

The Special Educational Consortium's response to the 'Solving the SEND Crisis' Call for Evidence from the Education Select Committee

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Introduction and Summary

SEC is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership of 44 organisations includes the voluntary and community sector, parent carer groups, education providers, and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education (DfE), Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, workforce training, the SEND legal framework, exclusions, and alternative provision.

SEC is supported by:

Action Cerebral Palsy | Afasic | Ambitious about Autism | Association of Colleges | Association of Educational Psychologists | British Dyslexia Association | CandLE | Centre for Studies on Inclusive Education | Contact Council for Disabled Children | Dingley's Promise | Disabled Children's Partnership | Down's Syndrome Association | Dyscalculia Network | Equals | Guide Dogs for the Blind | IASS network | IPSEA | Mencap | National Association of Head Teachers (NAHT) | nasen | National Association of Schoolmasters Union of Women Teachers (NASUWT) | National Association of Independent Schools and Non-Maintained Special Schools (NASS) | National Autistic Society | National Children's Bureau | National Deaf Children's Society | National Development Team for Inclusion | National Education Union | National Network of Parent Carer Forums | Natspec | Prospect | PRUsAP | Royal National Institute of Blind People | Seashell Trust | SEND Community Alliance | SENDIASS | Sense | Square Peg | Speech and Language UK | Special Needs Jungle | Thomas Pocklington Trust | Unison | United Kingdom's Disabled People's Council | Young Epilepsy

SEC welcomes this review and the fact it acknowledges the state of crisis which affects some of the most vulnerable children and young people in our education system. At the outset of our response, we'd like to signpost the Committee to recent materials published by our Consortium:

- [Curriculum and Assessment Review Call for Evidence submission](#)
- [SEC's 20 Asks document](#)
- [SEC's Manifesto](#)

As the latter document sets out, SEC believes the SEND system requires urgent action on funding; accountability; and ensuring the voices of children, young people and their parent / carers are at the centre of policymaking. Associated with these, and worthy of specific consideration, is the need to address the multiple challenges with the workforce, including teachers, support staff and the specialist workforce. For a more detailed response on how the DfE might improve teacher confidence and competence in supporting SEND, see our response to the [Call for Evidence on ITT Core Content and Early Career Frameworks \(April 2023\)](#).

SEC believes that to begin attending to the 'increased demand, protracted waiting times and increased pressure on schools and local authorities' as well as reducing the pressures on specialist services, a meaningful pivot towards inclusive practice in mainstream schools is urgently needed. This will require careful consideration of the three pillars mentioned above (funding; accountability; and children, young people and parent / carer voice) as well as an uncompromising cultural shift. Such a move also has, we believe, the potential to address the challenges around school absence, and the disproportionate representation of disabled children and young people and those with SEN in exclusion figures. For a more detailed argument on this, please see in our submission to [The Education Select Committee's call for evidence on persistent absence and support for disadvantaged pupils \(Feb 2023\)](#).

We note that many of the questions below touch upon issues which are currently being addressed by different working groups and committees: the Curriculum and Assessment Review and Ofsted groups being the two dominant examples. SEC calls on the Committee to ensure these discrete endeavours do not end up in isolation. To truly 'solve the SEND crisis', all relevant policies must be harmonised. We also urge the Committee to take into account a child and young person's entire journey through education, from the point they enter an early years' setting or childminder, to their transition into adulthood and further education. We have included contributions from our members who represent early years (EY) and post-16 in this response to ensure these are not overlooked. To effectively reform the current system, the Government must ensure that representatives across EY and post-16, including disabled children and young people and those with SEN in those age ranges, must be at the heart of all strategic decisions. We also believe this applies to understanding the relationship between SEND and education as a whole; SEND cannot be seen as an 'add-on', rather inclusion must underpin the whole approach to education.

Below we provide responses to some of the questions set out, and we would like to state clearly our keen interest in engaging further with the Committee in considering approaches to address the crisis. For ease, we have also laid out our 10 main asks:

1. *SEC calls on the Committee to ensure that discrete pieces of work i.e. Ofsted consultation, curriculum and assessment review and ensuing policies are harmonised.*
2. *SEC urges the Government to ensure representatives from EY and post-16 are at the heart of all strategic decisions.*
3. *SEC believes that ‘solving the SEND crisis’ can only happen when there is long-term and adequate funding across the system from 0-25, including for EY settings, schools, colleges, local authorities, and specialist services.*
4. *SEC is clear that any initiatives or new approaches to reforming SEND is based upon a robust and independent evidence base.*
5. *SEC welcomes an articulated definition from the DfE on inclusion, which is underpinned by international and national legislative frameworks.*
6. *SEC believes that inclusion in mainstream EY settings and schools can only be achieved when accountability, curriculum, and assessment frameworks champion inclusive practice.*
7. *SEC calls for an investment in teacher training on SEND at school, college and EY level, especially in ITT, which both champions inclusive teaching and practice but also a solid basis of knowledge around SEND.*
8. *SEC recommends a clearly articulated strategy for the deployment of support staff, which is consistently monitored.*
9. *SEC calls for a comprehensive workforce strategy and adequate investment to address the specialist workforce challenges.*
10. *Underpinning all the above, SEC is adamant that the voices of children and young people and their families be central to any system reform.*

Support for children and young people with SEND

SEN support in mainstream schools and early years settings including:

1. **Assessing the current quality of SEN support in mainstream schools and early years settings:**

Overview

Presently SEN support is not sufficiently meeting the needs of children and young people. Evidence points to a lack of a consistent and equitable approach, with some examples of good practice, and others where no support is being given ([Zylbersztejn et. al., 2023](#)). Schools have no benchmark for judging whether a child needs SEN support. In addition to the general points made in our introduction, we call for SEN support to include access to specialist services (speech and language therapist, occupational therapist, physiotherapist) similar to the model of School Action Plus (pre-2014). The model of deployment of educational psychologists (EPs) and allied health professionals which is being used currently means they are all too engaged in statutory assessments. This comes at the expense of engaging with classroom practice and

assisting teachers and support staff to implement universal and targeted interventions and is feeding into the cycle of increased specialist demand.

Lack of Specificity and Consistency

SEN support currently lacks clear defining features, leading to significant inconsistencies across education settings. What may be considered SEN support in one school could be classified as Ordinarily Available Provision in another. This inconsistency contributes to a postcode lottery of provision, where the level and quality of support a child receives can vary dramatically depending on their location.

Absence of Research and Evidence Base

There is a critical lack of research on what constitutes effective SEN support. No comprehensive studies have been conducted to identify evidence-based strategies, determine the parameters for effective interventions, or assess whether these interventions achieve their intended aims. As a result, there is no clear standard for 'good' SEN support, making it impossible to replicate successful practices or improve overall provision.

Knowledge Sharing and Metrics

The absence of standardised metrics and knowledge-sharing mechanisms among schools further exacerbates the problem. Without a way to measure the efficacy of interventions or share successful strategies, schools are unable to learn from one another or improve their SEN support systematically. This lack of data and collaboration hinders the development of best practice and the overall improvement of SEN support across the education system.

Notional Budget and Intervention Efficacy

The notional SEN budget remains a mystery in terms of both its allocation and its impact. The efficacy of interventions funded by this budget is largely unknown due to the lack of standardised assessment methods. This opacity not only makes it difficult to ensure that funds are being used effectively but also prevents the identification and scaling of successful interventions. To enable more children and young people to access mainstream education, SEN support funding must be sufficient, transparent and accountable.

SEC also believes schools need to have a better understanding of what their responsibilities are in relation to SEN Support and how it relates to the Equality Act 2010. The same would also apply to EHCPs and the failure of schools to provide Section F provision, which would be considered 'reasonable adjustments' under the Equality Act definitions for disabled pupils.

Asks:

- *SEC calls for SEN support to be based on a robust evidence base.*
- *SEC asks for clearer metrics around what constitutes 'good' SEN support*
- *SEC calls for schools have a better understanding of what their responsibilities are in relation to SEN support and reasonable adjustments made according to the Equality Act 2010.*

2. **Defining what inclusivity in mainstream schools and early years settings should mean and look like in practice**

SEC would support the DfE to articulate an agreed definition of inclusion and a shared understanding of what it looks like in real terms in respect of practice, pedagogy, ethos, the role of specialist provision and funding, and ensure that all of those involved, including children and young people, parent / carers and practitioners, feel able to endorse it.

A definition underpinned by the legal framework

The foundations of understanding inclusion must be understood in light of sections 33 and 34 in the Children and Families Act, and the presumption of schooling in a mainstream setting.

Section 33 stipulates that “the local authority must secure that the plan provides for the child or young person to be educated in a maintained nursery school, mainstream school or mainstream post-16 institution, unless that is incompatible with—(a)the wishes of the child's parent or the young person, or (b)the provision of efficient education for others”.

This is also in line with Article 24 of the UNCRPD which was ratified by the UK Government in 2009. It is further of fundamental importance to consider the application of the Equality Act 2010 to understand how inclusive practice should be framed within the lived reality of disabled children and young people in our education system. The focus should be on putting in place reasonable adjustments and removing barriers from disabled children and young people in education, rather than placing the emphasis on what the child or young person can or cannot do. It is important that the definition of inclusion gives consideration to young people with long term health conditions, such as epilepsy. These young people would meet the definition of disabled and often face barriers to inclusion ([Young Epilepsy School Survey, 2023](#)).

Reforming the curriculum and assessment framework

We would urge the Committee to consider our response to the Curriculum and Assessment Review, which highlights the adverse impact the current framework is having on children and young people who face barriers to learning. Providing a flexible curricular and assessment framework and qualification offer, moving away from the rigid age-related expectations, and a progress measurement system which is relevant for all abilities, are the foundations of an inclusive system. We also encourage the Committee to prioritise what learning is like from the perspective of children and young people currently. Most notably, our young people who fed into the curriculum response told us that a curriculum which is relevant, meaningful, and relatable to them as individuals was paramount to reversing the trends of disengagement from learning. We using a ‘closing the gap’ narrative which positions many children as constantly behind/failing despite making excellent progress on their own educational journeys.

SEC remains clear that aspirations should always remain high for all children and young people, regardless of need. However, the narrative in research around academic achievement gap between disabled students and those with SEN and their typically developing peers reinforces that differences in levels of attainment are deficits ([Daniel, 2024](#)). For many students, especially those with Profound and Multiple Learning Disabilities (PMLD) and Severe Learning Disabilities (SLD), this ‘gap’ will not close and is likely to widen throughout their educational journey. The only gap that should be measured is the amount of progress that a pupil is making. Most often disabled learners and those with SEN are making considerable progress in comparison to their non-disabled peers. We need a curriculum and assessment framework that enables us to measure this progress effectively.

A cultural shift towards schools seeing inclusion and diversity as an advantage, and that considers the wider social context must underpin this, and we have been encouraged by recent references made by the Secretary of State regarding the need to foster a sense of belonging amongst our children and young people. Similarly, EY settings, schools, and further education must be equipped to support the increased mental health needs amongst our children and young people ([NHS England, 2023](#)). These changes must be supported by a wholesale audit of policies, i.e. behaviour / relationship policies and attendance policies explicitly refer to reasonable adjustments and pivot towards a person-centred, non-punitive approach.

Resource bases/SEN units

Another area of concern is the rapid increase in the use of school Resource Bases/Units as a solution to local authority financial difficulties rather than to address the needs of disabled children. We understand the DfE is still researching the evidence base, but we are concerned that in some cases, local authorities (LAs) are running ahead of national policy, resulting in inappropriate use of these types of provision in some areas. In some cases, a child will rarely mix with the mainstream cohort and will have very limited access to subject specialist teachers. There is a risk of creating pseudo-schools within schools, without clear accountability. We urge the Government to set out clear parameters for use of resourced provision and ensure they do not contribute to further segregation of disabled pupils and those with SEN. SEC has convened a dedicated working group to articulate how best practice might look, gather evidence and elicit views from across the sector on this issue: we are very keen to share our insights with the DfE and inform the policy direction.

Early Years and GLD

The government has announced that they want to ensure 75% of children reach a ‘good level of development’ (GLD) at the end of their reception year, rather than the 65% which currently reach that target. This target is simply unachievable without more effective and timely support for disabled children and those with SEN in the EY. Early identification and support are crucial for setting the trajectory for each individual child. It is widely acknowledged that outcomes at this age correlate to outcomes at GCSE level, further enforcing the importance of the EY for education. Research [carried out by the IFS in 2024](#) on outcomes of children who lived near Sure Start Centres shows that while identification of SEND at age 5 was higher, it was lower at ages 11 and 16, suggesting that early intervention led to a reduction in long term needs and better outcomes for children. It is therefore important that we invest heavily in EY as this will lead to better outcomes for all children and also reduce spend in the education system as a whole.

Intersectionality

We would finally urge that in this process, due attention is given to intersecting aspects of disadvantage, recognising that disabled peoples’ experiences are often shaped by different forms of disadvantage, and that identity is multi-faceted.

Asks:

- *SEC calls for an articulated definition of inclusion from the DfE*
- *SEC is clear that such a definition should be underpinned by national and international legislation and the social model of disability*

- *SEC urges the Committee to investigate the use of resource bases/SEN units and ensure they do not contribute to further segregation*
- *SEC calls for more investment in the EY to ensure children and young people have the best start to their educational journey*

3. How can inclusivity and expertise in mainstream schools and early years settings be improved to achieve consistent, high quality SEN support? What is the DfE's role in this?

As we set out above, this will require investment in the workforce, a reformed curriculum and assessment framework, a cultural shift towards valuing diversity, and ensuring adequate, long-term funding to meet needs.

To support inclusivity and the required expertise in mainstream schools, the DfE must ensure that the accountability framework incentivises schools to be inclusive, recognises inclusive practice, and clearly sets out the case against those schools and EY settings which are not inclusive: in their admissions, policies, and outcomes. We are encouraged by the intention to initiate an inclusion criterion by Ofsted and call on the DfE to go further by ensuring Ofsted school inspections and CQC / Ofsted area inspections work in concert. We also call for the accountability around curriculum and assessment to be revised.

Asks:

The DfE will need to instigate system reform to:

- *Set out a clear accountability framework which incentivises schools to be inclusive*
- *Ensure mandatory (and measurable) training on SEND in ITT and CPD (see section below on training).*
- *Provide sufficient and targeted funding for SEN support in all schools.*
- *Ensure sufficient funding for LAs to invest in the specialist workforce.*
- *Listen to lived experience of children and young people and their families and provide system of redress when SEN support is not being given.*

4. Whether SEN support should be put on a statutory footing and what this would look like in practice

SEC believes that one of the key drivers of lack of efficiency and implementation of SEN support, is lack of funding for these targeted interventions. To ensure that SEN support is timely and effective, an increase in funding is required, and EY settings and schools are given guidance to ensure the funding provided for SEN support is not siphoned off to alleviate other funding shortfalls.

We also believe that implementation of SEN support will improve when the provision for children and young people receiving 'SEN support' is consistent, well understood and includes necessary specialist support. At the moment, this is not the case. The expectations set out in the Code of Practice are not consistently applied and this results in needs not being identified in a timely manner and not consistently addressed adequately. It is equally clear that this has a

knock-on effect on the levels of need at the specialist level and rise in EHCPs. Despite increased need at specialist level, the erosion of specialist services over the past 15 years ([Still Left out of Learning, RNIB, 2021](#); [RCSLT, 2017](#); [BPS, 2024](#)) has resulted in an overreliance on support staff ([Rob Webster's 'Inclusion Illusion' 2022](#)), who have not received adequate training, to deliver the targeted interventions. We call for a clear strategy setting out the model of deployment and training framework for support staff who play a vital role in supporting children and young people.

We do, therefore, call for increased accountability, however, we are not convinced that in the system as it is currently, it can be realistically achieved by simply adding a layer of accountability to a system in crisis. We instead recommend clear guidance from the DfE is needed on, firstly, what the expectations from educational settings are on what is made ordinarily available, and what is SEN support, ensuring a clear definition on what distinguishes the two. Secondly, guidance is also needed to specify the relevant professional to deliver the targeted interventions and provide adequate funding for what is stipulated in a child's SEN support plan. Ofsted could also have a role in ensuring the nominal SEND funds are spent as intended.

Asks:

- *SEC calls for clear guidance from the DfE on what should be made ordinarily available, and what is SEN support*
- *SEC also calls for this guidance to clearly specify the professional and level of expertise needed to deliver SEN support provision*

5. Outcomes for children and young people with SEND and how these can be improved

We believe that conceptually, we must consider outcomes in a holistic way: to meaningfully capture the extent to which education is fulfilling children's and young people's potential, and preparing them for the future. 'Outcomes' must cover more than academic results: community participation and belonging, good health, functional skills, independence and transition into adult life and the world of employment and validated measures for wellbeing.

SEC has been clear that the foundation of improving outcomes lies in the timely identification, and robust response to need. As set out above and in our previous submissions, this requires adequate funding, a cultural change to include the accountability framework, a funded workforce strategy across EY, schools and post-16, including for the specialist workforce, and genuine co-production with the voices of children, young people and parent / carers at the centre of reforms.

Asks:

- *SEC asks for outcomes to be measured not based on academic progress but on other key factors related wellbeing and transition into adulthood.*
- *SEC is clear that the foundation to improving outcomes lies in a cultural change underpinned by an accountability framework that champions inclusive practice.*

6. Workforce issues for teachers, SENCOs, specialists, early years practitioners and all those who work with children with SEND

Lack of confidence and knowledge of practitioners/teachers in SEND

The overriding issue we have identified with the teaching and support staff workforce is a lack of appropriate training and ongoing continuing professional development. This is borne out in figures showing low levels of confidence amongst teaching staff in respect of feeling able to address the levels of need presenting in classrooms. According to a UCL and IFF [survey](#), only 46% of Early Career Teachers feel well prepared to teach disabled pupils and those with SEN.

This issue is particularly prevalent within the early years sector and more acutely when educators are supporting disabled children and those with SEN, where staff often cite feeling underpaid and under supported as reasons to leave the sector. One of the key issues we have identified is that our early years educators who are passionate about SEND and inclusion often seek a move to schools for increased pay.

Specialist input in many areas of the country is also extremely low in EY compared to schools. This lack of specialism in children's earliest years has a detrimental impact as educators, who are passionate about supporting disabled children and those with SEN, can feel unsupported and choose to leave the sector, feeling ill equipped to respond to growing levels of need.

The pressures of supporting disabled children and those with SEN effectively, supporting their families and doing what is best for them to improve their life outcomes weighs heavily on many EY educators. They feel a huge responsibility for giving those children the best start – often with less knowledge than they would like and scarce resources available. Research conducted by the [University of Leeds for the Early Education and Childcare Coalition](#) found that key reasons for staff to leave the sector was the lack of specialist knowledge and support to meet their needs.

Recruitment and retention crisis & burnout

Compounding the issue above, and related to it, is the ongoing recruitment and retention crisis, meaning there are not enough trained and qualified teachers in the system. This is proven by DfE school workforce data, which shows that teacher vacancies have increased by 20% to 2,800 in November 2023 from the year before, and more than doubled in the last three years. Temporarily filled posts also increased; from 2,100 to 3,700 over three years ([DfE, 2023a](#)).

Connected to the recruitment and retention crisis, and exacerbated by it, is burnout of teachers, specialist and support staff, as demonstrated by a recent NEU 'State of Education' survey ([NEU, 2024](#)). We would like to see a commitment from the government to alleviate the pressures on teachers through adaptation to the curriculum and accountability frameworks (see responses to other questions). We would also like to see provision of adequate mental health support to the teaching workforce.

A whole setting/school approach to SEND

SEC is concerned that at times there is a perception that school SENCOs carry the sole responsibilities for SEND. All professionals have a responsibility and should be accountable for inclusive practice within a school.

SENCOs should be provided with the conditions to fulfil their role adequately, for example to ensure their time isn't taken up with teaching duties; this will allow them to attend to preventative, proactive approaches. SENCOs should be an integral part of schools' Senior Leadership Team.

Deployment of specialist workforce

In respect of the specialist workforce, including allied health professionals, the problems relate to capacity. The "SEND in the Specialists" Coalition, led by the Royal College of Speech and Language therapists, are leaders in this area. [In their open letter to the Education Secretary](#), which SEC endorsed in 2023, they made the critical point that "for mainstream educational settings to be truly inclusive, teachers must have access to a broad range of specialist education, health and care professionals to ensure the best outcomes for children and young people, including those with SEN. Specialist settings must also be able to recruit the expert staff they need to meet the needs of their pupils."

Looking forward, if we are aspiring for a system geared towards inclusive mainstream schooling, there must be a revaluation of the ways we utilise the specialist workforce. In the current system, and under current pressures, we see this workforce used predominantly (and in some local areas, almost exclusively) at the specialist level, in the form of 1:1 intervention. SEC calls for a move towards deploying the specialist workforce much earlier and including in ways which support classroom teachers. A good example of this is the way EPs are deployed, presently overwhelmingly undertaking statutory assessments. We would like to see their expertise utilised to carry out whole-class observations; providing ongoing advice and support to teachers; and being embedded within school communities including playing a role in ongoing CPD programmes. Presently, the shortage of EPs is not a quick fix, despite 400 more being trained, which is not nearly enough as this is a doctoral position and so takes years to qualify for.

Asks:

- *SEC calls for an approach that embodies the notion of every 'practitioner/teacher is a practitioner/teacher of SEND'.*
- *SEC also calls for early identification and deploying the specialist workforce much earlier and in ways that support classroom teachers and EY practitioners*
- *SEC calls for a commitment from the government to alleviate the pressures on teachers through adaptation to the curriculum and accountability frameworks and adequate mental health support.*

7. What substantive training is needed for teachers, teaching assistants and all those who work with children with SEND to improve knowledge of SEND and pedagogical approaches to teaching SEND Children to increase their inclusion in schools?

The foundation of better inclusive practice lies in better Initial Teacher Training and ongoing CPD for the teaching workforce. As [set out in detail in our Initial Teacher Training \(ITT\) response in 2023](#), SEC calls for a significant increase in content to equip teachers with a sound understanding of the legislative framework, including the Equality Act and the Children and Families Act. On the latter, it is imperative teachers are fully aware of the anticipatory duties around reasonable adjustments. Whilst many of the statutory responsibilities lie with schools

and LAs, teachers have individual professional responsibilities under the Teachers' Standards ([DfE, 2021](#)).

In our initial teacher training consultation response, we advocate for both a stronger focus on inclusive teaching and a better theoretical and practical knowledge of SEN and Disabilities. This knowledge includes but is not limited to;

- Knowledge of specific learner profiles, for example neurodivergence
- Knowledge and training around students' needs who have Cerebral Palsy, Epilepsy and Down's Syndrome
- Knowledge and training around students' needs who rely on Augmentative and Alternative Communication (AAC) for communication and learning.
- Knowledge and understanding of dyslexia and dyscalculia and how to support these children and young people in literacy and numeracy
- Understanding behaviour as a form of communication
- Understanding of the core values of inclusive education
- The skills required to work collaboratively and effectively with multi-disciplinary specialists
- Teachers must be competent and confident in pedagogical approaches supporting learning and adapting materials, beyond subject knowledge and be celebrated for employing creative methods to engage all learners.

SEC further called to ensure every trainee teacher experiences practice placements include a focus on SEND and equip trainee teachers with knowledge of identifying and supporting learning needs, and experience of delivering high quality teaching to all pupils, regardless of ability. This idea was set out in the SEND and Alternative Provision (AP) Improvement Plan, but to date has not been established.

We recommend that the Government commits to continuing the Whole School SEND Free-to-access Universal SEND Services training programme long-term, and expand it to cover EY and post-16. The DfE could do more to push this training that it funds, including its own teacher communications, to LAs, schools themselves and to academies.

Schools, LAs and families need to have access to expertise and specialists by increasing training and recruitment and by drawing on existing expertise in specialist schools and third sector organisations, including those that provide early intervention services.

SEC advocates for a centralised online training portal with all teacher training courses available from EY to FE/HE, their accreditation, what you will learn, their costs, testimonials. There could be different ways to fund this other than through government funds, such as making use of advertising.

A national strategy should set our best practice in respect of deployment of support staff, including benchmarks for their training. We believe the scholarship available in this area is sufficient to provide a template for this work.

Ask:

- *SEC calls for an investment in teacher training on SEND at school, college and EY level, especially in ITT, which both champions inclusive teaching and practice*

but also a solid basis of knowledge around SEND.

8. The role of and capacity of specialist schools, independent schools and Alternative Provision

Learning from special schools and AP

We emphasise the importance of ensuring that every child and young person is offered a suitable placement within a school, as stipulated in the legal framework. Many special schools currently provide access to the right support to those disabled students and those with SEN who need that support in order to reach their potential. Many special schools are effectively providing the right support and some work well with LAs in supporting those who need high level support.

We feel that special schools have a role to play in teaching the wider sector important lessons on how best to support children and young people with different needs. We are aware this is already happening in some areas; for example, in Sunderland, Sunningdale school, an [outstanding-rated Ofsted primary special school](#), has been supporting mainstream primary schools in the area to adapt the curriculum to be more inclusive of children with increasing levels of need. An example of AP supporting mainstream is the Oxfordshire Hospital School's 'Medical Needs in Schools' project, providing training and support to schools across Oxfordshire in how to support children with health conditions: [MNIS - Medical Needs In Schools | Oxfordshire Hospital School](#). These serve as examples of how, with sufficient local oversight and strategic planning, the specialist sector can play an important role in promoting inclusive best practice in the wider educational eco-system.

Ordinarily Available Provision

We also repeat our statement that the foundation of any inclusive system is a well-articulated, co-produced, and binding set of expectations in respect of the support afforded to disabled children and young people and those with SEN. This is currently known as Ordinarily Available Provision and was an important pillar of the SEND and AP Improvement Plan, in the form of the National Standards.

Alternative Provision

SEC believes that AP should not function as a long-term placement and is concerned about the conflation of 'additional' and 'special'. We believe the three-tier AP system proposed by the Improvement Plan risks exacerbating this confusion. We are further concerned that these radical proposals are not backed up by a comprehensive workforce strategy for the AP sector, nor a good enough understanding of the AP estate and capacity.

According to the [2023 SEND and AP Improvement plan](#), Pupil Referral Units (PRUs) and APs are intended to be "time-limited or transitional places" for pupils who need more intensive support. We are concerned at SEC that this is not the case and warrants further investigation. Our member, PRUsAP advocates for bringing the voices of children and young people who attend PRUs and APs to understand their experience of transition between EY settings and schools, and where this can be further improved.

Asks:

- *SEC suggests looking to special schools, alternative provision, specialist teaching services and FE to provide best practice examples of where their flexible schooling approaches have benefited disabled pupils and those with SEN.*
- *SEC suggests evaluating models of special school expertise integrated into local area schools*

Education, Health and Care Plans

9. How can waiting times for EHC Plans be improved?

This issue will not be resolved without better resourcing to LAs to carry out their legal duties on timelines for EHCPs. We also believe that genuine and meaningful coproduction, as set out in the Children and Families Act 2014, will also result in better communication between services and families and timelier support.

SEC also urges the Government to invest in a robust training programme for SEND officers, which includes the focus on pupil and parent voice. Many officers report little to no training prior to writing plans and their performance is based on meeting deadlines.

On the subject of standardisation and digitisation of EHCPs, SEC supports a standardised format and argued for this in 2014 at the time of the Children and Families Act. There needs to be a careful consideration of how a new format can support:

- a sharper focus on the voice of child, parents and young person not just in Section A but throughout the plan;
- an early conversation, see above, to inform the development and drafting of the EHCP;
- improvement in the quality of EHCPs;
- better planning for transitions at every phase and stage including post-school and into life after full-time education;
- accessibility for all parents, children and young people – including through use of appropriate software, hardware and through sound and reliable connectivity, and easy read versions of documents/plans for those with learning disabilities

There is an increasing demand for EHCPs to be in place before a child enters school, and this is leading to a rise in deferrals as children stay longer in the EY due to the absence of an EHCP. It is also putting significant pressure on an underfunded EY system.

An effective strategy increasingly being used in local areas to address this is to focus on the reception year in school as the focus for making EHC needs assessment applications. This requires funding for both the EY settings conducting enhanced transitions to hand over tailored support strategies they have developed through using the graduated approach, and then at reception to identify which children need to apply for an EHC needs assessment and then make the application.

This joint investment in the EY and reception year, facilitates excellent transitions and results in better outcomes for children. It can also resolve the current increase in the number of deferrals to stay within EY, where children who have not managed to secure an EHCP are told the school cannot meet their needs. This would build recognition that strong inclusive practice and early identification of need is critical as a first step to identifying emerging needs, and if assessed

consistently using the Assessment Guidance, reception staff could use these to facilitate effective transitions before assessing whether an EHCP is required for the child.

SEC also believes that, in the longer term, better understanding and implementation of inclusive practice in EY settings and schools, earlier identification of need, and significant investment in specialist services, will result in more appropriate EHCNA applications. This will, in turn, result in EHCPs getting to the children and young people who need it most, in a timely manner.

Asks:

- *SEC calls for better resourcing for LAs to carry out their legal duties and timelines for issuing EHCPs*
- *SEC urges the Government to invest in a robust training programme for SEND officers, which includes pupil and parent voice*
- *SEC also calls for the government to jointly invest in the EY and reception year to facilitate better transitions.*

10. What can be done to support parents, carers and children or young people before, during and after the EHC Plan process?

As above, parents, carers, children and young people need to be involved every step of the way in the EHC needs assessment and plan issuing process, as outlined in the Children and Families Act, 2014. Research ([Sharma, 2021](#)) highlights the barriers faced by SEND professionals when eliciting voice of child and the most agreed upon solution to overcoming this was using creative methods. SEC urges the Government make resources available to SEND teams to elicit children and young people voice and ensuring a wide range of mediums to support all pupil needs.

Regular communication between case workers and families on progress of applications and implementation of support is paramount to building that trust and cooperative relationship. There is also the issue of those children and young people who are waiting a long time for EHC needs assessments and EHCPs to be issued ([Children's Commissioner, 2024a](#)). Resource should be made available to begin provision where it is obvious the needs merit it, while children and young people are waiting for these processes to be completed.

Children, young people and parents need access to high quality, legally based, impartial information, advice and support to enable and empower them to understand and navigate the EHCP process alongside the wider systems of support available. We know that those who use their local SEND Information, Advice and Support hugely value their support and Ofsted/CQC report on the positive difference they make to the outcome for children and young people ([IASSN, 2024](#)). However, we also know that there is not enough capacity in SENDIAS services to meet demand or to support early intervention when needs are first identified ([IASSN, 2025](#)). Consideration should be given as to how to increase their capacity including through stronger joint commissioning duties.

Asks

- *SEC urges the Government to make resources available to SEND teams to elicit children and young people voice and ensure a wide range of mediums is used to facilitate communication.*
- *SEC asks the Committee to give due consideration on how to increase the capacity of local SEND information, advice and support networks.*

11. How can the EHC Plan process be made non-adversarial?

Current challenges with the EHCP process are related to the wider issues affecting SEND provision and cannot be seen in isolation. Some of the ways to make the process non-adversarial are ensuring sufficient resourcing at LA level, adhering to the guidance around genuine co-production, and attending to the accountability issues raised in this response, in order to provide clarity for parent / carers. It is also fundamental that while a child / young person waits for the process to be completed, they are not left in 'limbo': schools and LAs should proactively begin interventions where there is good reason to believe support is needed and this is being delayed due to a slow process.

12. What alternatives are there to the EHC Plan process?

SEC is not responding at this time.

Current and future SEND need

The 2014 Special Educational Needs and Disabilities (SEND) reforms, introduced by the Children and Families Act envisaged 20 years of change.

13. How has SEND need changed over the ten years since 2014 and how will it continue to change over the next ten years? What are specific projections for future SEND need?

It is important to state that the definition of SEN is relative, and while many children and young people who are currently labelled as 'having SEN' will always require additional support, others may move out of that definition. This reflects natural life changes; it also, though, reflects the fact that as the universal offer in mainstream education diminishes, more children and young people will find themselves requiring 'different from and additional to' provision.

Other factors which are widely accepted to be driving the increase in need are the legacy of the pandemic and associated school and setting closures, and better understanding and diagnosis of some conditions, such as autism amongst girls.

Another key point is a strong emphasis on 'primary need' when, in fact, this can lead to other needs in a student's profile being overlooked. For example, if a child or young person is autistic, it may be overlooked that they also have social, emotional and mental health needs which will go unaddressed. Data shows the intersection between autistic children and young people and increased levels of mental health challenges ([NAS, 2022](#)).

Early identification of need in EY and effective response to this can reduce the need for EHCPs. Effective transitions where EY input is valued and recognised by schools and increased support for reception stage would reduce both costs and pressures felt later in the education system. We should replace the narrative of being 'school ready' with 'transition', which focuses on a collaborative approach for all children from EY to reception stage.

Key points

- *The definition of SEN is relative and based upon the level of provision available in a setting or school.*
- *We should replace the narrative of being ‘school ready’ with ‘transition’ to facilitate collaboration between the EY and reception stages.*

14. What does the DfE need to do to improve their current and future assessment of SEND need?

SEC is not responding at this time.

Current and future model of SEND provision

1. How does SEND provision vary between local areas and what can be done to promote consistency of approach?

There is evidence of variance in practice between local areas ([Children’s Commissioner, 2024b](#)), and it stands to reason that one of the drivers behind this is difference in financial resources available and the status of the teaching, support and specialist workforce, all of which as stated above are in the midst of varying degrees of challenge around recruitment and retention.

SEC believes a balance needs to be found between designing local provision which is suitable and tailor-made to the local context, and a consistency in the *quality* of support available across the country, including in the timeliness of support, and access to specialist provision when needed.

As things stand currently, the best way to ensure consistency of provision is adherence to the law around SEND, and ensuring that LAs, schools, colleges and EY settings are adequately resourced to do so.

Place planning for schools is critical to meet demand, but currently many SEND strategy meetings have limited or no data from the EY. EY leaders and teams are not always included in strategic planning, therefore the critical first part the planning process is being missed. In order to improve place planning, we must better integrate early education with the rest of the education system.

Asks:

- *SEC recommends striking a balance between ensuring consistency of support nationally but also considering different local context and demographic factors. Underpinning this should be adherence to the legal framework.*
- *To improve place planning in the EY, SEC recommends to better integrate early education within the rest of the education system and involve EY leaders and teams in wider strategic planning.*

2. What changes are needed so that local education authorities can effectively plan for SEND school places and to deliver new SEND schools and new SEND school places?

EY: A huge barrier to assessing supply and demand of SEND places in the EY is the inconsistency within Childcare Sufficiency Assessments (CFAs) of LAs. These currently do not clearly consider supply and demand of places, and as a result, there is not effective place planning in the EY or managing the market effectively. As with much tracking and measurement in education, it appears that planning for disabled children and those with SEN only starts in primary school. This must be addressed if we are to better start the journeys of all children within the education system, assessing and responding early to their needs, supported by adequate funding and resources.

FE: Place planning applies to colleges just as to schools. The issue is becoming a more acute problem because the numbers and proportions of disabled young people and those with SEN post-16 are increasing ([NAO, 2024a](#)). There is often last-minute place planning for individuals, rather than longer term strategic numbers planning for cohorts. This undermines colleges' ability to plan staffing and courses and results in stressful transitions for students and their families.

LAs should be required to publish strategic plans for places and corresponding capital investment. For individual place planning there is already a well- designed process laid out in the SEND Code of Practice. The digitisation of EHCPs would allow adherence to process and timelines to be measured.

Asks:

- *SEC calls for better consideration of supply and demand of places to begin in the EY, with adequate funding and resources*
- *SEC also recommends that LAs should be required to publish strategic plans for placements and corresponding capital investment at post-16 level.*

3. What can be done to improve the effectiveness of multi-agency and joined up working cross education, health and social care?

SEC believes that better joint commissioning and clearer delegation of responsibilities is required between health, education and social care. We would also support alliance commissioning as an approach to funding integrated services. Commissioning processes need to adapt to incorporate alliance thinking, moving away from straightforward procurement towards contracts in which the person's experience and outcomes are at the centre and collaborative provision and governance can be handled. Bringing in commissioning support early has been recommended by many involved in this process ([NDTi, 2019](#)).

Role of Designated Medical Officers/Designated Clinical Officers

The role of the Designated Medical Officers and Designated Clinical Officers (DMO/DCO) facilitates joint working between local education and health services, as set out in the SEND Code of Practice. We recommend that these roles should be sufficiently resourced in every local area.

The Ofsted and CQC report '[Local area SEND inspections \(one year on\)](#)' found that:

“In successful local areas ... [leaders] focused on improving the impact of joint working across services to ensure that they could improve outcomes in areas of weakness. For example, giving the designated medical officer (DMO) or designated clinical officer (DCO) sufficient time resulted in improved joint commissioning arrangements.” (p. 6)

Ask:

- *SEC calls for appropriate funding and resourcing of DMOs/DCOs to improve joint commissioning arrangements*
- 4. How can specialist provision, especially support for conditions which occur infrequently but give rise to the need to a high level of support and which may be beyond the capacity of individual LAs, best be provided and commissioned?**

SEC is aware of the statistics that demonstrate learners with an EHCP have nearly doubled in the last 10 years, 4.8% and rising ([DfE, 2024a](#)), as compared to the fairly consistent 2.7% of the population with a Statement of SEN prior to 2014 ([Pinney, 2017](#)). Clearly, not all these learners are in the low incidence/high needs category, but a high proportion must be if we are to believe the reported evidence from both special and mainstream schools. SEC’s member, Equals, who work with, and develop curricula for, children, young people and adults with profound, complex and severe learning disabilities (PMLD, CLD and SLD) have provided their reflections on how to support this group of children and young people.

Firstly, we do not believe that it is outside of the remit or ability of either individual LAs or individual mainstream schools (whether primary or secondary) to cater for the vast majority of high needs/low incidence pupils and students. There are, however, pre-conditions to working within such a philosophy, namely, that we must:

- Stop excluding a small but significant number of children from the right to a meaningful and appropriate education.
- Utilise the spare capacity occasioned by falling primary school rolls.
- Recognise each school as a community of different but equal partners all involved in the process of education which can provide a fully inclusive educational system fit for the 21st century.

Such changes would in turn, enable LAs to plan long term by reviewing the number of residential placements which again, normally operate outside of the state-maintained sector. The prospect of educating happy, confident, optimistic children in state-maintained mainstream and special schools may be a major first step towards reducing LAs increasing dependence on such institutions, and thereby achieving a more manageable and cost-effective balance.

SEC also believes that better commissioning and data monitoring is needed by LAs to provide a high quality of education to these learners. Commissioning by LAs of provision for students with low incidence needs is not always done well, despite the fact that individuals’ needs have often been known to LAs for many years prior to transition. This applies to low-incidence high-cost needs such as PMLD and lower cost needs such as some sensory impairments. If LAs were required to publish their strategic numbers planning for SEND, they could also be required to coordinate with neighbouring authorities. Alternatively, provision for low incidence need could be commissioned on a larger geographical footprint.

Asks:

- *SEC recommends better joint working between special schools, institutions and the local authority to facilitate better place planning and resourcing.*
 - *SEC believes commissioning by LAs should be improved, by requiring LAs to publish strategic numbers planning for SEND, especially those with low incidence needs.*
- 5. How can excess profit-making in the independent sector be tackled without endangering current provision?**

SEC is not responding at this time.

6. What is working effectively within the current SEND system and how can best practice be sustained or scaled up?

We conducted a session with some disabled young people from the FLARE group, the DfE's official SEND young people advisory group. Whilst many of them had suggestions for how approaches to education could be improved, some of them had examples of positive experiences of learning. Analysis of the below examples demonstrates that flexibility in the curriculum and assessment structures, relevance to the young person, and valuing qualifications equally is important to the young people we spoke with:

- "Media studies coursework cross-curricular with English, creating a magazine cover article with images. Made an article about a fictional autistic author and took pictures around school and edited on Photoshop"
- "English Language GCSE – able to deliver a speech about being neurodiverse"
- "Chatting time and warm up conversations to get students excited about the lesson"
- "Horse Equine Assisted Qualifications – experiential and learner lead, not in a typical classroom. Life skills that allowed me to do what I do now."
- "BSL (British Sign Language) as a lesson not just support. Improves understanding of other languages and cultures."
- "Opportunities for independent research/extended writing projects."
- "[HITZ programme](#) – work related sports activities. Fun, engaging, great staff."
- "Research project about a disability chosen by teacher – researching and making a care plan. Really thought provoking and made me learn new things about the disability."

What is working in EY to support disabled children and those with SEN:

- The use of Ordinarily available Provision by LAs to highlight what families should expect from provision
- The use of Graduated approach alongside the assessment toolkit to identify and respond to need
- To focus on funding based on reporting rather than lengthy application processes
- Increased focus on supporting the family as a whole throughout their journey and involving them fully as the experts in their child

- Inclusion training is having a significant impact on increasing the support for disabled children and those with SEN in the EY

The graduated approach, when used consistently, allows EY settings and schools to understand children's needs and identify strategies and interventions that enable the child to thrive in a mainstream setting. Families feel confident that a SEND specialist is not needed immediately because professionals are able to understand and meet needs themselves. Where further specialist support becomes necessary, the specialists have a comprehensive record of approaches trialled in order to make the most of their time and expertise.

SEC would suggest looking at approaches in FE to see what practice could be scaled up. The government's aim is to have almost all disabled young people and those with SEN educated in mainstream, with specialist providers reserved for those the most complex needs. This is already the position in the college sector. College provision is highly inclusive and operates at a vast scale – colleges educate more than half of all 16-17 year olds in publicly funded education and more than 29% of younger students have SEND ([MIME, 2019](#)).

These FE settings, in general, are better able to recognise the progress of the full breadth of the young people they serve, than is the case for schools. The broader range of options, availability of a wider range of levels in terms of programmes and qualifications, and greater freedom in curriculum design (without the constraints of a National Curriculum) are all contributory factors.

There are some specific features of the current 16-19 system that are particularly helpful in supporting and recognising progress for disabled learners and those with SEN in FE, including:

- freedom for disabled learners and those with SEN to follow a non-accredited route or to combine accredited and non-accredited learning so that the curriculum can be shaped around their needs, interests and aspirations
- the range of personal and social development/employability/independent living skills qualifications of different sizes and levels, with flexible rules of combination that can be used to underpin personalised programmes
- supported internships which can be flexibly designed within broad parameters to offer the learning experiences needed to help secure progression to employment

Asks:

- SEC calls for better understanding of the graduated approach and consistent application across education settings and schools.
- SEC calls on the government to recognise the importance and distinctness of the college sector. To sustain this important work requires rapid action to tackle the teacher pay gap between colleges and schools.

7. How can innovation be encouraged across the system to address the current pressures and challenges?

SEC urges the Committee to be cautious that innovative approaches are not used to mask unlawful practice. Many education settings, schools and LAs are employing creative and innovative models to support disabled children and young people and those with SEN to have a

positive learning experience. These innovative approaches work well when they are led by local knowledge and practice and robustly tested for their evidence basis. We are adamant that innovative approaches are not used to bypass local authority and schools' duties to follow the law in providing effective support to disabled children and young people and those with SEN.

8. Are changes needed to the curriculum in mainstream schools to enable SEND children to fulfil their potential? If so, what changes are these?

Please see our [full response](#) to the curriculum and assessment review.

Asks:

SEC calls for:

- Create greater flexibility within the National Curriculum framework to ensure it can be individually adapted to those who may need a more personalised approach
- Greater value to be placed on non-core and vocational subjects and options to pursue these in further education
- A curriculum and assessment framework that moves away from age-related expectations and offers equal recognition and praise for learning progress made by all children and young people, regardless of need
- To have due regard of the legislation when reviewing the curriculum, to ensure it remains accessible and appropriate to learners, especially disabled pupils and those with SEN.
- Review the curriculum and assessment framework as part of the whole education picture, including ITT, approaches to pedagogy, and a shift towards a more inclusive ethos

9. What has the impact of the 2023 SEND and Alternative Provision Improvement Plan been to date? What needs to be done to ensure further, longer term benefits are achieved?

Almost two years on from the publication of the SEND and AP improvement plan, there is no evidence of discernible improvement in children and young people's outcomes, or a move towards a more sustainable, and inclusive system. We have also not heard from our members a significant change in the 'adversary' nature of the system as experienced by parents and carers.

10. At the points on the education pathway that SEND children are at greater risk of leaving school for long term absences, home schooling or exclusion, what reasonable adjustments and EHCP support would enable them to continue education in mainstream schooling?

Please see our [full response](#) to the Education committee's call for evidence on persistent absence and support for disadvantaged pupils. Our key points are:

- SEC believes that the promotion of high attendance rates should be seen through an inclusion prism: namely, that an inclusive, welcoming environment must be the first response, and that conversely, the focus of the interrogation into school absence should move away from laying the blame with parents or seeing the issue as one predominantly of behaviours that challenge.

- To ensure pupils are not absent from school due to unmet need, schools require appropriate funding, recognising the additional costs of SEN and Disability.
- Disabled children and young people are at a significantly higher risk of being bullied compared to their peers ([The SEND Futures Discovery Phase study 2022](#)). This can lead to concerns attending school and long-term absence. SEC advocates for effective interventions, such as the implementation of anti-bullying policies that specifically address the needs of disabled children. Secondly, training for teachers on recognising and responding to bullying, particularly in inclusive classrooms, is crucial.

11. What can be done to reduce the disproportionately high exclusion rates for students with SEND?

Firstly, all educational settings must be well-informed in the relevant legislation, including the Equality Act 2010 and the anticipatory duty of making reasonable adjustments. A wider cultural shift is required to ensure that inclusion is not overshadowed by an agenda of ‘rising standards’ and that children and young people’s well-being is always given the highest priority. Our recommendations in the Curriculum and Assessment Review will, we believe, support such a cultural shift. The accountability framework must be adapted to support inclusive practice.

Before 2012 the guidance for exclusions included an Independent Appeals Panel (IAP) which could reinstate an excluded pupil to their school. After 2012 this was changed to an Independent Review Panel (IRP) that could not reinstate an excluded pupil, but only recommend, or quash and direct, the governors to reconsider their decision.

DfE ministers were keen for schools to deal with unacceptable behaviour in an unfettered disciplinary way and it is no coincidence that the pre-2014 dimension of EBD (Emotional and Behavioural Difficulties) was renamed as SEMH (Social, Emotional and Mental Health) in the Children & Families Act 2014. This was so that ‘behaviour’ could be dealt with via the pastoral and disciplinary route and be separated from SEN and the requirement to make special educational provision and reasonable adjustments.

Although the 2012 exclusions guidance, and all subsequent iterations, insist that schools and governors should take account of the Children and Families Act 2014 and the Equality Act 2010 when making their decisions, many fail to do so as can be seen by the number of quash and direct decision made by IRPs since 2012 (1058) with 394 pupils reinstated by the governors when they reconsidered the case.

There is a desire to see exclusions reduce, and this data may prompt a review of the DfE decision and reinstate the pre-2012 IAP guidance. It is very clear that pupils with SEN, most often ASD and ADHD, are being swept up in a disciplinary route which is inappropriate for their needs and expressly against the expectations of the Equality Act 2010, because their behaviours are a manifestation of their condition which require special educational provision to be made for them.

If this reversal is not possible then much stronger guidance and mandatory training for headteachers and governors is needed. This would take them through a series of questions which relate to behaviour presenting as a result of unmet need and whether the legal duties have been followed. These questions would then provide a mechanism to reinstate the pupil as the school had not demonstrated they have applied the best endeavours duty of the Children & Families Act 2014, or the reasonable adjustments duty of the Equality Act 2010.

Ask:

- *SEC calls for mandatory training on headteachers and governors on legal duties and how they influence the schools' exclusion policies*

Exclusion in the early years

Despite the importance of this stage of education, we are currently failing disabled children and those with SEN and their families in the EY. [Coram's annual childcare survey in 2024](#) found that only 6% of local authority areas felt they have enough EY provision for disabled children and those with SEN. This is a drop from 18% in 2023, showing a dramatic worsening in access to EY provision. [Dingley's Promise research in late 2023](#) found that one in five families had been turned away from an EY setting because of their child's needs, something that is repeatedly being raised as a concern through our work with families and LAs across the country.

Asks:

- *SEC calls for a clear reporting process for families when they have been turned away from a setting to enable the local authority and support services to provide support to both the family and setting.*
- *SEC calls for mandatory recording of SEND numbers as part of the child sufficiency assessments and use of local data to inform place planning for disabled children and those with SEN.*

12. How should the health needs of children with SEND best be met while they are at school or in EY settings and who should fund this?

Meeting health needs**Key points**

- Children and young people with medical conditions in EY settings, schools and colleges should be properly supported so that they have full access to education, including school trips and physical education.
- Governing bodies must ensure that arrangements are in place to support children and young people with medical conditions in EY settings and schools.
- Governing bodies should ensure that setting and school leaders consult health and social care professionals, children and young people and their families to ensure that the needs of children and young people with medical conditions are properly understood and effectively supported.

Statutory guidance

The statutory guidance on supporting pupils with medical conditions needs to be reviewed and strengthened. It has not been reviewed since 2015. It is important that the government reviews the guidance and its implementation and seeks to strengthen the arrangements so that children with health conditions can fully participate in school life. This includes clarity on the roles of different stakeholders across education and health – the guidance does not reflect current healthcare structures, nor does it recognise the concept of delegation of healthcare tasks.

Every child with a long term health condition should have an IHP for school (or other educational setting). This should be made clear in the statutory guidance. Individual Healthcare Plans (IHPs) play a vital role in supporting children with health conditions at school. They help school staff understand each child's condition, ensure their safety, and pave the way for full inclusion in every school activity. However, they are not being consistently used. Young Epilepsy's survey found that only 1 in 2 children with epilepsy had an IHP for school. Young people with epilepsy and their parents told us about seizures being missed or mistaken for not paying attention, school staff being unaware of what to do when a seizure happens, and children being unnecessarily excluded from learning, sports and trips. ([Young Epilepsy, 2023](#))

Training and Support

LAs and healthcare systems need to ensure that school staff are properly supported and have access to relevant training in order to fulfil their duties. Schools often struggle to access the support they need. Urgent recruitment, retention and training of a skilled SEND workforce is needed. Children with physical disabilities including cerebral palsy may have a range of learning, developmental and medical needs which will require support from a skilled multiprofessional team including health visitors, paediatrician, nurse, dietician, occupational therapist, speech and language therapist, physiotherapist, specialist teachers, educational psychologist, AAC and assistive technology specialist, and others, all of whom require specialist knowledge of the condition in order to provide effective support and intervention.

There are ongoing challenges in the recruitment, retention, training and continuing professional development of many of these professions at national and regional level which lead to gaps in essential support especially in the vital EY when identification and intervention is so important. For this reason, it is imperative that the education system retains the type of expertise available in specialist schools, colleges and EY settings (many of which are in the specialist independent/3rd sector) for children with neurodisability so they can be accessed as appropriate.

Arrangements for children with complex health needs should allow for flexibility so that they can easily access highly specialist expertise routinely as full time, part time, outreach or "as required" SEND provision.

Holistic approach to support health needs

Children with neurological conditions such as cerebral palsy will have a range of co-morbidities and health needs which can be interrelated and impact on each other. Therefore, a holistic approach to meeting healthcare needs is required which will encompass a multidisciplinary team and inter agency working. Within SEND, the challenges of providing a joined up and effective service for children with complex health needs are multiple and require a culture of proactive collaboration across all sectors and providers.

The imminent publication of NHSE's Integrated Care System Framework: Commissioning services for children and young people living with Cerebral Palsy provides a unique opportunity to implement robust systems for meeting the holistic care needs of children with neurodisability from birth onwards. The Executive Summary of the Framework states that it "should be used by ICS as a tool as a supportive tool to aid the commissioning of high-quality services for children and young people with CP." The Framework sets out best practice across agencies and provides

exemplars and models based on existing practice which can be adopted by Systems across the country. It could also act as a best practice model for all complex disabilities.

Due to the holistic and complex nature of cerebral palsy which can encompass a range of health and developmental challenges, establishing a model of education and care which meets the needs of this cohort would provide a blueprint for all disabilities.

Funding for supporting children and young people's health needs

For disabled children who require health provision whilst at school, system-level change is needed. The DfE statutory guidance on supporting children with medical conditions does not place a clear limit on the health care that schools can directly provide and does not effectively delegate where NHS care is needed at an individual or organisation level.

SEC believes that better joint commissioning and clearer delegation of responsibilities is required between health, education and social care. We would also support alliance commissioning as an approach to funding integrated services. Commissioning processes need to adapt to incorporate alliance thinking, moving away from straightforward procurement towards contracts in which the person's experience and outcomes are at the centre and collaborative provision and governance can be handled. Bringing in commissioning support early has been recommended by many involved in this process ([NDTi, 2019](#)).

The Children and Families Act 2014 Section 100 duty on schools is for them to 'make arrangements' to support pupils with medical conditions; however the accepted narrative has become that 'schools must provide what is needed'. This narrative sidesteps the legal obligations of the NHS and positions schools as a substitute NHS service. This is out of step with the legal framework and causing acute local issues between schools, NHS practitioners/commissioners and LAs, as well as for school support staff who are in some cases expected to deliver NHS care with minimal or no NHS-commissioned clinical support and outside of the appropriate legal, governance or regulatory frameworks.

This practice jeopardises the safety of both staff and children. A compliant solution must be found, which puts the right people in the right place to provide care. This should include an NHS-commissioned, needs-led clinical school nursing service for schools, alongside the LA-commissioned public health nursing service. Ensuring safe care for pupils with medical needs must be a top priority.

We note that a [2022 House of Lords report](#) providing post-legislative scrutiny on the Children and Families Act 2014 says the following:

"...in relation to section 100—the duty on schools to make arrangements for supporting pupils with medical conditions—the Government's one sentence assessment was: "The department does not monitor compliance with the duty and has not carried out any research on the impact of this duty."

It is vital that compliance with the duty is urgently reviewed by the Government and systems put in place to enable children with medical conditions to receive the NHS care they are entitled to under the NHS Constitution.

We are aware of NHS-employed health care support workers who are based in schools, and this set-up provides a compliant model of delivery which would protect organisations, individuals and most importantly the children and young people in need of health care.

Post-16 students

Many students require a variety of input from health professionals including speech and language therapists, EPs, occupational therapists and others. Both LAs and Integrated Care Boards, often see these services as paediatric, limiting access for college students. The age limit of 18 (in most areas) for Child and Adolescent Mental Health Services (CAMHS) creates significant difficulties for students.

Asks:

- SEC asks for the statutory guidance on supporting children and young people with medical needs to be reviewed and strengthened.
- SEC calls for better joint commissioning and clearer delegation of responsibilities between health, education and social care.
- Age thresholds for health should match the 0-25 SEND system. The 2014 guidance on supporting pupils with medical conditions at school should be revised to include college students' and EY children's medical needs.

13. What steps should be taken to improve the post-16 landscape for students with SEND?

CONTEXT: There is no clear vision for post-school provision for disabled 16-25 year olds and those with SEN and a lack of strategic planning at local and regional level. Local areas have not fully identified the mix and balance of mainstream and specialist provision needed to meet the current or future needs of disabled young people and those with SEN in their locality or region.

Colleges educate [more than half](#) of all 16 and 17 year olds in publicly funded education. There are more 600,000 college students funded through 16-18 funding, of whom [more than 29%](#) have an identified SEND ([DfE, 2023b](#)) ([AOC, 2024](#)). Around one in 7 [holders of EHCPs are now](#) in Further Education (FE). Since students typically stay in college only for 2 or 3 years. This high proportion means very many more, if not most, holders of EHCPs, will progress to college on leaving school.

Colleges are also major players in alternative provision. Recent [AoC-Nuffield research](#) shows that most colleges have 14-16 provision, catering for 10,000 students, very many of whom are disabled or who have a SEN.

In 2024 the [Institute for Fiscal Studies](#) identified ongoing growth in SEND numbers in FE. Growth will continue as a demographic bulge moves through the age bands. This means that colleges will need the workforce, curriculum and capital to meet the needs of future students.

A lack of understanding is evident, in both government policy and LA actions, of the different context of FE. The aim to have almost all disabled young people and those with SEN educated in mainstream providers with specialist providers reserved for those with the most complex needs, is already the case in FE, with around [90% of holders of EHCPs](#) educated in mainstream colleges, whilst fewer than 9000 students are enrolled in specialist FE colleges. This means that a focus on increasing inclusion in mainstream in FE is unnecessary.

PROBLEMS: The main problems in the post-16 landscape are not the inclusiveness of provision itself but instead: support for disabled students and those with SEN but without high needs, as well as place planning and transitions.

A focus on students' aspirations to work is often conspicuously absent from discussions about the SEND system. Students want to and can work, other than a small minority for whom transition to adult social care is more realistic. There is an all-UK [disability employment gap](#) of 28.6% between employment rates for disabled and non-disabled adults ([DWP, 2024](#)). The Get Britain Working white paper sets out to support back to work those who have been far from the labour market for many years, but SEND education should do much to prevent students falling into that position in the first place. Colleges are skilled at destination-based planning but change is needed from employers to recognise the skills possessed by disabled young people and those with SEN.

There can also be low aspirations for learners who have Down's syndrome/a learning disability and the choice of courses open to them is frequently limited to Foundation studies with life skills, animal care, performing arts, health & social care or hospitality. Young people have a range of interests and also have the same desire for learning for learning's sake, not just utilitarian aims. These young people often have limited opportunities in FE.

An example of positive initiatives to get disabled people into work is the Down's Syndrome Association's programme (DSA WorkFit) supporting people who have Down's syndrome into employment. There is a high retention rate once an individual is in a supported placement. There are opportunities to learn from this programme about how to support more disabled learners into employment.

SOLUTIONS:

1. A funding mechanism is needed to provide for the support of disabled college students and those with SEN but not receiving high needs funding – this would be an equivalent to the 'notional SEN budget' in schools. AoC and Natspec can provide more details in further consultation.
2. For timely planning of school-to-college transitions for students with EHCPs, a suitable transition mechanism already exists in the SEN Code of Practice, but greater accountabilities are needed for schools, colleges and LAs as this guidance is frequently flouted. Accountabilities should cover timelines as well as the accuracy of EHCPs.
3. Accountabilities are also needed for LAs' sufficiency planning – without strategic planning of cohort numbers, to enable colleges to plan staffing and accommodation and meet students' needs.
4. For students without EHCPs a mechanism is needed for timely transfer of information about students' support needs, with information owned by students themselves.
5. For transition out to adult social care, timely engagement by social care departments is needed.
6. Mechanisms are needed, described below and in AoC's SEND policy paper, so that High Needs Provision Capital Allocations are not made solely to schools. Specialist

colleges need to be in scope for FE capital. Capital investment in the SEND system must match the locations of learners.

7. Although student numbers in specialist FE colleges for SEND are small, less than 9000 nationally, these colleges have a vital role in the sector which should be more formally recognised by government through support and funding.
8. College students require the same access to support from external specialists enjoyed by other children and young people in the system. This applies to health inputs as well as specialist services for those with sensory impairments, such as Qualified Teachers of the Visually Impaired (QTVIs).
9. SEND reforms for colleges need to be aligned with Skills reforms and labour market reforms such as those set out in the Get Britain Working white paper.

14. What reforms are needed to ensure that all post-16 qualifications meet the needs of students with SEND?

CONTEXT: Disabled college students and those with SEN benefit from a vast choice of academic, vocational and personal development qualifications at [many levels](#) from Entry Level One to Level 3 (the same level as A Levels).

PROBLEMS:

1. GCSE English and maths resits are problematic. These are vital subjects for students to prosper at work and be active citizens in adult life. Around 30% of pupils do not achieve grade 4 in both subjects in year 11 ([Plaister, 2024](#)). Students without these grades tend to progress to colleges and take re-sits. Disabled students and those with SEN are disproportionately represented in this cohort. Many then achieve their desired grades within months but many do not and experience a de-motivating treadmill of resits, which discourages their learning in these essential subjects.
2. Exam Access Arrangements are needed for GCSE students to succeed but information is hard to obtain from schools and the logistical difficulties of accommodating hundreds of EAAs on a single exam day now place exams at the very edge of deliverability.
3. There is a wide range of Personal, Social and Employability Qualifications (PSEQs) at Level 1 and below, for which a new framework was consulted upon in 2024. The proposed framework would reduce the flexibility that allows current qualifications to sit well alongside the personalised learning needed by disabled students and those with SEN.
4. T Levels are newly introduced vocational qualifications at Level 3 which have many strengths, but issues remain with the accessibility of both content and assessment.
5. Consideration is needed of appropriate qualification routes for students who may have physical and communication difficulties requiring alternative forms of communication, such as AAC, but who, given the right support may be able to achieve qualifications that could lead to a place in the jobs market that may not be achievable by some of the current routes made available to this group. They are, for example, often offered functional skills courses in English and maths when such courses were originally designed for a very different cohort of students.

SOLUTIONS: The [Curriculum and Assessment Review](#) should consider qualifications in English and maths both pre- and post- 16, so that more students succeed at school while those that do not can experience a more inspiring curriculum at college. The proposed PSEQ framework should be withdrawn. A new approach is needed to exam access arrangements.

15. What steps can LAs take to ensure funding is in place to meet the transport needs of post-16 students with SEND?

CONTEXT: Students in specialist colleges very often require transport. There are also around 38,000 High Needs students in GFEs, of whom around half are enrolled on courses specifically designed for disabled students and those with SEN, with curricula that teach skills for independence. Very many have progressed to college from special schools, though some have progressed from Additionally Resourced Provision in mainstream schools. These courses are appropriate when students lack these skills, one of which is the ability to travel independently. This means that many of these students need transport to get to college.

PROBLEMS: The lack of a statutory duty on LAs to provide home to school/college transport for disabled 16-18 year olds with SEN is resulting in LAs reducing their transport support for this age group as they seek to cut costs. 65% of respondents to a recent Natspec member survey said that transport issues had resulted in learners being unable to attend college or attending intermittently ([Natspec, 2024](#)). Many of the same issues arise for GFE students who need SEND transport.

It is too often the case that local authority decisions about transport do not match placement decisions. This places in the contradictory situation of having a commissioned place on a course but no transport to get there.

SOLUTIONS:

- Require LAs to make placement decisions in line with the SEND Code of Practice, to avoid last minute decisions that cause needless distress for students and families;
- Extend the statutory duty to provide home to school transport for disabled children aged 5 – 15 and those with SEN to cover 4 – 25-year-olds travelling from home to school or college;
- Require LAs to agree transport arrangements in parallel with naming a school or college in an EHCP;
- Enable disabled persons' bus passes to be used prior to 9.30am so that young people can use them to travel to college or work placement.

Finance, funding and capacity of SEND provision

1. What funding is currently provided and what is needed for early identification of SEND, including in Early Years settings?

One of the biggest challenges for the sector is the lack of understanding on how much is being spent on SEND across education, health and social care. There is an understanding of the high needs block, but there is an opaqueness to the notional SEN budget and it is unclear how much is spent on SEND services by the NHS or local authority social care.

Early intervention has been flagged as vital since before the last reforms but NAO's 2024 report found that while it is seen as "critically important" the "DfE does not have a process or funding to facilitate this." ([NAO, 2024b](#)) For children and young people with SEMH needs, for example, the recent Delivering Better Value case review report clearly identifies the lack of early intervention as a major driver of problems, with gaps in service offerings the most commonly cited issue. What's needed here is better teacher training in SEND – see our response above.

SENIF

LAs report a vast range of SEN Inclusion Funding (SENIF) processes with no consistent model for allocating this funding to disabled children and those with SEN in the EY. A common theme in many areas is that SENIF is being absorbed by children with medium to high needs, while they are going through the process of securing EHCPs. For example, Lewisham identified in a report that investigates their SENIF ([Lewisham, 2024](#)). This leaves very little for children with low and emerging needs, which is what the fund was initially designed to support.

In addition, we need to consider what 'low and emerging needs' means, as this can be seen as contradictory. 'Low needs' is fairly self-explanatory, but emerging needs could mean low or high levels of emerging need and therefore is ambiguous and open to interpretation.

Many LAs use their high needs block funding to supplement the SENIF because they recognise that some of the children they are funding will receive an EHCP, and as such should be funded from that stream. It should be made clear to all LAs that children with high needs should be funded from the High Needs Block, and that SENIF should only be spent on those with low and emerging needs, to ensure we see the vital early intervention that this fund was created for.

There is growing interest from LAs in reducing the application process for SENIF so that EY settings can claim this funding in an efficient and timely way. EY settings have often stated that it is time consuming and difficult to apply for SENIF and therefore they choose not to make the application. In some cases, they begin to turn children away because the cost of supporting them is too great. In other cases, the children are supported directly by the setting but their SEND needs do not appear on any local authority lists, meaning that they may go unnoticed until they reach school. Some local areas have now moved the emphasis from application to reporting, trusting providers to apply when the support is needed, thus removing the barrier to inclusion from the start of the child's journey.

Disability Access Funding (DAF)

DAF is underspent in a number of LAs because in order for the setting to secure this money to welcome a child, the parents have to apply for Disability Living Allowance (DLA) ([Hempsalls, 2020](#)). Some parents are not ready to do that at this early stage of their child's journey, and others aren't comfortable with the details in the application and need support to complete it. The DLA application is deficit focused, encouraging families to think about what their child can't do and what they are like on their worst days. This approach is not constructive and is counterproductive and emotionally detrimental for families at this early stage. For EY settings, without a fund to implement changes that may be needed to welcome the child and support them effectively, they are more likely to decide not to take the child – something we want to avoid at all costs. In the future, we would suggest that DAF and DLA are delinked and instead of using DLA as the proxy for DAF, we would encourage the application criteria of 'involvement by a SEND professional' to flag a child as eligible for receiving DAF. This would reduce the pressure

on families and enable EY settings to quickly access the funding they need to welcome every child.

Transition funding

In response to rising numbers of deferrals and complaints from schools about transitions, some LAs have introduced a new funding stream that straddles the EY and primary specifically to fund the transition of disabled children and those with SEN. This aims to reduce the number of children who are turned away from schools because they want an EHCP to be in place and instead provides extra funding for the child in reception, at which point an EHCP can be secured if necessary. Transition funding has been shown to improve joint working between the EY provider and the school, whilst also ensuring that children are given the maximum support at this critical time.

Ideally, case studies of good practice should be collated and disseminated to local authority areas so that this fund is better known and more effectively used. If evidence shows that this improves the effectiveness of SEND support, it could become another core Government-backed funding stream alongside DAF and SENIF to improve outcomes for disabled children and those with SEN in the EY.

Asks

- SEC recommends that there is better monitoring of the funding spent through SENIF to ensure it is going to children with low and emerging needs as it was intended.
- SEC recommends that DAF is delinked from DLA to improve access to this important funding.
- SEC suggests looking at LAs that have implemented effective models of transition funding to support disabled children and those with SEN moving from EY settings to schools.

2. What actions or reforms are needed to achieve financial stability and sustainability, both in the short and longer term, across the SEND system?

SEC welcomes the intention to consider alternatives to the current funding model. SEC believes that each element of school funding – age-weighted pupil unit, notional and high-needs allocations – should be subject to annual increases that reflect inflationary costs. We are clear that current legal entitlements must not be eroded and believe that any transition to a new system of SEND funding is likely to require double funding to cover current obligations.

As highlighted by the [IFS 2024 report](#) on spending on SEN in England, the government needs to urgently review and improve the current funding arrangements for disabled pupils and those with SEN. An effective needs-led school system should mean that funding for SEND provision is provided wherever the pupil is educated.

The funding crisis for both mainstream pupils and high needs funding for pupils with additional needs, alongside cuts to health and social care services, threatens the ability of mainstream schools to support disabled children and young people and those with SEN.

We would advocate for an improved funding formula for LAs enabling the development of specialist local SEND, behaviour, and mental health support teams/hubs which work alongside schools supporting students and their families.

Mainstream schools should also be provided with increased funding to support pupils with lower-level additional needs (and protect this funding with a ringfence), increase support staff, increase pastoral team capacity, create inclusive classrooms and spaces for additional support needs.

We believe that falling school rolls ([EPI, 2024](#)) present an opportunity to alleviate some of the financial pressures on the system, and enable smaller class sizes without the need for further investment.

Asks:

- SEC calls for an urgent review and increase of current funding arrangements for disabled pupils and those with SEN.
 - Funding should be made available for development of specialist local SEND, behaviour, and mental health support teams/hubs.
- 3. What is the effectiveness of Government's interventions such as the 'safety valve' and Delivering better value in SEND programmes, including**
- **How have these programmes impacted local authority finances as well as SEND provision and outcomes?**

SEC has concerns about the 'safety valve' and 'Delivering better value' (DBV) programmes propagating unlawful practice in local areas. We wrote to the Education Minister in 2023 expressing our concerns over the perceived existence of a soft target for a 20% reduction in the number of children and young people with an EHC plan and a reduction in placements at special schools (20% reduction in placements at independent special schools and 2% reduction in placements in special schools).

Firstly, as outlined in the SEND and Alternative Provision green paper, the relationships are fractured between families and the SEND system. SEC warns that the narrative around the significant reductions in EHCPs and special school placements creates a climate of uncertainty and exacerbates preexisting mistrust in the system. This type of language around targets causes concern for families and professionals in the sector, as it does not place the interests of children and young people and their families at the centre of decision making.

Secondly, and connected to the first point, the issue is not necessarily about establishing whether the targets of reducing EHCPs or special school placements are hard or soft targets, but about how this narrative drives practice at a local level. We are concerned that the pressure to cut costs through the DBV programme could be resulting in some unlawful practice.

We recognise there is a distinction between the DBV programme where Newton Europe and CIPFA are actively involved in supporting LA participants, and the SV programme, where the DfE is directly involved in working with the LAs to develop and agree plans.

According to Special Needs Jungle financial analysis, in 2023 Safety Valve LAs were much more likely to inflict real-term cuts on school top-ups at a per-pupil level, usually by keeping banding levels unchanged, sometimes by cutting or reforming banding levels to save money ([Keer, 2024](#)). All this does is push financial risk down from the LA onto the school, and then onto children, young people and their families.

The Delivering Better Value in SEND scheme is finishing soon. Some of the local projects funded through it are useful – for example, better transition planning for autistic pupils between primary and secondary phases. But the impact has been limited, because the capacity to implement it is limited.

Asks:

We recommend the Committee looks into the following:

- The proactive steps LAs take to meaningfully consult stakeholders and maintain focus on ensuring that appropriate, quality, earlier intervention is in place.
 - How to challenge LAs that are responding to budgetary pressures by cutting access to EHC needs assessments and EHCPs.
 - How to ensure that there is not a reduction in the quality of provision and placing greater pressure on mainstream schools and specialist services.
 - Evaluation of the SV and DBV programmes and responding to immediate issues that are flagged up.
- 4. The statutory override is currently due to end in March 2026. What interventions do LAs need leading up to March 2026 and what would LAs like to see beyond March 2026 to ensure long term financial sustainability?**

SEC is not responding at this time.

- 5. Is planned capital investment in SEND capacity sufficient and is it best targeted to address need across the country?**

Schools, colleges and EY providers were in scope of previous rounds of SEND-specific capital investment.

SEND-specific capital investment is not well-targeted. Previous rounds have been overwhelmingly spent on schools, even though LAs commission a growing number of student places on college courses. General FE colleges are in scope for other capital funds, which are FE-specific not SEND-specific, but specialist colleges are not in scope for these FE funds.

Specialist FE colleges are a type of FE college and should be in scope for FE-specific funds. There should be greater accountabilities over the spending by LAs of SEND-specific funds including: a requirement for LAs to consult with schools, colleges and EY providers; bringing capital within the scope of Ofsted-CQC Area SEND Inspection and a requirement for LAs to produce strategic plans for place commissioning, that are accompanied by capital plans for how those places will be accommodated.

- 6. Is reform needed for funding of SEN support provision in schools, where currently the school is responsible for funding the first £6,000 of provision?**

It is not clear what the evidence base for the assumption that this figure is sufficient as a nominal sum is, nor is there currently any mechanism to ring-fence this resource and ensure it is indeed used for its stated purpose.

- 7. What has been the impact on SEND provision for local education authorities who have issued Section 114 notices?**

SEC is not responding at this time.

Accountability and inspection of SEND provision

1. What should Ofsted's new 'inclusion' criterion for the inspection of mainstream schools look like?

SEC will be giving a more detailed response to the consultation soon to be launched by Ofsted on their new 'inclusion' criterion. Our initial ideas for a set of key principles for the inclusion criteria are listed below:

Inclusive leadership: School, EY and post-16 leaders set a tone where inclusion is a strategic priority and it permeates all aspects of education, including policy, curriculum and a drive to remove barriers.

Culture: School, setting and college ethos which celebrates diversity, is welcoming to all and fosters cooperative working within and without the school – including with specialists when needed. The culture of the school and standards of active and challenging participation for students with conditions such as cerebral palsy should be measured as part of the Behaviour and Values element of Ofsted Inspections. This should go beyond the expectation of “reasonable adjustment” for disabled pupils and those with SEN.

An emphasis on a sense of belonging for all children and young people: Research has shown that school belonging contributes to not only academic achievement and future aspirations for pupils, but is also associated with wellbeing, mental health and self-esteem ([Korpershoek et al., 2019](#)). Higher levels of school belonging help prevent pupil disengagement, absenteeism and school distress as with more positive attitudes to learning and overall life satisfaction.

Inclusive pedagogy which is underpinned by sound professional knowledge and sense of agency amongst teaching and support staff.

Inclusive curriculum and assessment framework. See our response to the curriculum and assessment review.

Inclusive policies that are coproduced with, and take into account the needs of, disabled children and young people and those with SEN on behaviour and attendance.

Preparation for adulthood responds to individual needs and social context, underpinned by the four pathways to ensure disabled young people and those with SEN have improved life chances: a personalised approach, a shared vision, post-16 options and support, raise aspirations ([NDTi, 2019](#))

All children and young people are given the opportunity to experience success. As detailed in our curriculum and assessment review, have a personalised and individualised approach to measuring progress, and listening to children and young people about what it is they are proud of and want to achieve.

A core understanding of SEND by all inspectors and access to specialists where needed.

All Ofsted inspectors have strong training on SEND and inclusion, and that inspection frameworks clearly describe the inclusive practice they will be looking for and consistently recognise this during inspections. This includes understanding different types of SEND (e.g.

vision, hearing impairments) and ensuring a child or young person's experience and support is assessed under the new inclusion criterion as well as SEND support being assessed as a whole. Ofsted inspectors to draw on key recommendations from leading groups on specific SEND types to measure whether appropriate provision is in place to meet the needs of an individual. e.g. the Qualified Teacher for Vision Impairment (QTVI), Curriculum Framework for Children and Young people with Vision Impairment (CFVI).

Disabled children and young people and those with SEN are present and engaged with during inspections:

Ofsted have a critical role to play in ensuring that EY settings and schools understand that high quality inclusive practice is something which is expected of them and will contribute positively to their inspection report. In the past, EY settings and schools have had concerns that when disabled children and young people and those with SEN are present during inspections, they are marked down as inspectors see challenging or atypical behaviours. This can lead to children being asked not to attend on inspection day, or children being turned away from a setting or school.

The DfE's official SEND young people advisory group, FLARE, offered their perspective on the inspection framework. For them, they felt inspections were daunting and intimidating initially when they meet an inspector. This was because the inspector used jargon and it was not clear to the child and young person what would be expected of them during the interaction. What worked well in inspections was using pictures and symbols to communicate with children and young people, and an FAQ sheet on what to expect.

Ask:

- SEC asks that the Committee ensures there is a harmonisation of this call for evidence with the Ofsted consultation.

2. How can Area SEND inspections of LAs be made more effective?

It is vital to ensure that inspectors carrying out Area SEND inspections of LAs and school inspectors work in concert when addressing local challenges e.g. exclusions, off rolling, persistent absence.

SEC welcomes recent efforts to gather the views of children and young people with SEN and disabilities as well as their families, before the on-site inspection work begins. This will provide the right lens to ensure people are at the heart of inspections rather than process. SEC is however, concerned that those whose voices are least likely to be heard, may be underrepresented during discussions about individual experiences and outcomes.

Those with the most complex physical and/or learning needs are often under-represented in information gathering exercises. This may be due to a lack of resource to facilitate their participation, lack of incentive and/or lack of knowledge and skills. Children and young people with non-verbal communication methods or profound and multiple learning disabilities who may struggle with abstract concepts, may be missed from discussions with inspectors and sampling/tracking exercises and surveys. In a similar vein, those with low incidence SEN and

disabilities being smaller in number but equally significant, risk being omitted from these activities.

During area SEND inspections, we often see very positive comments made about the EY, but this is often inconsistent with the reports on inclusive practice in schools. The impact of this in some cases is that local authority leaders focus their attention away from EY and back towards schools where inclusion issues are reported. Many working in the EY in LAs have expressed to us that they feel EY SEND is not considered as part of the answer to wider issues and so becomes neglected in strategic discussions.

Area SEND inspections need to focus on long term patterns rather than snapshots. They should consider not just how people feel about the EY settings and schools when they inspect, but whether issues in schools could have been addressed in the EY. In many cases issues that start in the EY only become critical in school. Taking a more holistic view of the child's journey, and consistency between the approach to EY and reception would help us to better identify issues within the system and support a collaborative approach to address these.

Asks:

- SEC recommends greater alignment between Area SEND inspections and school inspections, including shared training for inspectors, joint reporting where relevant, and a consistent framework for assessing inclusion across education settings
- SEC welcomes a focus on children and young people's voices in area SEND inspections but urges the Committee to look into whether those with the most complex needs are being heard.
- SEC recommends that area SEND inspections look at the child's entire journey, and consistency between EY and reception.

3. Whether local education authorities need further powers to ensure that all schools in their area contribute to effective local SEND provision?

LAs have existing powers over admissions that apply to both schools and colleges. The 'Duty to Admit' allows LAs to name a college in a young person's EHCP even when the college has responded to a consultation saying they cannot meet needs. Decisions are not always informed by sound knowledge of post-16 provision, leading to unsuitable placements.

SEC recommends that LAs have stronger accountabilities around post-16 placement decisions and greater investment in their workforce to avoid decisions that are to students' detriment.

4. How best to hold all schools, irrespective of how they are constituted or their governance arrangements, to account for their SEND provision?

Early Years

Local authority teams often say that they cannot hold EY settings to account in the same way they do schools because they are independent businesses. With the rise in the amount of funding the Government is giving to the sector, there must be a change in this mindset.

Childcare Sufficiency Assessment (CSA)

The CSA currently identifies how sufficient a local area is in places for children in the EY. The CSA needs to look at both supply and demand of places for disabled children and those with

SEN in the EY to transparently indicate whether there is sufficiency for this vulnerable group of children. As mentioned previously, currently only 6% of LAs think they are sufficient for disabled children and those with SEN, which is deeply concerning ([Coram, 2024](#)). In order to address this issue, LAs must understand their supply and demand accurately.

If effectively developed, CSA is also critical for holding EY settings to account, because it would outline what percentage of disabled children and those with SEN they expect to see in the EY. This allows for constructive and supportive discussions with EY settings who have either significantly more or significantly less children than this, as a strategy for proactive market management. For those with less children, EY settings should be reminded of their duty to support all children and offered support to enable them to become more inclusive. For EY settings with more children (sometimes referred to as honeypot settings) the local authority can offer them funding and practical support, potentially using their good practice to support the less inclusive settings.

Clear channels to report being turned away from EY settings and schools

Research by Dingley's Promise in 2023 showed that one in five parents of disabled children and those with SEN had experienced being turned away from EY settings ([Dingley's, 2023](#)). The DfE pulse survey of April 2024 specifically focused on the experience of disabled children and those with SEN and found that 35% of settings had turned children away, and 16% of childminders ([DfE, 2024b](#)). Insufficient funding and a lack of staff were cited as the key reasons for this. One issue with solving this problem is that many LAs say they are not aware when this happens, as parents do not tell them. Consequently, it is important that LAs have a clear and simple process through which families can let them know if they are turned away from an EY setting. This is not about blame, but to increase transparency and give LAs the opportunity to support the setting to be more inclusive. Without knowing the size and nature of the problem it is extremely hard to improve it.

Asks:

- SEC recommends better understanding by LAs of childcare sufficiency and work with EY settings across the locality to effectively plan placements.
- SEC also recommends that there is a clear and simple process through which families can let LAs know if they are turned away from a setting due to their child's needs.

5. The role of other organisations such as the DfE, the Local Government and Social Care Ombudsman and the Care Quality Commission in the accountability system.

At present, parents and carers and young people have no effective, independent route of redress (other than judicial review) when SEN Support is not being delivered, when children are 'informally' that is, unlawfully excluded or when provision in an Education, Health and Care Plan is not being delivered as prescribed in a school or setting. To remedy this, SEC believes that the jurisdiction of the Local Government and Social Care Ombudsman (LGSCO) should be extended to include the power to investigate complaints relating to schools, including Academies.

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SEC's publications:

[SEC's 20 Asks document](#)

[SEC's Manifesto](#)

[Curriculum and Assessment Review Call for Evidence submission \(November 2024\)](#)

[Call for Evidence on ITT Core Content and Early Career Frameworks \(April 2023\)](#)

[The Education Select Committee's call for evidence on persistent absence and support for disadvantaged pupils \(Feb 2023\)](#)