



**Confederation**  
of School Trusts

## Consultation response

# Solving the SEND crisis – the Confederation of School Trusts’ response to the Education Committee’s Call for Evidence

## Introduction

1. The Confederation of School Trusts (CST) is pleased to respond to this call for evidence. We represent 77% of all academy schools in England and our members educate more than 3.6 million children.
2. In CST’s work on the future of support for children with learning disabilities, we have advocated for a system that affords more dignity to children with SEND. This is set out in more detail in our papers [A good life: Towards greater dignity for people with learning disability](#) and [Five principles for inclusion](#).
3. We are committed to working with government to ensure that the future design of our education system, and the metrics for success, put children with SEND at the heart of system design.
4. Our members have innovated in SEND provision, and we can provide a rich source of evidence of effective practice.
5. For example, the River Learning Trust, whose ‘Aspiring SENDCo’ course delivered to potential SENDCos emphasises the priority of centralising teaching and learning within the role, and the importance of distributing responsibility of children with SEND to all staff, not just those in the SENDCo role. The trust’s ‘everyone learning’ principle typifies its commitment to innovative practice to foster deep-rooted inclusion.
6. Dixons Trinity Academy ensures that the outcomes and experiences of children with SEND are seen as a responsibility of all staff, not just the SEND team. A holistic approach to children’s needs, predicated on an understanding that all roles within a school can work together to the advantage of children with SEND, is a core tenant of the trusts’ ethos, and builds a school wide model for inclusion.
7. We would be happy to provide the Committee with further examples if helpful.
8. SEND is clearly recognised as a priority for school trust leaders; nearly three-quarters of trust CEOs named SEND and inclusion as a priority for their trust in CST’s 2024 National School Trust Survey. It was also seen as the second biggest challenge but also the biggest opportunity alongside – and clearly linked to – the challenge of school budgets.

## The voice of school trusts

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9. Rather than do more problem-analysis, we should now lean into finding solutions. We therefore warmly welcome the announcement of the SEND inclusion in education expert group chaired by Tom Rees, and the appointment of Dame Christine Lenehan as strategic advisor on special educational needs and disabilities. We are committed to working with them to bring forward evidence-informed solutions.
10. Trusts now run more than 80% of secondary schools in England, which means that academy schools are the state school system in the secondary sector. Trusts also run almost half of all primary schools in England. This can make them a focus for parental concerns about provision, especially when considering that academies teach the majority of children with EHC plans in state-funded schools. This is not because they are academies, but because they constitute nearly all secondary schools and nearly half the primary schools in the state system. Academy schools are bound by the same legislation and face the same resourcing challenges as all other parts of the system.
11. Academy schools operate under the same statutory School Admissions Code as maintained schools, and are under the same legal duty to admit pupils named on an Education Health and Care Plan. The proportion of pupils with SEND and with EHCPs nationally is broadly the same across academy and maintained schools

## **Section 1: Support for children and young people with SEND**

12. While often a convenient shorthand, the SEND term itself can be unhelpful: it encourages a homogenisation of children, their needs, and experiences, rather than recognising the full diversity of humanity. Need can range from minor adjustments to intensive bespoke arrangements.
13. This in turn creates a system of thresholds, whereby assessments and labels unlock support and funding. Parents and carers, understandably, push for EHCPs because this is seen to unlock funding in a rationed system, which itself creates problems of capacity in handling requests.
14. In schools, this labelling can mean that SEND is seen as a specialist area rather than one that all classroom staff should have the confidence to engage with, and the ability to recognise and support individual needs in an inclusive manner. The role of SENCo provides a focus, but also a potential risk of SEND being seen as something that is additional and different: inclusion needs to be a whole school activity to be successful.
15. Instead, a system that is not centred on a medicalised deficit model but that focuses on the steps needed for individual children to achieve has the potential to create faster, cheaper, and more flexible access to support – while recognising that there will always be children who need specialist support, in specialist settings. We should celebrate the brilliant work of the specialist sector and draw on their expertise in designing inclusive provision and system reform.
16. We believe that flexibility is key to building a system of support that delivers for children and their families. While a goal of accessing a broad and balanced curriculum is the right one for all children, there also needs to be flexibility around how that goal is achieved, and the potential to evolve over time. This does not mean lowering standards but recognising that success can look different.

17. There is also a need for flexibility in staffing. School trusts offer new models to be able to provide inclusive support across and between schools, sharing experience between mainstream schools and specialist provision within the same trust. Trusts are hardwired to promote this sharing because the success of each school benefits the others. This culture carries over to sharing between trusts: CST's professional community for SEND and inclusion has more than 1,200 members. It is important trusts retain flexibility in teaching and support staff roles, pay, and conditions to continue to innovate and improve provision, beyond a traditional single school model.
18. Funding also needs to be more flexible, to shrink and grow according to the child's needs rather than being crude cliff-edge funding where a diagnosis unlocks support. This will require a stronger degree of training and trust within the system.

## **Section 2: Current and future model of SEND provision**

19. CST is calling for holistic system-wide SEND reform rather than a focus on fixing small parts of the system. The scale of reform needs to go beyond the scope of the current improvement plan and the current conception of the SEND system. We need to describe an 'end-state' and then work backwards to develop the policies and funding mechanisms that would get us there. In other words, we need to be able to describe very clearly what a system would look like that works well for children, families and schools.
20. We need to think more fundamentally about 'a broader vision of additional needs within an inclusive conception of education (rather than seeing the 'SEND system' in isolation)'. We should be bold for a vision of inclusion which sees children's different learning needs as normal and welcomed into the school system, rather than to be seen as something special or different. This premise challenges the existing paradigm of inclusion which rests on an outdated, medicalised model of 'deficit' which too quickly reaches for labels and diagnoses and provision which is 'additional and different'.
21. For a new system to be implemented, two system will have to run concurrently. The current one must remain for the benefit of the children currently being supported by it and a new system would begin taking in new pupils.
22. A focus of investment and resource into the early years could help address some of the root problems within the system immediately. This includes the training and development of teachers and early years practitioners, but this is not 'SEND training'. Instead, it supports knowledge and practice of expert teaching alongside knowledge of specialist areas and conditions/needs that will enable mainstream teachers to deliver more inclusive practice.
23. We should immediately scale evidence-based programmes that intervene early, for example the Nuffield Early Language Intervention (NELI) programme. This is an evidence-based oral language intervention for children in nursery and reception who show weakness in their oral language skills and who are therefore at risk of experiencing difficulty with reading. It is delivered over 30 weeks by teaching assistants in groups of three to four children.

24. The Education Endowment Foundation published its final evaluation of NELI at-scale in September 2023. This analysis is the culmination of almost 20 years of rigorous trials underpinned by high-quality research. It finds that four- and five-year-olds who received the targeted oral language intervention made an additional four months' progress in language skills, compared to those who did not receive it. Children receiving free school meals benefited the most, with a seven month boost to their language skills.
25. The government's current policy focus for inclusive mainstream provision is focused on special units and resourced provision. We must make sure that we understand the evidence for what good special units and resourced provision looks like, alongside a consideration of other evidence-led models of provision. We should be careful about jumping to a single solution.
26. Other immediate steps should also include investment in research and evidence-based guidance by Education Endowment Foundation to set standards for mainstream inclusion (akin to NICE guidance) and to improve the impact of interventions delivered in the mainstream.
27. This will all require transition funding and greater integration between education and health budgets.

### **Section 3: Finance, funding and capacity of SEND provision**

28. The extent of the financial challenge is well documented. In many local authorities, budget deficits have gone far beyond the point at which funding specialist support and top-up funding for mainstream schools is cut, beyond the top-slicing of school budgets to plug a gap to the point where in-year budgets are nowhere near balanced, deficits are irrecoverable and careful financial management is close to being pointless. Early actions to control spending merely weakened the system and escalated cost. With deficits not showing on local authority balance sheets the pressure to control spending is reduced. A local authority funding system driven by deficit management plans does not lend itself to strategic investment in early support or capacity building. It does not "deliver better value". This is a fiscal emergency.
29. The Delivering Better Value programme helped local authorities understand the scale of the challenge but stopped short of exposing the extent of underfunding. In analysing the 23.5% growth in spending between 2020 and 2022, the Phase 1 report showed that 91% of the growth in spending was as a direct result of the growth in the number of EHCPs. Unit costs (the funding allocated to providers) had risen by only 1.8%, 4.2% below inflation over those two years. It is no wonder that schools, even where an EHCP has been secured and funding allocated, are struggling to provide the necessary support.
30. In CST's Funding Futures paper we argue for a funding system that is underpinned by real terms protection and that is fair, transparent and equitable; strategic, coherent and predictable; evidence and policy-led; for an ambitious future not the past; reflective of a maturing trust system.
31. In relation to funding for inclusive mainstream practice, we argued for a National Funding Formula that supports ordinarily available provision, with top-up funding for provision

that is additional and different. We argued for funding that provides ambitious and tailored support for vulnerable children based on what provision they need to be able to achieve not funding based on identifying what they can't do. We argued for a system based on an affirming narrative of human flourishing. But this funding model reflects the current statutory framework and risks driving costs up further. It is time to refresh the National Funding Formula so that it adequately resources inclusive mainstream provision and incentivises the behaviours that meet the needs of children and young people.

32. We have called on the government to draw evidence from both the Safety Valve and Delivering Better Value programmes, and the evidence of good practice, to inform understanding of the real cost of delivery, particularly in mainstream schools. It is vital to understand what works well, for prevention and early intervention as well as long term support, and how to incentivise good practice, so as to be able to design a funding system that really works. A natural desire to meet need will tend to drive school leaders to chase additional funding. We must be sure that any funding that is not formula driven is worth that effort and will make enough difference or be so much better targeted as to justify the time and bureaucracy.
33. Over and above a funding system that adequately resources inclusive mainstream schools, there is a need for strategically commissioned specialist and alternative provision, with clarity of purpose and appropriate funding. In our Funding Futures report we argued that funding for special schools and AP settings should feature:
34. Protected minimum funding through a modification of the NFF that provides adequate core funding
35. The security of knowing that if needs and commissioned provision stay the same, funding will be maintained in real terms
36. A funding mechanism that is based on a shared understanding of a child's needs, an agreement as to the most appropriate provision, and then funding to deliver it
37. A funding mechanism that encourages the strategic partnership between school, trust and LA in interest of children
38. The current funding system for special schools and AP settings was designed to avoid any "reward" for surplus places. The place funding value has not changed since 2013, top-up funding rates and practices vary widely, and recent pay and pension grants have been layered on top in a complex muddle. It is possible to conceive of a better funding methodology for special schools and AP settings based on the commissioning needs of the area, adapting the NFF for this purpose, so that core funding is predictable and keeps pace with inflation.
39. The government will need to work closely with the sector to design a better funding system, and should do so with an open-mind that embraces a wholesale and radical rethink. This should come once the 'end-state' has been designed; we must know what the sector will look like in order to design a sensible funding landscape to resource it.

## Section 4: Accountability and inspection of SEND provision

- 40. CST believes that the government should align all the system levers – curriculum, accountability, inspection, teacher development, and structures. We must work together towards this challenge with a shared theory of change.
- 41. We welcome the focus of the curriculum and assessment review to ensure that the curriculum appropriately balances ambition, excellence, relevance, flexibility and inclusivity for all our children and young people. Specifically, we welcome the focus on equity and a commitment to remediating existing blocks to progress and good outcomes, and ensuring positive outcomes for children and young people with special educational needs or disabilities.
- 42. We also welcome Ofsted's proposed focus on inclusion in the new inspection framework, which is currently open for consultation.
- 43. The government has recently announced a review of national professional qualifications frameworks. The scope of the review includes further best-practice for teaching pupils with SEND which is another welcome development.
- 44. It is important that the various strands of policy reform add up to a coherent and intelligent whole. We would therefore encourage government to set out a compelling vision for an 'end-state' and then ensure that all system levers, including curriculum, accountability, inspection and teacher development are aligned.
- 45. In setting this out, the government should also ensure that it accurately describes the role of all state and system actors – schools, trusts, local authorities, health and the integrated care boards – and aligns funding and accountability regimes. The government should reset responsibilities and accountability, ensuring that the system incentives encourage services to work together locally in the best interests of children.

## Conclusion

- 46. A successful SEND system should move away from the rigidity of a medicalised deficit model and focus instead on flexible and inclusive support that meets the unique needs of each individual child. Immediate investment into early intervention programmes, as well as training and development of teachers and early years practitioners, can help achieve faster results for children with SEND.
- 47. There is currently a funding crisis for SEND support, with local authorities facing large deficits in SEND funding. CST has previously argued for a funding system that is protected in real terms and a modification of the National Funding Formula that protects a minimum core funding, whilst allowing additional top-up funding for provision that is additional and different.
- 48. CST welcomes Ofsted's proposed addition of inclusion in the new inspection framework and welcomes the curriculum and assessment review to ensure the curriculum meets the needs of each child. The government needs to clearly define the responsibilities of the various system stakeholders to ensure an accountable and equitable system that works in the best interests of children.

49. In order to realise these ambitions, the system requires a clear 'end state', supported by cohesive and detailed policy reforms. This will unlock our collective ability to tackle the wider problems in the system; once we are clear about the system we want for children and families, we can seriously design the funding, curriculum, accountability, commissioning, workforce and so on to deliver it. Government must resist the urge to look at the status quo and make changes to existing processes. The crisis in SEND is urgent and complicated, and requires a radical response.
50. We would be happy to develop these ideas further and to give oral evidence to the committee, should this be helpful.

### About the Confederation of School Trusts

The Confederation of School Trusts is the sector body and national organisation for school trusts, with more than three million children educated in our member schools and academy trusts. We help shape the education policy agenda by speaking on their behalf, bringing together frontline education experts from across the country. We work to drive real, strategic, change for education on the big issues that matter most.