

SEND reform: putting children and young people first

Coram group response

Part one: putting children and young people first

1. We want children, young people and their families to be involved in making better, evidence-based decisions about SEND, both in their local area and across the country. How can we make sure children, young people and their families have a genuine say in these decisions?

Engaging with children and young people

While we know that children, young people and families have been consulted as part of this consultation, that process of engagement should be a permanent fixture, overseeing implementation of reforms and rooted in local areas.

Consider ongoing youth panels facilitated through engagement with civil society organisations working with children and young people.

There is also lots of public sector learning. For example, there was good consultation with children undertaken through the Independent Review of Social Care. Many youth sector organisations have youth advisory panels – London VRU have been running a very successful [youth advisory panel](#) as a part of their ambition to reduce violence across London.

Children and young people should be consulted in groups appropriate to their age and capacity, as well as in condition- or need-specific groups. It is important to reflect different groups of children and young people and to ensure geographic representation to reflect differences in provision in different local areas. Consultation is meaningful for children and young people, as with professional stakeholders and parents, if there is appropriate feedback on the results.

Engaging with parents and carers

Parent-led forums (such as existing parent carer forums) have been shown to work well where they have a clear route to strategic decision-making and where they are supported by knowledgeable, impartial facilitators outside LA structures. In-house LA-led forums, as well as in-house SENDIASS services, are often less-trusted by parent carers and receive lower engagement, particularly with disadvantaged communities.

Although parents are often the most active advocate for the needs of a child with SEN, this role can also fall to carers in non-nuclear family units. Because children outside of nuclear family may be at risk of a disadvantage in having their needs advocated for, there should be targeted and proactive engagement with carers, including kinship carers, special guardians and corporate parents.

Children in and on the edges of care

Over half (57%) of school-aged children in care have special educational needs, compared to 18% of all children. Data highlights the primary types of special education needs: 53% recorded 'social, emotional and mental health' needs; 15% 'moderate learning disability'; 13% speech, language communication; 8% specific learning difficulty and 2% autism spectrum disorder. We note that the proposed reforms have very little focus on this group despite the disproportionate impact and some potential conflicts of interest. However, we also note that looked after children with SEN have the benefit of support made available to all looked after children, through as Virtual School Heads.

In 2024, there were 402,400 children in need in England, more than half of whom also had SEN (52%). In many areas, over 20% of children in need receive SEN support, and over 30% have an EHCP. The role of the Virtual School Head is vital in meeting these children's needs, but that role should not be further extended. Instead, there should be close co-working between local authority and school SEND leads and the VSH. Specific thought should be given to how to support the educational attainment of children in need with SEND, who benefitted from the expansion of the VSH role to include support for any child with a social worker, but whose attainment is still proportionally very low.

Parents are often the primary or only advocate of a child with SEN, and this could be a serious issue for children who live outside of their family unit especially where there is risk of school exclusion. Extending access to advocacy for children who are being excluded could address this issue.

Proposals need to be drawn up with the widest possible definition of families in mind, including children in kinship care arrangements, foster care, supported accommodation, and other forms of state care. In particular, the role of corporate parents in these reforms is crucial. Where a child has been subject to direct or indirect discrimination due to SEND, would their social worker or an IRO be able to escalate to tribunal, or not? Does this happen now? There is an arguable considerable conflict of interest in expecting a local authority in the role of corporate parent from challenging itself at the Tribunal. While this is likely to impact only a small minority of children with SEN, it would nevertheless be helpful if, in the implementation of these reforms, this could be addressed.

Where there is social work involvement with a child with SEND, we know from advice work delivered through the DfE contracted Child Law Advice Service that where a parent is excluded from LAC reviews and/or care planning there is a heightened risk that parents will also be excluded from a child's education planning and EHCP. This raises a question about whether parents of LAC are being sufficiently consulted and given the opportunity to feed into the EHCP process, as well as being provided with their right to appeal.

Extend this consultation to include legal changes

As noted in the final question in this consultation, not all elements of reform are being consulted upon. Some of the most impactful changes, such as changes to the remit of the SEND Tribunal, are not open to consultation at all. Families and children cannot have a genuine say in these decisions unless the consultation is extended to include those major reform elements not currently included. By removing access to important legal accountability measures, the reforms remove the genuine ability for children, young people and families to have a say in individual SEND decisions. This is counter to the intent of delivering inclusion.

2. How can we make sure that high-quality evidence and best practice inform decisions about SEND? Please share examples.

We welcome the white paper's commitment to better data and transparency in pupil moves, and to exploring the disparities in pupil moves and outcomes between particular ethnic and socioeconomic groups. More data in early years and school processes can and should be captured to measure the efficacy and operation of these reforms. New data collection should include reporting the number of managed moves, off-site directions, transitions to home education and all other forms of pupil movement outside the normal functioning of the school system. Crucially, however, this dataset should also record the reasons for each move, as well as facilitating the monitoring of pupil outcomes. For the purposes of complying with the public sector equality duty and monitoring inclusion, the data should include collated information on protected characteristics.

Schools and early years settings should collect and monitor data on removals to interrogate repeat patterns and assess the effectiveness of the use of various forms of internal isolation, or whether specific departments or teachers may require further support. Separately, schools should analyse the collected data to identify any patterns relating to pupils who share protected characteristics and to ensure that behaviour and sanctions policies are not having a disproportionate effect on pupils with protected characteristics.

Data on admissions is just as important as data on exclusions, sanctions and pupil moves. Early years settings are particularly prone to skewed admissions processes due to the high levels of fragmentation in the sector and the largely private provision. Targeted data collection practices are necessary with defined mechanisms for how they will inform/challenge decisions.

3. How can we ensure that children are best supported by the Universal offer?

The term 'Universal Offer' needs to be clearly defined to ensure that all settings from early years and upwards have a clear understanding of what this should look like for their setting (inclusive, low-stress and accessible) and this must also be shared with parents and carers to manage expectations. Training should be provided to ensure shared understanding of what inclusive settings look like with recognition that for some children such inclusion will be inappropriate or undeliverable and that the Universal Offer does not mean Universal Requirement with specialist settings still being needed as part of the commitment to ensuring suitable education for each child.

We welcome the Government's ambition to place inclusion at the heart of everyday practice, including improvements to the national curriculum, support available to children and young people, and the training teachers will receive. However, without sufficient long-term funding the efficacy of the Universal offer is in question. For the most vulnerable children with overlapping and complex needs, such as the 52% of children in need with SEN, there should be a means of schools accessing additional support, just as pupil premium enables more targeted support to schools providing education to children with socioeconomic need.

The proposed changes do not take fully account for the time needed for new teachers to come through the training process proposed and therefore more time for these changes to take effect. The current teacher cohorts are likely to be ingrained in their current teaching standards and it is unclear how or if they will be able to change their practice without major additional support,

including resourcing. Teachers are only part of the support needed by SEND children in and beyond the classroom where professional development is also a key requirements.

School settings considerations (applying to Qs 3-6)

We recommend settings create inclusive, low-stress learning environments that proactively meet the needs of children and young people with SEND. Settings should design predictable routines, clear structures, and adaptations that reduce cognitive load, anxiety and sensory overwhelm.

In addition, explicit teaching of vocabulary, chunking learning, visual supports, modelling, and scaffolding help children feel more confident and successful, which in turn supports emotional wellbeing. Attention to sensory differences, through low-arousal spaces, sensory breaks, and teaching self-regulation strategies, enables pupils to better manage their emotional and physical states and remain engaged in learning.

Strong relationships, social understanding, and whole-school cultures that celebrate difference are vital for an inclusive approach. Explicit teaching of social communication, emotions and relationships, alongside clear guidance on rules, boundaries and exceptions, supports children and young people, particularly autistic learners, to navigate social situations safely and confidently.

Strategies such as peer support, structured unstructured times (e.g. play and lunch), anti-bullying education, and close communication with families help reduce isolation and vulnerability. Staff wellbeing, trauma-informed practice and a graduated, preventative approach are central to sustaining positive mental health outcomes for children and young people across education settings.

Children with complex SEND may have a lower ability to access learning around puberty and the changing adolescent body, but children's bodies will still be developing in line with their age. They need information to help keep them safe and help them understand how and why their bodies will develop. Statutory Relationships, Sex and Health Education requirements should be taught to all children by the end of Y6, Year 11, and the currently discussed extension to Y13, in an age-appropriate, accessible way.

Early years considerations (applying to Qs 3-6)

The new additional funding stream 'Inclusive Early Years Funding (IEYF)' is designed to help early years settings become inclusive by design, but the funding is proposed to be allocated based on setting size (rather than the number of children with SEND) and excludes childminders and smaller settings and therefore the children they support. Having these settings only able to access non-financial package of support (e.g. through FHS) poses a serious problem considering how many families of children with SEND choose smaller settings. Funding should follow children not settings.

The issue of parity across provision type in early years is an important one across all levels of support from universal to specialist. Currently it is unclear how it will be guaranteed that children will receive the same level of support when attending a Private, Voluntary or Independent early years setting, as legislation only applies to maintained early years provision (maintained nurseries and school-based nurseries).

Maintained provision only accounts for 17% of EY providers and 22% of places, so it is imperative that there is a robust mechanism to ensure children attending other settings will be well-supported, and that those settings will have the same access to specialist help (such as Experts at Hand).

Bullying considerations (applying to Qs 3-6)

Children with special educational needs and disabilities (SEND) are significantly more likely to experience bullying than their peers, including disability- and prejudice-based bullying. This can affect attendance, mental health, participation and attainment — effects that are often more pronounced for children with SEND, who may experience bullying more intensely or process and communicate their experiences differently from their peers.

Genuine inclusion cannot be achieved unless all young people feel safe in their educational setting. Inclusion must therefore encompass not only access and representation, but safety, belonging, and effective protection from bullying and access to dedicated support if/when it does occur.

Early years settings, schools and colleges should therefore adopt a whole-setting approach that includes:

- A designated member of staff with responsibility for overseeing anti-bullying prevention, monitoring trends and coordinating responses.
- Accurate recording, reporting and monitoring systems that enable analysis of whether pupils with SEND are disproportionately affected, identify bullying hotspots, and capturing intersectional patterns of victimisation.
- Staff training that encompasses an understanding of bullying dynamics, appropriate responses to disablist language, and the active promotion of inclusion — including through the use of resources and materials that offer diverse and positive representations of disability.
- Clear, effective, relationship-based responses when incidents occur, with explicit recognition that differing communication needs and processing speeds may affect a child's ability to report bullying, and that reporting systems must be made accessible to all.
- Trauma-informed and strengths-based responses to bullying and its impact

Where a child with SEND is involved in a bullying situation, whether as a target or a perpetrator, the bullying must be treated in coordination with any existing SEND provision and with close alignment with behaviour, pastoral, and safeguarding systems.

It is a recurring concern raised through Coram Kidscape's advice line that families report that the SENCO is unaware of bullying affecting children on their caseload, including those with EHCPs, and that responses remain siloed. An effective whole-school response requires well-coordinated systems spanning SEND, safeguarding, mental health and behaviour, both internally and in relation to external agencies.

Preventing and Tackling Bullying (DfE, 2017) notes that children with SEND may lack the social or communication skills to report bullying, and that reporting mechanisms must therefore be accessible

to all. Coram Kidscape's advice line regularly hears from families whose children with SEND face significant barriers to reporting, including being told by school staff that incidents cannot be acted upon unless reported at the time they occur, and that historical accounts are not acceptable.

This approach is particularly problematic for neurodivergent children and those with speech, language and communication needs, who may experience processing difficulties that hinder timely or detailed recall of events. Requiring children to provide immediate, comprehensive accounts of incidents is inconsistent with good practice for this group and risks that their disclosures will be disregarded.

Similarly, restorative approaches — while potentially valuable — can be harmful if not managed with great care and sensitivity. Coram Kidscape, the first and longest continuing anti-bullying specialist, hears from families whose children have found it retraumatising to be brought into direct contact with those who bullied them, without the communication or processing capacity to engage meaningfully in such a process. Any restorative intervention involving a child with SEND must be led by a well-trained member of staff with a thorough understanding of that child's communication needs and put the bullied child's needs at the forefront rather than the school's.

Coram Kidscape hears from families reporting that their child has been targeted by a child with SEND, and schools must be equipped to respond to these cases with equal care. From Coram Kidscape's enquiries, this appears particularly common in primary schools, and parents/carers frequently report that they believe the child with SEND lacks adequate support and supervision. Schools must have robust systems in place to ensure the safety and well-being of all children and to actively support positive social relationships. This requires sustained investment in workforce development, ensuring that staff are equipped with the knowledge, skills, and confidence to respond to these situations effectively, with access to more specialist provision if that is needed.

It would be helpful for education staff to be familiar with the concept of 'counter-connecting', a term coined by Julia Badger. This is particularly relevant in SEND and safeguarding contexts, as it challenges the assumption that harmful behaviour necessarily involves intent to cause harm. A child with autism, learning disabilities, or social communication needs may cause distress through behaviour that is a misguided attempt to connect with others rather than a deliberate act of aggression. The appropriate response to counter-connecting is fundamentally different from a conventional bullying response, and staff training should reflect this distinction.

4. How can we ensure that children in the Targeted layer are best supported?

5. How can we ensure that children in the Targeted Plus layer are best supported?

At present, it is unclear what impact the 'Targeted' and 'Targeted Plus' layers of support will have on children and young people. It is essential that there is room in the system of support for children to have their specific and individual needs assessed and supported.

Through our casework at Coram Children's Legal Centre we see that harm can be done by taking a 'tick-box' approach to support for children. This might arise when, for example, a school has tried a number of strategies to support a child without having adequately ascertained what that child's support needs are, leading to the 'off the shelf' support offered failing. This in turn causes frustration to rise on all sides, and we frequently advise or represent children with special educational needs at

the end of the process in this situation who have been excluded or whose parents see no choice but to remove them from the mainstream education system in order to prevent further escalation of harmful experiences in school. This clearly has the risk of long-term impact, particularly on that child's mental health, self-esteem, confidence and ability to access their education. Frequently in our casework we see situations like this that could have been avoided if proper, individualised support or specialist school place was provided to the child in the first instance.

Individual Support Plans (ISPs)

The idea of a plan which can be consulted by all of the adults working with a child (parents, carers, educators, specialists) is useful, so long as that plan is specialist-informed, based on a proper assessment of the child's needs, and easily changed as the child's needs change. It is important that the structure of ISPs is generic across the country to ensure that they are portable and move with the child when they move locality. However, they need to be flexible enough to adapt to needs as they change or develop without excessive administrative burden.

It is not clear how the full digitisation of ISPs will be adapted to work for digitally deprived families, but this is critical, particularly given the raised incidences of SEN among families who suffer acute socioeconomic deprivation.

Accountability

It is not currently clear by what meaningful mechanism, if any, schools and Local Authorities can be held accountable for the support offered in the Targeted and Targeted Plus layers. The school complaints system is not fit for this purpose, because it offers little to no independent scrutiny.

A useful existing example is Independent Review Panels and governing board considerations and reconsiderations of school exclusions. Being a governor means adopting a wide-ranging and difficult role on a voluntary basis with significant responsibility, all on a voluntary basis. In the case of school exclusions, a lack of legal literacy can render the governor review of a complaint meaningless, or equally can leave the school, child and family with no better access to the support needed.

Children have a right to a suitable education not just to a mainstream place and it is likely that the proposed system is likely to push parents to resort to more costly legal accountability like judicial reviews where there is a dispute about provision.

Case study: Rainah is autistic and was nonverbal up until the age of five. After the local authority failed to place her in a specialist school for more than a year, the Coram team intervened to secure the place to which she was entitled. Her father, Ed McCarthy, says "Rainah's speech has astounded everyone, particularly how quickly it is continuing to develop. Her reading is also light years ahead of where it was and her social interaction has also noticeably improved."

We have particular concerns about the provision of this level of support to children who are not in school, whether that is because they are in custody, in alternative provision or receiving EOTAS, and to young people in education beyond compulsory school age. For many of these children, even a complaints system will be out of reach. Where, then, is the accountability for the support provided to an individual child? How can settings and local authorities be held accountable for that child's right to a suitable education?

Accountability also means ensuring assessment of a child's needs, without which children receiving the support in the Targeted and Targeted Plus layers will have no route to challenging the support they receive. This is already a long-standing issue with SEN support provided in schools.

Case study: CCLC represented B, a 7 year old with SEND needs. B was subject to two education psychologist assessments but no assessment for SEND. B's primary school tried to direct him offsite, but this was rejected by the target Alternative Provision stating that the school had clearly not done everything they could before making the referral for off-site direction. Within months of the failed off-site direction, B was permanently excluded from his primary school.

Experts at hand

In order for the 'Experts at Hand Service' to be effective, there will need to be significant recruitment in specialisms including educational psychology and speech and language therapy. This is likely to be very challenging to achieve given the waiting times and lack of access we see every day. We suggest that there will also need to be a direct means of access for families outside mainstream provision (e.g. EOTAS), and as a fall-back if inadequate support is provided by a school.

It is not clear whether children's access to Experts at Hand will be dependent on a formal assessment, and if so when such an assessment is likely to take place. Children's needs should be investigated for SEND at outset of identifying issues and not only when issues are escalated by escalating behaviour or visibility of need.

Inclusion bases

The timing of any assessment of a child's needs is critical to both the perception and the efficacy of inclusion bases. In our casework experience at Coram Children's Legal Centre, when a child or young person is sent to an inclusion hub or space in or outside their mainstream school, often their special educational needs have not been investigated by the school beforehand.

From our experience of current 'inclusion bases', these can more often than not be another form of exclusion from the classroom. We recognise that the proposal suggests that teachers will be present in these bases and children will be able to access mainstream education. When this works well, it can be effective, but having a teacher alone is not sufficient. In our experience, children and young people can feel excluded from the mainstream setting due to being segregated from peers but for others it is a lifeline.

Considerable detail is lacking on how inclusion bases will be separate from or similar to periodic punitive removals spaces in schools. We note that in-school but out of classroom removal is likely to increase following these reforms due to the introduction of on-site temporary exclusion. The difference between inclusion bases and punitive removals spaces must be made very clear in guidance and mandated in practice. This will be complex, as in practice at the moment it is common for inclusion spaces appropriately to include an element of 'time-out' from the sensory stimulation of the classroom or activity for children who are vulnerable to over-stimulation. It must be crystal clear from the perspective of all involved, but primarily the child themselves, when they are being punished and when they are being accommodated, and to be active participants/informants in their individual plan.

At present we sometimes advise families who do not know that their child is being educated outside the mainstream classroom some, most or even all of the time. This is at best a breakdown of communication and at worst a denial of their role. The use of removals as punishment/time out needs to be clear in behaviour policies and there should always be consent to the use of inclusion bases as part of a co-produced individual plan. With inclusion bases growing, so too must the route for parents to engage with and consent to this practice on behalf of their child and this requirement alone will mean greater resources for in-school family liaison functions.

6. How can we ensure that children in the Specialist layer are best supported?

It is critically important to provide a definition of what “complex needs” are, so that the thresholds for this higher level of support are very clear. It is also important to understand who will be responsible for defining the term “complex needs”. The introduction of nationally defined packages of support across 5 areas of development – executive function, motor and physical, speech, language and communication, social and emotional and sensory – presents clear challenges, including that many children’s needs overlap different areas and they may need support only offered in a specific package.

Whilst diagnosis is important for determining learning needs and likely future requirement for longer term support for autism, for example, accessing a specialist layer of support should be based on evidence of need and not limited to condition diagnosis, which is often subject to a long waiting time.

It is unclear how this layer will interact with the retained EHC plans, both in the transition period and beyond. In each case, will the specialist layer just relate to funding bands or will it cover the areas currently covered by an EHC plan? How will the system deal with any potential clashes between the EHC plan and the provisions in the specialist layer?

It is unclear what action parents can take if they do not agree with the package of support offered to their child. The only suggested route to accountability and remedy for children and families seems to be the school complaints system and this is not an adequate accountability to protect the legal rights of children to a suitable education.

This will also be extremely onerous on schools to manage, who may need to employ additional staff just to manage complaints and seek advice from solicitors. Rising costs to schools would of course be better spent on teaching staff and resources. If nothing changes, it is possible that the only recourse parents will have will be lengthy and costly judicial review proceedings and access to justice will be compromised by the limitations of Legal Aid and of qualified professionals.

7. How do you think early years settings, schools, and colleges can best support the mental health and wellbeing of children and young people?

Coram’s experience as the largest provider of PSHE from infancy to independence indicates that early years settings should focus on emotional literacy, co-regulation, play-based social learning, and small quiet spaces for children who need them. Getting the setting culture right is key: relationships, routine and structure, inclusion and the voice of the child are needed throughout.

Beyond this, there is no one-size-fits-all. Younger children and those with communications difficulties may not be able to access talking therapies. Many of the SEND parents we work with state their children/young people don't necessarily engage with a counsellor and would rather engage with someone they relate to like a mentor.

A combination of services that provide a more holistic approach to wellbeing would be beneficial, such as both individual and group mentoring/ coaching services, sports coaches, arts- and performance-based approaches etc. For example:

- Coram LEAP Confronting Conflict evaluations and impact studies with young people living with SEND report that interactive games-based activities support young people to learn better, and to gain skills and confidence in developing and maintaining more positive relationships with authority.
- A mixed-methods study with Newcastle University in 2023 found that participation in Coram Shakespeare Schools Foundation programmes strengthened teacher wellbeing, pedagogy and relationships with pupils.
- CSSF school leaders consistently report that drama enables pupils to overcome confidence barriers and re-engage with learning. "By taking part in the Festival, children realise they can achieve. The confidence and communication skills they gain equips them for life in the big wide world" reported Headteacher Joanna Mousley.

Many SEND children (and their parents) feel isolated and appreciate different opportunities to engage with peers such as through charities and local activities including the National Autistic Society, for example.

Bullying considerations

DfE guidance (*Preventing and Tackling Bullying, 2017*) recognises that where bullying causes persistent learning difficulties, schools should consider whether a SEND assessment may be appropriate. Coram Kidscape's advice line regularly hears from families whose children have developed serious mental health difficulties — including anxiety, depression, self-harm and suicidal ideation — as a direct result of being bullied, with significant consequences for their ability to access education. Too often, these cases are treated purely as behaviour or bullying concerns, without adequate consideration of the mental health impact, educational access, or potential SEND needs. The current guidance on managing mental health-related absences references SEND but makes no explicit mention of bullying, despite the clear links between them.

Mental health support should be embedded across Universal and Targeted provision, including through the Experts at Hand model, ensuring that children experiencing bullying-related distress can access multidisciplinary support from practitioners who understand that chronic bullying can itself be traumatic. Where bullying intersects with mental health difficulties and attendance concerns, a joined-up, multi-agency response is essential.

8. Do you agree that the refreshed 'areas of development' will support educators to understand and address barriers to learning and participation? Please explain your answer.

It is unclear whether this will be the case. In order that these best support educators, they need to be clearly defined and supported with accessible training.

9. What arrangements would best support effective joint working between early years providers, Best Start Family Hubs, health, local authorities, and parents for children with SEND in the early years?

It would be beneficial to have a structure where there is a clear, named role perhaps within the Best Start Family Hubs responsible for co-ordinating support and managing effective joint working and collaboration at a local level.

Early years provision has a crucial role to play, but the limited availability of funded hours (and parents not being eligible if they are not in employment) means that the most disadvantaged children are the most likely to miss out even where joint working is happening effectively at a local level.

It is important that parents have recourse to holding health and social care providers accountable for the provision in place. This could be done by extending the powers of the SEND Tribunal to cover the services provided within the health and social care – services currently named in EHC plans. Other accountability measures need to be considered for Targeted and Targeted Plus provisions.

10. How can the early years foundation stage (EYFS) two-year old progress check and the Healthy Child Programme development review be improved so that children's needs are identified and supported more quickly? Please share examples.

This works best when they are truly done in a collaborative manner. Too often settings and health visiting teams do not work together on these but rather side by side. Some of the most effective joint working happens with health visitors attend settings to undertake these reviews collaboratively.

Cultural competence with SEN begins at home, and some parents in particular need more help to understand what conditions like ASD and ADHD look like. The education needs of parents with their own additional vulnerabilities and challenges such as lack of English need to be considered along with issues of stigma, shame and fear of engagement with services in some communities.

11. What should the top three priority areas be for building and sharing evidence within the National Inclusion Standards?

1. **Early identification and response** – what helps educators spot challenges and barriers sooner and act consistently.
2. **Curriculum/ teaching and adaptation** – most SEND children are already in mainstream settings and best practice in meeting needs should be evidence-led.
3. **Reasonable adjustments/accessibility** – a clearer definition and evidence-led research on what these can look like in mainstream settings. This should include how to ensure learning environments are accessible and removing predictable barriers to learning but also defining more clearly the pathway to higher tier support without the need for crisis or legal recourse.

12. What are the most important issues for national training to cover, to help support children and young people with SEND?

The training needs of all professionals must be considered, from teachers and teaching assistants to governors, and all those working in early years regardless of whether or not their role requires a qualification.

- The law around SEN and equalities – professionals are after all under the public sector equality duty.
- What is inclusion and how do you achieve this – environments, language, policies but also active communications and explanations
- Identifying challenges and needs, steps to take
- Understanding dysregulated behaviour and how to support CYP displaying this
- The intersection and overlap between persistent disruptive behaviours and unmet need – so that a behavioural route is not taken when a needs-based approach is more appropriate
- Effective, collaborative working with parents and professionals
- Specific support for prevalent challenges: autism, ADHD, Sensory challenges, mental health, emerging S&L difficulties etc
- Gender-based challenges: for example ADHD and ASD in girls who can often mask and who may therefore be overlooked and underdiagnosed
- Cultural factors in SEN
- Adultification bias for children of particular ethnicities

Our legal casework also shows that the decision-making of school governing bodies, senior leadership teams and staff can be clouded by unconscious prejudice or by the real need to access greater specialist support/setting for a child. It is essential that specific trauma informed training and adultification bias training is given to teachers, senior leaders and governing bodies.

The strength of arts-based approaches

Taking a constructivist approach to teaching and learning cultivates confidence, teamwork and engagement, while equipping teachers to better support pupils with SEND through adaptive practice. CSSF's "Off Grid Shakespeare" project (2020–23) demonstrated how rehearsal-room approaches can strengthen teacher practice for those with no experience of drama pedagogy. Across two academic years, teachers showed accelerated development in creativity, collaboration and problem-solving through sustained, reflective use of drama-based tools. Teachers consistently reported that meaningful professional learning requires time to experiment, observe practice in specialist and SEND settings, and receive ongoing coaching and supervision. This sustained support is significantly more impactful than one-off CPD sessions.

The Oracy Education Commission report *We Need to Talk* (2024) reinforces this evidence, highlighting that disadvantaged pupils have fewer opportunities to develop spoken language, despite oracy being foundational to learning, participation and social mobility. Structured, dialogic approaches found in rehearsal-room practice help create more equitable participation in classrooms.

Drama-based methods also enable pupils with SEND and additional needs to access English and oracy in new ways. As Lois Murphy, SENDCo at Malvern Primary School, observed, “the mismatch between learning profiles and traditional classroom structures can leave pupils behind despite interest and effort.” Rehearsal-room techniques such as role play, Freeze Frames, Text Detecting and Big Question debates encourage collaboration, communication, creativity and risk-taking while building shared interpretation and understanding. Central to this approach is creating space for experimentation and learning from mistakes or “happy accidents”, strengthening adaptive teaching and supporting more inclusive classrooms throughout teachers’ careers.

13. What practical actions can help teachers, educators and leaders manage workload whilst implementing these changes?

Specialist settings often have access to levels of resource, expertise, staffing, environment and dedicated time that mainstream schools simply do not. Under the proposed changes, mainstream schools will be expected to meet the needs of increasingly diverse cohorts of pupils while working within significant structural and accountability pressures.

In specialist schools, inclusive and adaptive practice is often embedded across the whole workforce. Teachers develop deep understanding of individual learning profiles and approaches to support them effectively. In mainstream settings, expecting a single SENCo to meaningfully manage both the strategic and operational demands of inclusion across an entire school is increasingly unrealistic.

Inclusive practice cannot sit with one specialist role alone. Every teacher needs the confidence, training and responsibility to understand and respond to the needs of the pupils in front of them.

Just as safeguarding is recognised as everyone’s responsibility, inclusion must be understood in the same way: as a shared culture and practice embedded across the whole school community.

Initial teacher training and early career framework should be strengthened to make explicit how teachers from the start and be provided with the skills and knowledge to support students with special educational needs in mainstream settings. Teaching assistants and support staff are absolutely integral to the system: playing a vital role in building relationships with children supporting inclusion every day. Teaching and support staff additionally need specific training in trauma-informed and conflict resolution age-appropriate approaches so that they can support young people with SEND better.

Early years considerations

For early years professionals, there must be specific targeted SEND training for all staff from the beginning of their careers to ensure that they have the knowledge and skills to provide a truly inclusive environment and are able to support all children’s needs for the start. Not all those working early years will have completed a formal qualification, so the SEND training needs to be standalone, but also interwoven through formal qualifications for those who undertake them. A comprehensive

early years workforce strategy addressing CPD (including streamlining and improving early years training routes), recognition, pay, and progression pathways and the value of childminding/home-based care, is needed to reduce staff turnover, keep experience and expertise in the EY sector and increase parental confidence in EY settings.

14. How should the Special Educational Needs Coordinator (SENCO) role evolve to better meet the needs of children and young people with SEND?

The SENCO role needs to be more than a co-ordination and compliance role and should become more about leading the provision inclusion through strategic leadership, helping to shape whole-setting send policy and culture. Every secondary school needs a Head of SEND and a SENCOs need to have time available to them to be able to proactively identify barriers at their and develop the environment and culture to be truly inclusive, rather than just responding to concerns as they arise. They should also be able to play a larger role in supporting staff to develop confidence and skills to support children's needs.

We see that when SENCOs are involved from a child's entry into a school these children have better outcomes. Conversely, we see that when a SENCO is not involved until things have escalated and a child's behaviour is in question, or not at all in the case of many school exclusions, these children's outcomes are considerably worse.

15. What would provide assurance for families that an Individual Support Plan (ISP) is high quality and contains the essential information?

It is not clear whether early years settings will be required to provide ISPs. This needs to be resolved.

Current proposals will put a lot of reliance on schools to do identify and deliver the support a child needs. It is important that there is a mechanism by which children and parents can challenge ISPs – including the decision not to give one, and the contents of the plan.

We know from our delivery of the School Exclusions Clinic, which are the worst-case scenarios for children with SEND, school complaints systems or their equivalent in other settings are not sufficient. The extraordinarily low rate at which governors, whose review process is equivalent to complaints, overturn headteacher decisions to exclude (0.6% of permanently excluded children have been offered reinstatement at their school following an independent review panel hearing), is concrete evidence that this process is not effective and so cannot win the trust and confidence of families.

However, in most cases there were earlier opportunities which were not taken, for example when suspension occurred, and we know from our research in real time ([Unfair Results](#)) that communications in this and exclusions processes are poor and that there is limited support/attention to re-inclusion at this most critical juncture.

To be able to conduct the scrutiny necessary to give families confidence in ISPs, there needs to be a process of review and reform which:

- Is **genuinely independent** of school and head teacher decision-making
- Has **real power** to mandate change for an individual child's support and provision

- Is **timely** – complaints at present take much too long to be an effective remedy in a child’s timeframe
- Genuinely and clearly takes a **child’s wishes and feelings** into account
- Is **legally literate**: ISPs will be part of a school’s exercise of their equalities duties, and is a question of rights and the law

There also needs to be a framework to assist parents in challenging or scrutinising ISPs. Many parents of children with SEN have additional needs, experience issues like socio-economic disadvantage or have cultural or language barriers to being their child’s advocate. There also needs to be clear conflict-free route for the carers of children in the care system to challenge both schools and local authorities.

It is clear from our casework that there are serious concerns governors do not have legal understanding or separation to even look into issues relating to send objectively when considering these decisions. It is very likely that the same issues will present in SEND complaints / challenges considered by schools/ governing bodies.

Mediation offers a further set of issues. From our advice and casework at present we frequently see local authorities refusing to engage or meaningfully engage in the mediation process, and this can be used to stall for time in a way which is deeply damaging to a child’s outcomes. Guidance should therefore address this specifically.

Ultimately, scrutiny and accountability are normal and necessary functions of a system that works.

Considerations specific to children’s social care

- In developing an ISP for a child in the care system, what expectations will there be on schools to involve foster carers, residential workers etc who know the child/ young person?
- How will ISPs link with Individual Education Plans / Personal Education Plans, that all children in care are expected to have?
- Will a young person who has had an ISP rather than an EHCP be eligible for ongoing support until age 25, and other support that currently uses an EHCP as a criterion eg access to Supported Internships, Project Search etc?
- In developing an ISP or agreeing an EHCP, what will be the role of the Virtual School?
- What will be the arrangements for undertaking an EHCP assessment when a child attends a setting in a school in a different LA? Children in the care system often live in different LAs due to pressures on placements? Who will lead and how will people who know the child be involved

16. How can we ensure Individual Support Plans are clear, concise and practical for professionals to use?

There needs to be clear consistent guidance at a national level to ensure consistency and portability between settings. This will ensure that professionals from different settings, wherever they are, can receive a child new to their setting and immediately understand the support they require and how it is currently being implemented.

A digital format, such as those also already used for EHCPs in some areas would be beneficial for this and could also allow all professionals, not just educators, to access and update as changes in need are identified. However, ISPs should be collaborative documents involving parents and carers, and therefore allowances need to be made in cases of digital illiteracy or – more commonly – digital poverty.

As well as guidance, it would be wise to learn the lessons of EHCPs and provide a standard template for use by all settings, to prevent duplication of effort and variation in quality.

17. How can we best support transition for young people with SEND, so that they are well supported into post-16 provision and further education, training or employment?

More detail is needed about the intersection between these proposals and post-16 specific provision such as FE colleges. However, we would call for joined up and holistic support, and provision that offers genuine skills and qualifications. We note that some special schools do not offer GCSEs, but instead offer other kinds of training and with a focus on practical skills, and this is often appropriate.

In order for young people with SEND not to be so disproportionately overrepresented in the NEET population, the government must consider the incentives/realistic routes for these young people to remain in EET including part-timetable in school and part in the community. More targeted support is needed in this area, including EET coaches, peer mentoring, and skills development programmes to prepare young people for further education and work.

It is not at all clear how children/young people in the Targeted and Targeted Plus layers (i.e. without an EHCP) will be able to access post-16 provision that meets their needs. There is also a great fear amongst parents and carers that the proposals in the white paper will see more young people in the specialist layer losing their EHCPs at aged 16 as this will be a stage for provision to be reassessed and there will be a great incentive for Local Authorities and education providers to take away EHCPs at this age to save money.

There is already a cliff edge for many young people as they move from children's services to adult services and often education is the forgotten element in this transfer. The great fear is that this will be made worse by the current changes particularly for young people in the Targeted and Targeted Plus layers. Serious consideration is needed about how to allay these fears, how young people's continuing education and training can be supported, and how schools and other providers can be accountable in the longer-term. For example, the DfE could choose to apply the same kind of approaches as leaving care provision.

Part two: new Targeted and Targeted Plus support that is written into law

18. How can we make sure that every area can meet the full range of the needs of children and young people through Inclusion Bases?

It is difficult for respondents who are not education providers to respond to this question as it is unclear how the government plans for these bases to operate. However, it will be important to ensure such bases are properly resourced both financially and with good quality teaching and support staff, in order to ensure that children and young people have access to good quality education and that the bases do not become a backdoor means of excluding children from mainstream settings. It will also be important to ensure that there is adequate outdoor space, as currently many inclusion bases lack this. The government should consider incentives for teachers to get best quality teaching for inclusion bases and equip multi-disciplinary teams.

19. How can we make sure that Inclusion Bases help children and young people succeed in mainstream settings?

The risk with these sorts of spaces is that they become holding areas for pupils who are “difficult” to manage, where children with the highest needs are effectively kept out of sight and out of mind. It’s important that there are safeguards, including external scrutiny and accountability that parents and carers can access, and that resourcing, capacity, and specialist expertise are put into these spaces so that they are meaningful and productive.

These bases need in themselves to provide a focus for belonging so that pupils do not feel simply removed from their usual classrooms. There is a risk that children feel isolated from their friends and the wider school community, which of course is the opposite of what inclusion sets out to achieve. Thoughts must be given to, and guidance must address the question of, the integration of these bases into the wider school community by physical location and purposeful integration.

20. Through the Experts at Hand offer, we want to ensure that mainstream settings can get quick specialist support for children and young people. What arrangements are needed between local area partners (education, health, social care) to deliver this Experts at Hand offer effectively?

- The experts at hand offer must be independent and impartial so that they can contribute to (and lead, where appropriate) the identification of a child’s needs and work as a complement to Mental Health practitioners in schools.
- EAH should be available at early years, no matter what type of setting a child is in (including childminders). For our youngest children, getting experts involved as soon as possible can minimise or prevent the escalation of needs later.
- There should be a means of government monitoring and oversight to ensure equal access and to monitor access across different stages of education
- There must be accessible records shared between local area partners and experts.

- Experts must have sufficient time to be able to read and understand an individual child's records
- They should have clearly defined responsibilities and sufficient resources to meet them
- Schools and local authorities should be legally accountable for the services provided, so that parents have sufficient trust and so that children are not pushed ineffectively between services
- Strong central leadership and direction is needed to ensure that health come to the table (where health input is needed)

Part three: specialist support for those with complex needs

21. What needs to be in place so that children and young people with low incidence, highly complex needs can always access the right specialist placement?

Ultimately, there must be a clear route to identification of needs at every stage, enough specialist provision commissioned in each area and joined-up decision making across education, health and care.

It is critical that there is sufficient special school resource with quality provision for children with complex special educational needs of varying types. Sufficiency of special schools should be in every local authority: one SEND school covering all areas is not the answer and therefore regional and pan-regional provision (based on travel time) would better meet the needs of children.

In cases of particularly complex need, special schools are needed to ensure that staff need to have relevant expertise to support children's special educational needs. Children with the most complex and/or profound needs are likely to need life-long support. This means the long-term and meaningful integration of health into support packages and, in a number of cases, long-term residential care. Inclusion strategies and bases in mainstream schools will never be able to meet this kind of need. Specialist provision must therefore be protected and commissioned at adequate rates and with full legal recourse for its sufficiency.

EOTAS does not feature in this package of reform, but are increasingly an important part of SEND education provision.

22. How can Specialist Provision Packages be designed to effectively support the main types of need we currently recognise?

We are deeply concerned about the ability of pre-determined and pre-defined packages to meet the needs of all children. Support should be based on needs rather than diagnosis and labels. Often complex needs can overlap different areas, so the packages should reflect these functional needs and combinations of elements from different packages should be allowed to ensure needs are met.

Each package should have detailed definitions that sets out what educational support, therapy, health input, environmental adaptations and personal care support is required. In the common

scenario that a child meets partial definitions across multiple packages, it should be clear what support and funding for that support will be available. Rather than providing fixed boundaries to the kinds of support on offer, packages could be seen as offering a menu of possible interventions, accommodations and ways to meet functional needs.

The Department for Education must do considerable and proactive consultation on the makeup of these packages before they are rolled out. In particular, more information is needed before parents, professionals and organisations can reasonably comment on:

- How packages are to be determined
- What is the role for the panel of experts, and how are the experts to be chosen
- How impartiality, scrutiny and accountability can be baked in to these measures
- Who will ultimately determine what support a child is given
- How the considerable discretion available to schools will be mitigated against to protect children against discrimination
- How a child's changing needs over time will be accommodated by this system
- How a parent or carer can challenge the allocated provision if they do not agree with the support allocated to a child
- What happens when a child falls between packages and requires some provision from more than one

23. We propose that EHCPs will guarantee educational provision set out in a Specialist Provision Package, with day-to-day provision captured in Individual Support Plans. What is needed to make these proposals work effectively?

For a child's right to a suitable education to be assured, EHCPs should link clearly to the Specialist Provision package, setting out the educational provision required. ISPs should be practical working documents that capture the triggers, strategies and adjustments that are included with the EHCP and defined Specialist Provision packages in a concise format that educators can actually use.

Any risk of a gap developing between the legal plan (EHCP) and the day-to-day delivery (ISP) must be explicitly guarded against with the documents rather intrinsically linked and interdependent and with precedence clearly held by the EHCP, underpinned as it is by multi-disciplinary expertise.

This process, however, risks being overly bureaucratic, with children and parents/carers being expected to navigate three overlapping and potentially complex systems. When one document is updated, there will be a knock-on effect on the others, and there is considerable risk that information is lost between them.

The legal enforceability of EHCPs must be maintained and strengthened from the current system, in which many children are left without provision and support despite holding a legally enforceable statement of their support needs.

This is shown in the case of Sam. Sam is 16 and in year 12, attending the sixth form attached to an academy school, and has an EHCP, a diagnosis of autism, communication needs and a learning disability. His parents sought advice through CCLC's Child Law Advice Service after Sam started demonstrating new behaviours which led to someone getting hurt. Sam's parents approached the school to try to negotiate the support outlined in Sam's EHCP, which was still not in place eight months in. Sam's parents were told both that the school may not be able to meet his needs and that he is at risk of permanent exclusion. Following a challenge by an advocate at a reintegration meeting following a suspension, support was finally arranged, but Sam's parents feel they cannot further challenge the school on the support provided because of the growing threats of permanent exclusion. In this case, the legal enforceability of Sam's support is the only thing keeping him in mainstream education.

24. We propose creating a more direct route to Specialist Provision Packages and EHCP assessments for children under 5 with complex needs. How can we make sure this works in practice?

Where complex needs are apparent at birth or shortly afterwards, access to the Specialist Support Packages should happen promptly. All too often assessment of need, identification of support required and access to this support if is left until the child is old enough to access an early years or school provision, but nothing is in place, hindering or delaying their ability to access provision.

However, it also needs to be recognised that some children and young people will cope in their younger years but their needs may intensify at adolescence when the supportive environment of primary school is no longer there, or at transition at 16 with emergent/intensive risks/mental health issues. The route to Specialist Provision Packages must be clear throughout age and stage, and not only at pre-set transition points.

25. What would you expect to be considered as part of the needs assessment, for example evidence and expert or professional input?

- The voice of the child, their preferences and views
- The voice of the parent or carer
- The views of teachers
- The views of the SENCO
- The professional opinion of experts involved with the child or needed for adequate assessment
- Health services, where necessary
- Social care services, where appropriate
- A voice to represent a child's other pastoral or functional needs, for example housing where this is relevant

26. What factors should LAs take into account in proposing to parents and young people a list of potential settings to name on a plan?

- The ability of the placement to meet child's needs, as outlined by expert evidence as to the needs of the child and the provision required to meet their needs, including the type of setting required.
- The views and wishes of the child
- The views and wishes of the child's parents/carers including their needs for family life and the impact upon siblings of the behaviours of the child and with the option of residential or respite care being available for consideration
- The distance of the setting and the impact of any potential travel on the child, their needs and ability to access/ engage in education.

27. What information and support do parents need to make a decision about which setting will be best for their child?

Parents and carers need an understanding of:

- what the provision looks like in practice, i.e. how they support learning, behaviour, regulation, access to the curriculum and the availability/sufficiency of the peer group for their child.
- what the likely outcomes/pathways are i.e. how their child is likely to progress, curriculum and qualifications on offer etc.
- what professional support is provided within the school
- how they will be involved in discussion and planning of provision for their child
- The setting's experience of caring and educating children with similar needs, and evidence of positive outcomes
- Accurate, up-to-date information about all relevant local settings, with sufficient detail to inform decision making.

For many families, this detailed, accurate information will be sufficient. However, for a smaller number of families such as those with lower digital literacy, English as a second language, parents with their own additional needs or those in complex circumstances (health issues, family breakdown, insecure housing, job loss, bereavement, stress), greater support will be needed to understand and digest information, to understand types of support, to break down terminology, to navigate systems and processes, and/or to make decisions. This should be readily available through multiple points of parent contact alongside smaller, more intensive support such as brokerage.

This should not be a lottery or impacted by LAs struggling to obtain information from certain settings. This is particularly relevant in early years. Currently, LAs report difficulties in establishing relationships with, and getting information from, large chain Private, Voluntary and Independent nursery providers. LAs also report challenges in getting reliable, up-to-date information from

childminders (particularly those registered through agencies). Central government needs to support LAs by giving clear direction to all settings on their responsibility to provide this information.

28. What do you think is the right maximum length of time for a temporary placement in Alternative Provision (AP) schools? Please explain your rationale.

To some extent, the appropriate length of time in AP depends on the child's needs. For example, where a child has a health condition that prevents them from attending mainstream school, and as long as the alternative provision is suitable, it may not necessarily be appropriate to impose a maximum time limit. The placement should last for as long as the child's needs – including their sense of belonging - require. There will therefore be cases in which longer-term AP is both necessary and desirable. However, this will only ever be true where the AP is genuinely suitable.

In less specialised scenarios, maximum time limits are an important mitigation against abuse of processes such as off-site direction. In our experience, this practice is frequently being exploited by schools, with pupils placed in off-site direction on an open-ended basis for many months, operating as de-facto exclusions, in AP that may not be suitable for their needs. There should be time-limits and considerably stronger and more frequent scrutiny of off-site direction to AP. The views of parents/carers and children should be taken into account in the review process. There should be proper processes to share the information from the reviews, and clear detailed plans for how the child is going to be supported and transitioned back into mainstream education or to a longer-term placement that can meet their needs.

29. We have set out our plans to regulate Independent Special Schools (ISS) sector. Do you agree that these proposed changes will lead to suitable placements being available at a fair cost? Please explain why.

Many independent special schools are already regulated. Many are run to high standard on a not for profit basis and on an open book basis which comprises fair cost for the needs being met. Consideration should be given to how such providers are supported to develop and expand.

Part four: reforming the system to reward inclusion

30. How should settings be held accountable for how they spend their Inclusive Mainstream funding?

Transparently and fairly, requiring publication and consideration in inspection.

31. Do you agree that more SEND funding should sit directly within mainstream budgets? Please explain why.

The SEND funding should follow the child.

32. In relation to pooled funding, we propose that every school becomes part of a local SEND group. Do you agree that this proposal aligns with our aim for all schools to be part of high-quality, community-based trusts?

The SEND funding should follow the child.

33. How should disagreements about membership, provision, or funding in groups of schools for SEND be resolved?

34. How can we ensure the most effective use of these local partnership groups?

35. Which stakeholders are important for the success of local partnership groups, and why?

36. How can we build stronger collaboration and a culture of improvement through local SEND strategic plans?

No answer.

37. What information, advice and guidance can best support children, young people and their families to ensure greater fairness across the system?

We would support the use of family hubs to enable parents and carers to access face to face advice about locally-specific provision through the local authority and support with information about education processes and rights accessible from validated sources such as our own [Child Law Advice Service](#) and [School Exclusions Hub](#).

The information on education provided by these services is a good model for what information is additionally needed face-to-face. This advice must be truly independent. In order to achieve this, local authorities should not be funding such support, and it should instead be funded centrally.

There must be adequately funded legal aid for education issues including exclusions. The current provision is limited: there are only 24 legal aid providers for the whole of England, including Coram Children's Legal Centre and funding rates are extremely poor, leading to some providers needing to ration access, use additional sources of funding to mitigate against financial loss on providing a public service, or limit capacity so that they can take on additional privately paid work. Legal aid rates have not changed for education lawyers since [1996](#). This public service is at breaking point. Education law advice cannot become something only families with higher incomes can afford. There are additional problems with families whose circumstances mean they fall outside eligibility, such as those in temporary accommodation, who may be most in need.

38. Do you agree that a SEND specialist (e.g. a SENCO) should sit on the school complaint panel, when the complaint relates to SEND support and provision? Please explain why.

Yes. bodies and complaints panels do not currently have SEN expertise and this deeply compromises their ability to effectively hear and act on complaints.

There is relevant learning from related parts of the systems of accountability already used by schools and pupils. The School Exclusions Clinic at CCLC represents families who are going through Independent Review Panel hearings following permanent exclusion, and since reforms in 2012 families have had the option to request an SEN expert at IRP. The use of this expert has climbed slowly but steadily since its introduction, from 35% in 2012/13 to 68% in 2023/24 (the last year for which data is available). Positive IRP outcomes have changed roughly in line with the inclusion of this

expert in proceedings: panel hearings ending with a direction that a governing body reinstate a child have gone up from 16% in 2012/13 to 23% in 2023/24.

What has risen, but not risen proportionally, is the percentage of children who have actually been offered reinstatement following an IRP. This has gone up, from 6% in 2012/13 to 11% in 2023/24, but when the concrete outcomes for children are measured, the overall impact is slight. Only 605 children have been offered reinstatement at their former school following an independent review of a permanent exclusion decision since IRPs were introduced in 2012 – out of a total of 81,319 permanently excluded children in 12 years. In percentage terms, this is 0.6% of permanently excluded pupils.

We agree that a SEN expert will be a beneficial addition to the complaints process, because complaints need to result in actionable change if they are to be anything like a meaningful remedy for children and families. However, as seen with the IRP example above, if complaints panels have no power to mandate meaningful change for pupils, the change will be ineffective. Alongside SEN expert involvement, the following changes are needed to make the complaints process a meaningful and effective remedy:

- **Significantly faster timeframes.** The complaints process can be slow, which is particularly problematic where, for example, a pupil is experiencing disability discrimination, has been informally excluded, or is left without education following the breakdown of a managed move. For complaints to be an effective remedy, they must be heard in a child's timeframe.
- **Greater independence.** The current complaints process raises concerns about independence and effectiveness, due to the central role of a school's governing board.
- **Escalation routes.** The DfE's remit is restricted to assessing whether the school has followed its procedures correctly, rather than reviewing the substance of the complaint. As a result, many families are left without access to an impartial body capable of considering their complaint, should it need to be escalated.
- **More of a focus on concrete outcomes.** As in the IRP example above, if a complaints panel doesn't have the power to mandate change, it will be an ineffective but time-consuming process that does not constitute a remedy for children.

The use of the SENCO in particular in the complaints process is also potentially difficult as it may have unintended negative consequences for the relationship of trust between the school's SEN expert and children and families. They are also not impartial – they are an employee of the school and answerable to the head teacher. An impartial expert would be significantly better for the robustness of the process.

39. This consultation outlines a series of measures intended to reform the SEND system. Some of these measures have already been finalised, and this is clearly indicated within the document. With this in mind, is there anything further you would like to contribute to help inform the remaining proposals that are still under consideration?

Changes to the SEND Tribunal

The lack of consultation on changes to the SEND Tribunal is a serious concern. SEND Tribunals currently have the power to make decisions about the school placements and are able to name these in section I EHC plans. The current proposal removes that legal right, leaving children and families without any access to enforceable rights to determine where their child is educated.

For the reasons already set out, school complaints processes are not an adequate replacement for legally enforceable rights. This is likely to cause significant tensions between schools and parents/carers, adding more stress on the school system and parents. It is also likely to result more litigious action, such as judicial reviews of decisions.

The appropriate response to the overwhelming success rate of parents at Tribunal is not to take away the means of challenging local or central government, but to make decision making and the provision of support fair, transparent and less open to challenge. Costs should be awarded against local authorities when they lose and this would be a disincentive to the common practice of delay in cases where the parent/child has a case likely to be successful.

The transfer of the legal duty to deliver the educational offer in an EHCP from local authorities to schools is also not being consulted upon, and is also a serious omission.

Legal safeguards are key to ensuring that even in the worst-case scenario, there are meaningful mechanisms to uphold children's rights.

Childminders

The role of childminders in the SEND system requires further focus. In a recent survey (April 2026) of 675 childminders in England by Coram PACEY:

- Do you/your setting currently care for any children who have been formally recognised as having a disability or additional learning needs? **28% said yes**
- Do you/your setting currently care for any children that have not been formally recognised as having a disability or additional learning needs but are waiting to be assessed? **32% said yes**
- Do you/your setting care for any children that you feel may have a disability or additional learning needs but these have not been formally recognised and they are not waiting to be assessed? **29% said yes)**

While we have flagged where this is particularly relevant above, further scrutiny of the role of home-based care in early years is required to ensure that early intervention works, and that children get the early support they need.