfE urgently engages in some national and regional mapping work, and works with existing schools to see how we might fill identified gaps.

Working with existing specialist providers to look at how to fill gaps, particularly where they provide outstanding support, seems a sensible place to start. However, currently it is rare that the Non-Maintained and Independent Special School (NMISS) sector is involved in these conversations and the development of new provision, and we see resources wasted in ‘reinventing the wheel’ instead.

**Increasingly poor engagement from LAs with children in NMISSs – lack of attendance at annual reviews and no updates to EHCPs**

We recognise that LAs are under huge financial pressure, and in some cases are now operating with reduced capacity and reduced expertise in SEND. We also recognise that some LAs buck the trends we cover below and engage well with special schools and their families. However, currently these examples are sadly few and far between.

It has long been the case that our schools struggle to get LA staff to attend annual reviews for their children. Many member schools report that no local authority has agreed to any changes to an EHCP at an annual review since EHCPs came in as part of the 2014 SEND Reforms. In fact, we have yet to come across a single school that has reported that EHCPs are updated following annual reviews. One of the key complaints about the statementing system was that they remained static and might list a child as needing the same support from age 5 up to well into their teens. This cannot be allowed to continue with EHCPs. As children’s needs change, so the discussions at reviews must enable their support to change.

Many schools tell us they amend the EHCP at the review in collaboration with parents and young people to reflect changing needs, and send a copy to the LA stating they will work to their amended version unless the LA states otherwise. This however does not work when the changes require engagement from the LA –
particularly in terms of transition planning, where the LA’s engagement and agreement is critical.

Transition planning that starts at the 11th hour or later

LA attendance at the Year 9 transition planning annual reviews is particularly crucial but is rare. Generally, transition planning is left until Year 11 and, even then, there is no guarantee of LA engagement. A member school recently told us that placing LAs have reported that they will not be attending any year 11 reviews. Lots of schools report no engagement from local authorities until around 6 weeks before the young person is due to leave in the summer, which is a good 4 years after the stipulation in the Code of Practice that transition planning reviews begin in Year 9.

One school reported young people still being with them over a year after they were due to leave, as the local authority simply couldn’t find a placement for them. The school was told the local authority was ‘building one’. This has a significant impact on young people – both when uncertainty about the future creates stress and anxiety but particularly where the next placement fails to build on progress made during the school years. This risks the gains and investments that have been made during childhood being lost through unplanned and unsuitable next placements.

SEND workforce shortages

NASS has observed the decline in local authority SEND services over the past ten years. It is now the case that our schools are more likely to be working with commissioning or procurement staff from local authorities than with staff with specific SEND expertise.

Within our membership, recruitment is a huge challenge, particularly in leadership positions, therapy positions (e.g. OTs, SLTs) and support staff working within residential care. Over 50% of leadership posts do not recruit on their first round of recruitment. Our 2018 members’ survey indicated that schools were each carrying, on average, vacancies for 6 care staff, 2 teaching assistant posts and one teaching post.

We were disappointed to see so little focus on SEND staff in the DfE’s recent recruitment and retention strategy, and would welcome some focussed work from the Department on developing the SEND workforce, and a corresponding recruitment and retention strategy.

In our annual State of the Sector survey, recruitment and retention of staff has been one of the top concerns for schools for a number of years. While we welcome the increase in funding for training educational psychologists (EPs), we note the decline in the number of EPs at a time when referrals are rising and more pupils are excluded from schools. Schools also report chronic difficulties in recruiting sufficient:

- care staff who have or are prepared to work towards the level 3 diploma in residential child care
- visual impairment (VI) and hearing impairment (HI) specialists
- therapists and school nurses
- leaders with SEND experience
The funding, spending and financial sustainability of SEND support

Unseen costs of a system that requires children to ‘fail’ before they receive the specialist support they need

Our evidence to the Education select committee (see link above) sets out our data on the number of failed placements children currently experience before they are placed in the NMISS sector.

For more than 70% of children placed in our member schools, this placement is their 3rd or 4th school (data from 306 parents surveyed by NASS in 2017). This suggests that there are incentives to place children and young people in the least specialist placement possible, until that placement fails, rather than for placements in schools to be made in a timely way on the basis of need. We have seen no analysis of the cost of making the wrong placement for children, for example the increased cost of meeting unmet needs, which then escalate.

There are no incentives in the current system for delivering long-term value for money. This results in local authorities focusing on trying to push in-year costs down in order to stay in budget, rather than in developing ‘invest to save’ models with young people’s long-term outcomes at their heart. This short-term view prompted NASS to carry out work on the Social Return on Investment (SROI) of meeting SEND effectively in schools.

Our SROI report demonstrates the long-term value our schools deliver. The methodology behind the report was accepted as valid by the local authorities we consulted with, and commissioners were interested, but felt unable to use it to justify placements in our sector, as the immediate budget pressures were perceived to be too high. The full report demonstrating the social return on investment in our members schools is here: https://www.nasschools.org.uk/wp-content/uploads/sites/9/2014/08/Social-Return-On-Investment-report.pdf

Need for an evidence-based approach to cost and value of provision

We consistently face the assumption that our schools are ‘more expensive’ or ‘less good value’ which is clearly refuted by the evidence in our reports. Our cost comparison report demonstrates that placements in our sector are more cost-effective – even in the short-term – than the same packages of provision being provided by the local authority. It is frustrating to repeatedly hear the assumption from local authorities about placements in our sector being ‘more expensive’ when the evidence refutes that. In addition, we currently waste funds on tribunals, failed placements in less specialist settings, time where children are out of education, and exclusions due to false assumptions within the local authority that they can meet need for less funds. The full cost comparison report is here:
We broadly welcome the recent National Audit office Report on Value for Money in SEND. However, we were concerned to see the same language about ‘expensive placements’ being made and unsubstantiated claims reported from local authorities that our schools increase fees in line with increased demand. We were pleased to see that the report noted that over 80% of the increased spend on independent provision since 2010 can be attributed to an increase in absolute numbers of placements made.

Overall, there is an unsophisticated understanding of how the NMISS sector is made up – around 50% of our membership is charitable organisations and yet reports of profit in the sector dominate. There is little exploration of if and how costs and fees vary between types of provision, nor of any reasons for this, such as schools being more or less efficient in their operations or offering higher of lower levels of provision. Address our concerns with the NAO conclusions about our schools. NASS is part of a national special interest group that is developing a national template for fee breakdowns of special school placements. We are supporting our schools to set out more clearly why the support for children in their schools costs what it does and to present costs transparently.

**Procurement practices that waste resources and are less likely to deliver parental preference**

Until recently, all local authorities have worked on the basis that making placements in Non-Maintained and Independent Special schools is an economic activity which is subject to the Public Contracts Regulations 2015. This has resulted in some local authorities and regions developing complex procurement tools, such as Dynamic Purchasing Frameworks, to determine where children can be placed. Such frameworks are costly for local authorities to develop, bureaucratic for schools to take part in and run contrary to the spirit of the 2014 Children and Families Act, which puts need and parental preference at the heart of the placement decision process. We have seen no evidence presented by local authorities that suggests such approaches are effective as either a means of offering a greater choice of placements, or as a means of managing the net spend on High Needs students.

In October 2017, DfE issued High Needs Operation guidance in which it stated it’s position that all High Needs placements fall outside of the PCR 2015. Whilst NASS welcomes this view, to date, local authorities have remained sceptical of the legitimacy of this position and are continuing to issue frameworks which only cover non-maintained special schools and independent special schools (but exclude free schools and special academies).

We would be keen to see the legal position fully clarified, and some guidance from the DfE about whether frameworks are offering the tax payer value for money, or leading to improved experiences and outcomes for young people.

**Making more effective use of current resources**
Our current SEND provision could be more flexibly used to meet children’s needs earlier in their journeys, for example through improved partnerships between mainstream and special schools, including those in the NMISS sector who have in the past been seen as ‘other’ rather than part of a local community of SEND provision.

We are keen to see more clarity from the DfE and LAs about how special schools, including NMISSs, can be better used as part of their local community of provision, to support children in other local (maintained or mainstream) schools. This would support the exchange of good practice between specialist settings and their neighboring schools, as well as building capacity and confidence. NASS is working on an ‘incubator’ project to pilot this approach and would be happy to share learning. We are also working in partnership with Whole School SEND and Whole Education to promote closer links between special and mainstream schools.

**Measuring outcomes**

We recommend a nuanced approach to measuring outcomes. For example, for many of the young people with very complex needs in our schools (e.g. autism and complex learning disability and behaviour that challenges) a good outcome will be a reduction in the levels of support they require, rather than a complete removal of support.

Similarly, while our schools have high aspirations around employment, outcomes for young people with even the most complex needs, we need to look carefully at options such as access to volunteering opportunities, and other meaningful engagement with the world of work as very positive outcomes for some young people, at least in the short-to-medium term.

There is a crude view that outcomes are ‘worse’ in our sector, because we work with the most complex children and young people, that other settings have not been able to support and, in many cases, have actively failed. Analysis of outcomes to date has not generally considered outcomes from the point of view of the child’s starting point in school and of their ‘journey’ to that placement, nor do we have a clear sense of what ‘good outcomes’ look like for different children with a range of needs. This is especially true at the most complex end of the spectrum of need, where most our schools are operating. Attempts to compare outcomes between settings rarely account for such differences.

While the Preparing for Adulthood outcomes are a very helpful framework for looking at outcomes for individual young people, when considering value for money we need a more sophisticated and holistic approach. For example, taking into account the impact of a specialist school placement on family relationships, family and sibling mental health, and parental access to employment. A consideration of the wider impact on the family, and costs to society is likely to lead to a more accurate picture of overall value for money in SEND services.

**Financial sustainability**
There is no financial incentive to ‘invest to save’ early on for children and young people with SEND, because the costs of failure to do this are picked up by the adult social care and health system. Schools tell us that many of the needs children present with at the point of placement are a result of these multiple experiences of ‘failure’ rather than their disability or SEN. So, we are adding to the costs of supporting young people long term, by not meeting their needs correctly earlier on.

The current system is chronically under-resourced. There is so much pressure on budgets that local authorities are unable to invest appropriately in early intervention and support. Local authorities are also under-resourced in terms of SEND-specialist staff, which leads to very limited capacity to think about how services or support might be delivered differently from within available resources across the SEND system as a whole.

There are many potential opportunities for better partnership working between LAs, schools and other partners, which are not currently being realised. There is a lack of engagement with schools, lack of scrutiny of the efficacy of placements via attendance at EHCP annual reviews and a lack of transition planning from LAs. We largely see approaches that focus on whole school contract management rather than on the value of placements for individual children and young people.

Earlier intervention and better targeting of support will deliver better value for money, and prevent some children escalating through the system by helping them develop communication and learning skills earlier in their school journeys. A number of our schools already have outreach services that work to meet children’s needs in their local mainstream schools (for example, see https://mulberrybush.org.uk/learning-research-centre/outreach/). There is currently no clear culture or structure for commissioning these services, and they rely heavily on schools finding the additional time and resource to build partnerships.

**RECOMMENDATIONS**

- The DfE SEND Leadership Board works with providers to create commissioning structures that ensure children get the support they need, when they need it, whether that be a particular school placement or outreach / community support
- The DfE supports work to improve partnerships between special and mainstream schools to provide better support to children with SEND when and where they need it
- The DfE updated the teacher recruitment and retention strategy to include a clear focus on the SEND workforce, including care staff and therapists to reflect the professionals required across education, health and care
- LAs have the resources and clear incentives to engage in annual reviews for young people with SEND in our sector (as well as all others), particularly where a young person’s needs are changing and their EHC Plan needs updating
- LAs have the resources and clear incentives to engage in transition planning for young people with SEND in our sector (as well as all others) from Year 9
onwards as set out in the Code of Practice, and are held to account where this does not happen.

To deliver greater value for money in the SEND sector we recommend:

- A SROI model is used for assessing value for money in a more holistic way, rather than looking purely at short-term lowest cost models.
- Partnerships between Maintained Schools and Special Schools are incentivised and supported, to share good practice and ensure specialist expertise can be used more flexibly in mainstream settings.
- The Department for Education should push through on its work to produce a set of national terms and conditions for High Needs Placements and guidance which deters local authorities from using bureaucratic procurement tools to purchase from some parts of the system.

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