
Education White Paper and SEND Review

Children, Young People and Education Scrutiny
Commission

Date of meeting: 15 June 2022

Lead director/officer: Martin Samuels

Useful information

- Ward(s) affected: All
- Report author: Martin Samuels
- Author contact details: martin.samuels@leicester.gov.uk;
- Report version number: 1

1. Summary

Attached are briefings on the recently published Schools White paper and the SEND review. There is also a more detailed presentation which identifies some of the themes and implications for Leicester.

The **Schools White paper** was published on 28 March 2022. It sets out a long-term vision for a school system to help every child full their potential by ensuring they receive the right support in the right place at the right time – founded on achieving world-class literacy and numeracy.

Key points for schools and local authorities are:

- The white paper revolves around the overall ambition to improve pupil attainment
- All schools will be part of or in the process of joining a MAT by 2030
- Local authorities can establish their own multi-academy trusts (MATs), within certain parameters
- Schools will be expected to offer a minimum school week of 32.5 hours by September 2023
- There will be initiatives to ensure every child is taught by an “excellent teacher” by 2030
- Measures will be implemented to ensure every child who falls behind in English or maths gets the right support
- Ofsted will inspect all schools by Summer 2025
- The national funding formula will be used to set schools’ budgets directly
- Local Authorities are promised a greater role as advocates for children. New powers will mean enable improving inclusive practice to ensure a child has the right school place for them

Building on the Schools White Paper, the **SEND Review Green Paper** sets out proposals for a system that offers children and young people access to the right support, in the right place and at the right time, so they can fulfil their potential and lead happy, healthy and productive adult lives. The public consultation on the proposals in the green paper is open for 16 weeks. The closing date has been extended from 1 July to 22 July 2022.

At a glance, the proposals in the SEND and AP green paper include:

- Creating a single, national SEND and alternative provision system
- Providing excellent provision from early years to adulthood
- Introducing a reformed and integrated role for alternative provision
- Reforming system roles, funding and accountability

It should be noted that the **independent review of Children’s Social Care** was published at the end of May 2022. The government promise to make connections to the major

reform programmes across education and SEND, and to produce an implementation strategy for Children's Social Care, by the end of the year.

2. Recommended actions/decision

- Scrutiny to note the contents of the briefings and the emerging implications for Leicester

3. Scrutiny / stakeholder engagement

A SEND Local Area response to the consultation, from strategic partners including the Leicester City Parent Carer Forum and the Big Mouth Forum, is being collated and will be submitted before the deadline of 22 July 2022.

The [SEND review consultation](#) is open to everyone and individual representations can also be submitted.

4. Background and options with supporting evidence

See Briefing papers and presentation

The **Local Government Association** released a response to both papers, recognising the vital and committed role Councils have in education:

“Councils have a crucial role to play in education, from ensuring every child has a school place to turning around struggling schools, and as they showed when providing vital support to schools during the pandemic.

We are pleased that the Government recognise that the existing education system is fragmented and councils have a continued role at the centre of local education systems with powers to match their duties around place-planning and ensuring pupils out of school return to the classroom as soon as possible.

Allowing councils to set up and lead their own Multi-Academy Trusts (MATs) is also welcome. This is something councils and the LGA have campaigned to achieve for a number of years. This should be on offer in every area where that is the preference of schools and parents. We are pleased that the Department for Education (DfE) recognises that councils have an excellent track record in providing a high-quality education for pupils, with 92 per cent of maintained schools rated by Ofsted as outstanding or good – a higher proportion than any other type of school – and that this will continue in a fully-academised system. The Department should also utilise this expertise while the proposals set out in the White Paper are implemented and allow councils to support ‘orphan’ schools where Regional Schools Commissioners are struggling to find a strong MAT to take them on.

It is also good councils are to be given powers to direct all schools, including academies, to admit pupils that are out-of-school and make sure they are back in the classroom as quickly as possible.

The proposal to introduce a duty on parents to register home-schooled children with their local council in response to concerns expressed by the LGA and our members over a number of years is welcome.

The LGA supports the focus on helping all children meet their potential with the right support at the right time, particularly in the context of the impact of the pandemic. The amount of funding made available to support the education recovery package must also be kept under review to ensure every child is supported to recover from the impact of the pandemic on their education and broader development and well-being. Additional support to keep children with Special Educational Needs and Disability (SEND) in mainstream settings will also be crucial to the success of a reformed SEND system, as set out in the SEND Green Paper.

With sufficient powers and funding councils are ideally placed to act as the ‘middle tier’ between central government and schools, bringing together place-based leadership, an existing duty to promote wellbeing of all children and synergies with wider roles including safeguarding, public health, criminal justice, employment, skills and cohesion.

We look forward to working with the DfE to make sure we provide an education system that is inclusive and works for all children, including those with special educational needs.”

5. Detailed report

See Briefing papers and presentation

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

At this stage due to lack of specific details, financial impacts cannot be quantified, full financial implications will be included in the future paper once we are clear on what is likely to be implemented.

Paresh Radia -Principal Accountant

6.2 Legal implications

No legal implications at this time.

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public-Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The White Paper and the SEND review should impact on children, young people and their families from across a range of protected characteristics in a positive way by ensuring that work is more collaborated and inclusive. The report sets out opportunities for the Local Authority to be more involved and have a more influential role in the processes. Equality considerations should be embedded throughout these processes and considered once the consultation process is complete and prior to producing an implementation plan and it is

recommended that Equality Impact Assessment is carried out as appropriate, to ensure any impacts are identified and addressed, and mitigating actions put in place.

The equality impact assessment is an iterative process that should be revisited throughout the decision-making process and updated to reflect any feedback/changes due to consultation/engagement as appropriate.

Kalvaran Sandhu, Equalities Manager 454 6344

6.4 Climate Emergency implications

--

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

As indicated in the summary, the recently published Independent Review of Children's Social Care will have inter-connectivity to both the Schools White Paper and the SEND Green paper. The implications will become clearer over the coming months.

7. Background information and other papers:

8. Summary of appendices:

1. Education White paper overview – MS
2. SEND AP GP summary MS
3. CMB – WP and GP Slide Deck

9. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

This is not a private report

10. Is this a “key decision”? If so, why?

This is not a key decision