



Department
for Education

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES & BEHAVIOUR, ATTENDANCE, EXCLUSIONS AND ALTERNATIVE PROVISION

NOVEMBER 2020 NEWSLETTER

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Welcome

Welcome to the November 2020 edition of the Special Educational Needs and Disabilities (SEND), Behaviour, Attendance, Exclusions and Alternative Provision Newsletter (BAEA). Over the past months the COVID-19 Pandemic has been at the forefront of all of our minds and through our Newsflashes we have issued letters and guidance on behalf of Vicky Ford MP, Parliamentary Under Secretary of State for Children and Families, on a wide range of topics relating to children and young people with special educational needs (SEND), their families and carers and those who work to support them.

The most recent of these Newsflashes was released on Monday 9 November and contained an open letter addressed to all children and young people with special educational needs and disabilities, their parents, carers and families. In this letter the minister set out our commitment to ensure that appropriate education and support is available for all, especially in light of the announcement on 31 October of new national restrictions to control the spread of coronavirus. The department has also issued guidance throughout the pandemic which you can access on [gov.uk](https://www.gov.uk).

The articles in this Newsletter provide guidance on a range of SEND and Attendance related subjects as, while the pandemic remains at the forefront of attention, the ongoing challenges and hard work of colleagues across the SEND sector has not diminished. It is hoped that recipients of this Newsletter and our Newsflashes will disseminate contents either in full or in part to their own networks, and encourage their colleagues and stakeholders to email the [“SEN.IMPLEMENTATION@education.gov.uk”](mailto:SEN.IMPLEMENTATION@education.gov.uk) mailbox to request that they are added to our mailing list so that they can receive these updates directly.

SEND Futures: Value for Money Feasibility Report

SEND Futures is the Department’s flagship programme of research to build our evidence base on children and young people with SEND in England.

On 5th November 2020, the first project under this programme, the [Value for Money Feasibility Study](#) was published. Its findings confirm that a value for money analysis of different setting types for children and young people with EHC plans in England is feasible in the near term. It also outlines how to fill existing evidence gaps in order to undertake more complete analysis in the future.

The second strand of work under the programme is focused on developing a longitudinal dataset which aims to track outcomes and experiences for the SEND population over time.

Review of post-16 qualifications at level 3 and below in England

In late October, the Technical Education and Qualification Reform Division (TEQRD) launched the second stage consultation on the review of post-16 qualifications (level 3 in England). Along with the response to the first stage consultation, the second stage consultation of the review is linked [here](#).

The level 2 call for evidence is due to launch soon, following months of hard work and dedication from everyone involved. Colleagues within the department are confident that the steps undertaken here will reshape the technical education landscape for decades to come.

The consultation will close on 15 January 2021. All queries should be directed to post16.level3andbelowreview@education.gov.uk.

Department for Education guidance on the admission of summer born children

Last month DfE published updated advice for admission authorities on the admission of summer born children to school, together with newly published advice for the parents of summer born children. You can find copies of both guidance documents [here](#). Both documents contain material relating to summer born children with SEND.

The newly published parent guidance is aimed at the parents of summer born children who may be considering delaying their child’s start in reception. This guidance is intended to help these parents to make an informed decision about what

would be right for their child. It explains the process for requesting admission outside of age group and sets out information on the options available to parents and the steps they need to take to arrange a delayed admission for their child.

Both guidance documents include the same description of the process and ideal timescales for making and handling requests, which we hope will ensure that both admission authorities and parents have the same expectations and so reduce the opportunity for misunderstanding. Taken together the two guidance documents will help support decisions to be taken in the best interests of the child concerned.

We remain committed to amending the school admissions code, when a legislative opportunity arises, so that summer born children can automatically be admitted to a reception class at the age of five, where that is what their parents want, and can remain with that new cohort throughout their education.

Elective Home Education advice for parents

On 20 October we published [advice for parents](#) considering Elective Home Education (EHE). This guidance is designed to be used by parents, schools, social workers and local authorities (LAs), where the option of EHE is raised. The document is intended to make clear implications of withdrawing their child from school and the challenge involved in providing EHE.

For Local Authorities and those who work with children we have also set out guidance on how we expect those with duties to ensure children receive a suitable education use their powers to engage with parents considering EHE.

In the context of the coronavirus pandemic, some LAs may be receiving an increase in enquiries from parents about EHE. Where this happens, we strongly recommend that LAs work with schools, parents and carers, and other key professionals (such as social workers) to coordinate a meeting before the parent makes a final decision, in order to ensure the parent fully considers what is in the best interests of each individual child. This is particularly important where vulnerable children, children with a social worker, and those at greatest risk of harm are involved.

We expect schools and other professionals to engage with LAs as soon as they become aware a parent is considering withdrawing their child from school for EHE and ideally before the child's name is removed from the roll. This will enable the LA to coordinate a meeting ahead of the child being withdrawn from school and the parent confirming in writing that they are being electively home educated instead. If a child attends a special school and this is specified in their EHCP by a local authority, the local authority **must** give consent for the child's name to be removed from the roll.

During these meetings, LAs, schools and other relevant professionals such as social workers where appropriate, should work to help parents and carers understand exactly what EHE means, ensure it is a positive choice taken without pressure from their school and signpost the guidance on gov.uk (a short 'what you need to know' document for parents and carers is also

available [here](#)).

Ofsted will continue to look for any evidence of off-rolling. Off-rolling is never acceptable. We are clear that pressuring a parent to remove their child from the school (including to home educate their child) is a form of off-rolling.

LAs, schools, and other professionals have a responsibility to help parents fully understand the implications of withdrawing their child for EHE and their ongoing obligations, making clear that:

- Parents assume full financial responsibility;
- Their child may not be able to return to the same school if they change their mind;
- Support from schools will not continue, including any special educational needs support; and,
- In cases where LAs are not satisfied a child is receiving a suitable education, the parent may be issued with a School Attendance Order and / or the court may make an Education Supervision Order.

LAs should also make parents aware that in extreme cases, where concerns over the suitability of education extend to safeguarding matters, a Care Order could be made by the court.

Providing the information above should be considered as part of one of a number of ways in which LAs can undertake their duties in respect of safeguarding children.

Improving school attendance: support for schools and local authorities

On 1st September the Department published advice to schools and local authorities to support them to improve school attendance – see [here](#). The advice is focussed on good practice which will be relevant during the particular attendance challenges brought by the pandemic, but also beyond this time as well.

The document sets out:

- The principles underpinning an effective whole school strategy for attendance: Leadership and management, relationships and communication, systems and data and intervention; and,
- Actions that school leaders, teachers, attendance staff and local authorities may consider taking to improve attendance for all pupils, pupils at risk of persistent absence and pupils who are persistently absent.

SEND Provision for Children of Armed Forces Families living in England

In January 2019, the Secretary of State for Defence commissioned Andrew Selous MP to undertake an independent review of support for Armed Forces families, covering a range of issues including the education of Service children.

The [Selous Report](#), *Living in our Shoes* (2020), has rightly recognised the set of [principles](#) aimed at improving the educational experience of Service families who have children with special educational needs that has been developed between a number of local authorities in England and the Ministry of Defence.

We know from the Selous Report, and other sources, that getting transition right for this group of children and young people can be challenging. We know that Service children may relocate more often than the rest of the population and, sometimes, at short notice. Such movement can be disruptive to the child's education, particularly where the child has SEND, and we need to ensure that the impact is minimised where possible.

The MOD have indicated that they are very pleased with the way the principles are working in those local authorities that have introduced them. The experiences of service families in terms of access to special educational needs services has been significantly improved. A particularly effective element of the principles has been where SEND services have a member of staff who is an identified point of contact for service families.

We would like to take the opportunity to encourage all Local Authorities to adopt the principles when finding appropriate school placements for children of Service families, to ensure that their time out of education is kept to the minimum.

You can access the full review at the following link: '[Living in our Shoes](#)' and you can also access the full detail of the MODLAP principles in the attached document.

We hope this newsletter reaches as many people and organisations as possible. Please pass it on to anyone who does not currently receive it and invite them to join our mailing list.

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