

SEND Review: right support, right place, right time

RAF Families Federation (RAFFF) response to the proposals set out in the green paper about the changes the Department for Education (DfE) and Department of Health and Social Care (DHSC) want to make to the special educational needs and disabilities (SEND) and alternative provision (AP) system in England.

Introduction

1. The RAFFF welcome the opportunity to respond to the proposals set out by the DfE and DHSC as part of this consultation process. We recognise that some RAF families do have positive experiences, with regards to their child's SEND provision, but we are aware that others can face disadvantage due to the mobile nature of Armed Forces life.
2. Whilst we are unable to respond to the technical aspects of many of the questions posed as part of this consultation process, we would like to take this opportunity to highlight some of the key issues and challenges that can arise for Armed Forces families. We believe that the current inconsistency of SEND and AP support and provision could be the root cause of some of their concerns and would ask that our evidence is taken into consideration as part of the review. We feel the proposed establishment of a National SEND Delivery Board and standardised and digital Education, Health and Care Plans (EHCPs) will help address the current disparity of provision that is experienced by military children and young people with SEND due to the mobile nature of their parent's careers in the RAF.

Context

3. According to the Tri-service families continuous attitude survey: 2021, 55% of Armed Forces families have at least one child of school age and 15% of RAF families with school age children changed schools for Service reasons in 2021¹.
4. Our mobile population are only a subset of the whole, but those personnel who are mobile will move as frequently as every 18 months to 3 years 'on assignment', around England and between the Devolved Administrations and overseas. This creates issues with transferring provision within an EHCP; a Service Children's Assessment of Need (SCAN); or if no formal documentation has yet been generated which states the support required. There is variation in the support and resources available between Local Authorities (LAs), and even between schools within the same LA, and this can create confusion, anxiety and frustration for families who have to move so frequently.

¹ MOD (2021) [Tri-service Families Continuous Attitude Survey Results 2021](#) p4-5 (Accessed: 12.07.22)

5. The RAF Families Federation work with the Education Advisory Team² (EAT) and Overseas Education and Supportability Team³ (OEST), who sit within the Ministry of Defence's (MOD) Defence Children Services⁴ (DCS). Their role is to provide expert support to Armed Forces families who have specific issues or concerns regarding their child's education. We frequently refer families to the EAT or OEST teams for information, guidance and advice including matters relating to SEND as navigating provision can be challenging for Service families.

RAFF Response to proposed changes

6. There are a variety of changes proposed in the green paper which have the potential to improve the lived experience of families with a child with SEND or in the AP system if the proposals are sufficiently funded, fully implemented and embedded effectively in the education system. The 2020 'Living in Our Shoes' Report⁵ highlighted challenges experienced by some Armed Forces families including a section on supporting children with SEND which highlighted that:

*'Despite parents informing the new local authority well in advance of a move it is not uncommon for them to find that there has been no allocation when they arrive some months later. For example, one child who had transferred to a new local authority in February had not been found a school place by July so had missed months of education. The strain on this family was so great that the Serving partner was forced to ask for a change in his duties to assist his wife and his other children and was even considering having to leave the Armed Forces because of the negative impact on the whole family.'*²

This is echoed by members of the RAF Community who offered insights into their experience, "my child has been on two waiting lists and wasn't seen in either locations as she had to start the process again."

7. There is a need to improve the SEND provision particularly in a mobile community where the family's location is dictated by their employer. In line with the Armed Forces Covenant, we aim to influence future policy and provision to ensure that Service children 'face no disadvantage compared to other citizens in the provision of public and commercial services; and that special consideration is appropriate in some cases'⁶.
8. Like Looked After children, military children with SEND are at risk of potentially having several compounding factors that affect their ability to thrive. The numbers of service children with an EHCP are not huge, recognising this group's needs in statutory legislation would be a hugely welcome step towards removing disadvantage⁷, without imposing a very significant toll on schools or local authorities.

² [Education Advisory Team \(UK\)](#)

³ [Overseas Education and Supportability Team](#)

⁴ [Defence Children Services](#)

⁵ Walker, J., Selous, A. and Misca, G. (2020) [Living in our shoes full report \(publishing.service.gov.uk\)](#) p73 (Accessed 12.07.22)

⁶ [Armed Forces Covenant - GOV.UK \(www.gov.uk\)](#) (Accessed 12.07.22)

⁷ [Armed Forces Covenant - GOV.UK \(www.gov.uk\)](#) (Accessed 12.07.22)

Nationally consistent standards

9. The introduction of national standards has the potential to transform SEND and AP provision and improve the consistency of provision across England which may, in turn, improve the experiences of mobile families.
10. Setting nationally consistent standards across England has the potential to remove some challenges for Service families relocating within England who currently have to navigate different systems, processes and funding regimes. This could potentially improve equity of treatment and consistency in decision-making which may improve the lived experience of Service families transitioning within England. As the SEND and AP Directorate within DfE work with system leaders from across education, health and care and the DHSC to develop the national SEND standards, the RAFFF would welcome inclusion of the MOD in these discussions to ensure the unique needs of Service children are taken into account as the standards are developed.
11. The green paper acknowledges that ‘there are growing pressures across the system that is increasingly characterised by delays in accessing support for children and young people, frustration for parents, carers and providers alike, and increasing financial pressure for local government.’⁸ For Service families relocating to different LAs on assignment, it is imperative that the national standards are interpreted and implemented in a consistent manner. This will improve the current discrepancy of provision and reduce the time out of education that some children and young people currently experience, while relocating due to Service need. We would welcome the Local Area Joint Ofsted and Care Quality Commission considering the experiences of Service children with SEND in their inspections. This will allow them to assess whether the provision the Service children have received has been consistent and offered in a timely and effective manner, to mitigate as far as possible any disadvantage Service children may encounter as a result of relocating on assignment.
12. The green paper contains details of how SEND needs should be identified and assessed⁹. The RAFFF would welcome consideration of how children awaiting assessments can be supported to ensure that mobile families are not disadvantaged, and the identification and assessment of SEND is not unnecessarily delayed due to Service families relocating for Service need. The provision of a digitalised and standardised EHCPs will be integral in improving the transfer between Local Authorities for serving families with children with SEND.
13. The recent Duty and Care Report (2022) commissioned by the Families Federations identified that:

‘Some of the most complex cases relating to health care access and mobility recounted by the research participants were those that centred on the challenges of trying to secure the continued care and support for dependent children with specialist health requirements, mental health needs and/or special educational needs and disability (SEND). Evidence from the families’ accounts would suggest that these complexities were compounded further

⁸ HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](#) p9 (Accessed: 12.07.22)

⁹ HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](#) p28 (Accessed: 12.07.22)

when trying to relocate between England regions, across the borders of devolved nations and returning from overseas.¹⁰

14. The green paper outlines how standards for transition ‘will provide consistency on the quality, timeliness and effectiveness of transitions for children and young people in both mainstream and specialist settings.’¹¹ The RAFFF would welcome consideration given to including standards legislating how LAs must provide consistency on the quality, timeliness and effectiveness of transitions for Service children relocating due to Service need.

Early Years

15. ‘Research suggests that high quality early childhood education and care (ECEC) can have positive and long-lasting impacts on children’s outcomes, particularly for disadvantaged children.’¹² Therefore, it is positive to see that Early Years provision is being considered as part of the SEND Review.
16. In their 2021 paper ‘A Workforce in Crisis: Saving our Early Years’, the Early Years Workforce Commission identified that:
‘Children who already experience disadvantage in their local communities and challenges with Special Educational Needs and Disabilities (SEND) are increasingly being left behind, and skilled practitioners are needed in early years settings to combat this and provide high-quality care to every child.’¹³
17. Proposals in the green paper to ‘increase the number of staff with an accredited Level 3 SENCo qualification in early years settings to improve SEND expertise’¹⁴ has the potential to enable early years providers to identify needs early and put appropriate support in place to support children and enable them to progress from an early age. For Service children that may attend multiple early years settings prior to starting school, having early years staff trained in SEND has the potential to identify SEND early and provide early intervention. As with school-aged children, it is important that transitions to other early years or school settings are managed to ensure that information is shared appropriately to ensure provision and support continues to provide continuity for learners.
18. With the intention to upskill early years practitioners, it is important to consider the recruitment and retention challenges some early years settings are reporting if trained staff are to be retained and support children with SEND in early years settings. The Early Years Workforce Commission cite the Education Policy Institute (2019) when they highlight that ‘Ultimately, recruitment and retention are one of the biggest challenges the early years sector faces, with one in six workers (15%) leaving their jobs within a year (Education Policy Institute, 2019).’¹⁵ The proposal to

¹⁰ Bradley, S. and Almond, M. (2022) [NFF Duty and Care Armed Forces Families Report Feb 2022-FINAL.pdf \(raf-ff.org.uk\)](#) p8-9 (Accessed: 12.07.22)

¹¹ HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](#) p29 (Accessed: 12.07.22)

¹² Hobbs, A. and Mutebi, N. (2021) [The impact of early childhood education and care on children’s outcomes, and the sustainability of the sector - POST \(parliament.uk\)](#) (Accessed: 12.07.22)

¹³ Early Years Workforce Commission (2021) [a-workforce-in-crisis-saving-our-early-years.pdf \(pacey.org.uk\)](#) p11 (Accessed: 12.07.22)

¹⁴ HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](#) p37 (Accessed: 12.07.22)

¹⁵ Education Policy Institute, (2019). The Early Years Workforce in England. Available from: <https://epi.org.uk/wp-content/uploads/2019/01/The-early-years-workforce-in->

increase the number of early years staff trained in SEND is positive, but it will also be crucial to retain staff with expertise to ensure children are well supported in early years settings.

SEND Code of Practice

19. As the SEND Code of Practice is reviewed to 'ensure it reflects the new national standards to promote nationally consistent systems, processes and provision'¹⁶, the RAFFF would welcome consideration of the following points in relation to the current SEND Code of Practice:

10.54 of the SEND Code of Practice (2020) acknowledges that the children of Service personnel 'may face difficulties that are unique to the nature of their serving parent's employment'¹⁷. In reviewing and updating the SEND Code of Practice, we would welcome consideration of amending the wording in this document from stating what schools, education providers and LAs 'should' do to mandating what they '**must**' do to support this cohort and afford greater accountability for the identification, assessment and provision for Service children.

10.56 of the SEND Code of Practice (2020) states that schools and other education providers should 'ensure that access to appropriate assessments, interventions and provision is determined solely on the nature, severity and complexity of the needs presented by Service children with SEN and not related to the amount of time they have left in a particular school'¹⁸. The RAFFF would welcome an opportunity for the Local Area Joint Ofsted and Care Quality Commission to evaluate the experiences of Service children in their inspections to ensure that the SEND Code of Practice is being implemented appropriately by all settings and consider the arrangements and experiences of Service children in AP.

10.57 of the SEND Code of Practice (2020) states that LAs should use all relevant evidence 'when considering provision for Service children with SEN or disabilities'.¹⁹As Service children with SEND may relocate to the devolved administrations and overseas with their parents/carers on assignment, we would welcome mechanisms to be put in place to ensure the effective and timely receipt and dispatch of all relevant records for Service children with SEND moving out of/into England to enable effective planning in advance of a child's arrival in a school.

20. The MOD Local Authorities Partnership (MODLAP) is a partnership between the MOD and LAs in England to support Service children and this partnership is committed to working together to improve the experience and outcomes of children of UK Armed Forces families. We would welcome the opportunity for this partnership, in

[England EPI.pdf](#) [Accessed 11/9/20] cited in Early Years Workforce Commission (2021) [a-workforce-in-crisis-saving-our-early-years.pdf\(pacey.org.uk\)](#) p6 (Accessed: 19.06.22)

¹⁶ HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](#) p14 (Accessed: 12.07.22)

¹⁷ Department of Education and Department of Health (2015) [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](#) p219 (Accessed: 12.07.22)

¹⁸ Department of Education and Department of Health (2015) [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](#) p220 (Accessed: 12.07.22)

¹⁹ Department of Education and Department of Health (2015) [SEND Code of Practice January 2015.pdf \(publishing.service.gov.uk\)](#) p221 (Accessed: 12.07.22)

addition to the single service Families Federations, to be consulted with any proposed changes to the SEND Code of Practice to ensure the needs of Service children are considered in any changes to the policy.

Standardised and Digitalised EHCPs

21. In their 2020 'Families Fighting On...' report, one of the Forces Additional Needs and Disabilities Forum's (FANDF) recommendations was that EHCPs were universally accepted and personal data transferred:

*'Either the existing EHCP system is made universally acceptable making it transferable from county to county, devolved authority to the next, or a new system be created that is adopted universally by all education authorities and private schools, to ensure personal data pertaining to educational needs, health etc. is transferred with the pupil.'*²⁰

22. Introducing a standardised and digitalised EHCP process and template has the potential to minimise bureaucracy, deliver consistency of EHCPs and make it easier to transfer the information contained in these documents. One of our families identified that the current EHCP system causes unnecessary delays and frustrations:

"A family who move from county to county should not have to go through the whole process time and time again..."

Another family requested "...make it easier to continue with the process of EHCP if moving location.."

23. Section 47 of The Children and Families Act 2014²¹ and Section 15 of the Special Educational Needs and Disabilities Regulations 2015²² legislate on the process for the transfer of EHCPs. Digitalising EHCPs could enable the information in these documents to be shared between LAs in a more timely manner which may improve the transition for children with EHCPs moving between settings. However, for this development to significantly improve the experience for those relocating, it is imperative that effective mechanisms are also developed to ensure appropriate provision is also transferred in a timely manner. Governance and accountability need to be considered here including monitoring and reporting the amount of time children and young people spend out of education while waiting for LAs to put in place appropriate provision for children's continuing education.
24. If standardising and digitalising EHCPs is to transform SEND provision for children and young people, LAs must have sufficient funding and resources to enable the efficient preparation, implementation and review of EHCPs in addition to being able to provide the necessary support to children and young people transferring into their area to truly reap the benefits of standardising and digitalising these documents. One of our families highlighted "We've had to fight for everything that is documented in our son's EHCP", so we hope that the standardisation of the EHCPs will help to ensure that

²⁰ Forces Additional Needs and Disabilities Forum (2020) [Families Fighting On... FANDF 30th anniversary Report](#) p7 (Accessed: 12.07.22)

²¹ Children and Families Act (2014) Available at: [Children and Families Act 2014 \(legislation.gov.uk\)](#) (Accessed: 12.07.22)

²² The Special Needs and Disability Regulations (2014) Available at: [The Special Educational Needs and Disability Regulations 2014 \(legislation.gov.uk\)](#) (Accessed: 12.07.22)

there is a transparent process of what is available to support children and young people with SEND throughout the country.

25. If EHCPs are digitalised, the RAFFF would welcome consideration of whether these documents could be shared (with permission of the parents/carers/young people and ensuring this was done in line with safeguarding and GDPR guidelines) with educational providers in the devolved administrations or overseas settings to support the transfer of information for Service children relocating out of England to assist new settings in helping to provide appropriate support in a timely manner. When Service children return to England from the devolved administrations or overseas, it would also be beneficial for this cohort if information from their previous setting was able to be transferred (with permission and abiding by the appropriate safeguarding and GDPR guidelines) to their new educational provider to help ensure appropriate support is made available to them in a timely manner.
26. Digitalising EHCPs may have a range of benefits, however, we feel it is important to consider the impact this may have on families that do not have easy access to the Internet to ensure they have access to these documents and suggest that parents should be consulted on how they would prefer to receive and comment on EHCPs including an opportunity to request a hard copy of documents, if appropriate.

Career Professional Development

27. It is positive that the green paper considers the training and qualifications of school staff working with children with SEND. In addition to training on SEND, the RAFFF encourage the DfE to consider mandating training on the unique experiences of Service children to Initial Teacher Training to ensure that staff supporting this cohort have an understanding of the unique opportunities and challenges this group may encounter on their educational journey. The University of Chester has provided bespoke training for the NHS [Introduction to the Armed Forces Community | Westminster Centre for Research in Veterans | University of Chester](#) and a similar resource with an education focus could help to support school staff in developing their understanding of this cohort.
28. The introduction of a new SENCo National Professional Qualification (NPQ) for school SENCos has the potential to increase the knowledge and expertise within a school setting to identify and support children with SEND. If this proposal is taken forward as part of the SEND Review, it may also be important to consider interim plans to support schools while SENCos are being trained to ensure children are still appropriately supported. Retention of qualified staff should also be considered, and frameworks put in place to ensure their workloads are manageable to encourage retention of staff with expertise in identifying and supporting children and young people with SEND.

Respite support

29. Funding more than 10,000 additional respite placements to enable more children, young people and their families to access wraparound support is a positive commitment. The RAFFF would encourage consideration to be given to how these additional placements may be able to support eligible Service families, particularly during periods of separation or deployment as a result of Service need.

Collaboration with the MOD

30. In the Armed Forces Families Plan 2022, the MOD highlight their commitment to 'Address the needs of children and young people that are most vulnerable, with a particular focus on children with Special Educational Needs (SEND).'²³ The green paper outlines plans to 'consider how we can better support those who return to England following deployment abroad or in other parts of the UK, such as families in the Armed Forces or Crown Servants.'²⁴ The RAFFF encourage the DfE and DHSC to actively engage with the MOD to enable effective cross departmental collaboration to support the needs of children and young people from an Armed Forces background with SEND to ensure efficient processes are put in place to ensure this cohort are given every opportunity to reach their potential and thrive in education.
31. The commitment in the green paper to 'introduce new inclusion dashboards for 0-25 provision, offering a timely, transparent picture of how the system is performing at a local and national level across education, health and care'²⁵ may be a positive development to measuring the performance of SEND and AP systems. The RAFFF would welcome publication of inclusion dashboards to ensure transparency and enable stakeholders to, where necessary, engage with those providing SEND and AP services to discuss what action will be taken where practice and provision is shown to be inadequate.
32. Equipping the DfE's new Regions Group to take responsibility for holding LAS and MATs to account for delivery for children and young people with SEND locally through new funding agreements between local government and DfE has the potential to provide accountability for the proposals in the SEND Review. The RAFFF would welcome collaboration between the new Regions Group and the MOD / MODLAP SEND (MOD Local Authorities Partnership SEND group) to provide regular updates and an opportunity to share best practice with regards to supporting Service children with SEND.

Conclusion

33. In the SEND Review green paper ministerial foreword, it is acknowledged that 'Too many parents are navigating an adversarial system, and face difficulty and delay in accessing support for their child.'²⁶ Proposals in the green paper have the potential to improve the lived experience of families with a child with SEND or in the AP system if they are sufficiently funded and effectively implemented in the education system.
34. In the RAFFF response to these proposals we have highlighted that, due to the nature of Service life, Armed Forces families may encounter additional challenges with accessing SEND provision. We would ask that the following recommendations are considered as part of the SEND Review consultation process:

²³ MOD (2022) [AF Families Plan 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) Objective 4.5 (Accessed: 12.07.22)

²⁴ HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) p33 (Accessed: 12.07.22)

²⁵ HM Government (2022) [SEND Review - right support, right place, right time \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) p65 (Accessed: 12.07.22)

²⁶ Zahawi, N. (Secretary of State for Education) and Javid, S. (Secretary of State for Health and Social Care), Ministerial Foreword, HM Government (2022) [SEND Review - right support, right place, right time - government consultation on the SEND and alternative provision system in England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) p5 (Accessed: 12.07.22)

- DfE and DHSC collaborate with the MOD and Devolved Administrations to remove disadvantage for Armed Forces families who move across county and country borders on assignment, often with little choice or notice.
- Educational provision is transferred efficiently between settings (including in the Early Years) and the process for the transfer of information and provision is transparent, timely with clear governance and accountability to ensure transitions provide continuity of support for children and young people to enable them to reach their potential and thrive in education.
- A formal training programme to be made available to teaching staff and those involved in the SEND and AP systems to raise awareness of the needs of Service children with SEND and the additional challenges they may face because of the demands of Armed Forces life.
- Ofsted and Care Quality Commission to consider the experiences of Service children with SEND in their inspections to assess whether the provision they have received has been consistent and offered in a timely and effective manner.
- Recognising the needs of military children with SEND as a specific group in statutory legislation.

35. Our children deserve the best start in life and their education and development should not be adversely affected because their parents are serving in the Armed Forces. The RAFFF would therefore welcome the opportunity for further engagement with the DfE and DHSC to discuss the issues raised in this paper in more detail. The RAFFF representatives for this subject are:

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12 July 2022