

Research Briefing

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The Special Educational Needs and Disabilities and Alternative Provision Improvement Plan

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Summary

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Summary

In January 2022 [there were around 1.5 million pupils with identified Special Educational Needs](#) (around 17% of pupils in England). The majority of these pupils attend mainstream schools.

In January 2022 [there were 1,022 state-funded special schools in England](#) with around 142,000 pupils recorded as attending them.

The Government published its plan to improve special educational needs and disabilities (SEND) support and alternative educational provision in March 2023.

The plan is the Government's response to a [green paper consultation](#) held in 2022. The consultation took place after [a review into support for SEND](#) that began in 2019.

A [roadmap](#) of actions the Government plans to take to improve SEND provision was published alongside the plan, setting out timelines.

The SEND and Alternative Provision Improvement Plan

The [Special Educational Needs and Disabilities \(SEND\) and alternative provision improvement plan: right support, right place, right time](#) proposes a unified system for SEND and alternative provision, driven by new national standards. This was a central proposal of the green paper.

There are no immediate plans to amend existing legislation, although the Government does intend to underpin the new national standards with legislation once they have been rolled out, which is planned to begin in 2025.

Alongside new national standards, the improvement plan sets out the Government's intention to:

- Create local SEND and alternative provision partnerships to lead change and commission provision
- Set up a National SEND and Alternative Provision Implementation Board to oversee the implementation of the plan
- Develop a standard template for Education, Health, and Care Plans (EHCPs), and digitise the plans

- Create a three-tier alternative provision system, focused away from long-term placements
- Develop options for providing parents and carers with a tailored list of SEND educational settings
- Support a SEND and alternative provision change programme to oversee the reforms
- Improve skills in the SEND workforce, with a particular emphasis on early intervention
- Strengthen accountability, including with a new local and national inclusion dashboard and refocused inspections of local SEND provision by Ofsted and the Care Quality Commission
- Explore options for strengthening mediation between schools and local authorities, before deciding on whether to make mediation mandatory
- Introduce a new national framework of banding and price tariffs for high needs funding, with more details on this to follow later in 2023

Education policy is a devolved issue, and this paper applies to England only.

1 Support for children and young people with Special Educational Needs and Disabilities

1.1 Special Educational Needs and Disability: legislation and code of practice

The [Children and Families Act 2014](#) provided for a major reform of the system for identifying children and young people in England with special educational needs (SEN), assessing their needs and making provision for them.

The statutory [Special Educational Needs and Disability \(SEND\): Code of practice](#), first published in 2014, sets out detailed information on the support available for children and young people aged 0 to 25 under the 2014 Act.

The Library briefing [Special Educational Needs: support in England](#) (March 2022) sets out wider information on the support in place for children with SEN, including relevant statistics, information on funding, and how the system has performed to date.

Defining special educational needs

The statutory SEND [Code of Practice](#) sets out the definition of special educational needs used in England:

A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by relevant

early years providers. For a child under two years of age, special educational provision means educational provision of any kind.¹

1.2 Types of support for children with SEN

The type of support that children and young people with SEN receive can vary widely, depending on their needs. However, two broad levels of support are in place: SEN support, and Education, Health and Care Plans.

SEN support

This is support given to a child or young person in their pre-school, school, or college.

The [gov.uk website](#) sets out that SEN support for children under five includes:

- a written progress check when a child is two years old
- a child health visitor carrying out a health check for a child if they're aged two to three
- a written assessment in the summer term of a child's first year of primary school
- making reasonable adjustments for disabled children, eg providing aids like tactile signs

For children of compulsory school age, the following indicative list published by the Government explains [the type of help a child might receive](#) in school:

- a special learning programme
- extra help from a teacher or assistant
- to work in a smaller group
- observation in class or at break
- help taking part in class activities
- extra encouragement in their learning, eg to ask questions or to try something they find difficult
- help communicating with other children

¹ Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#), January 2015, p15-16

- support with physical or personal care difficulties, such as eating, getting around school safely or using the toilet²

For young people aged 16 to 25 in further education, the Government says their school or college should work with them to decide how their needs can be met.

Education, Health and Care Plans

Education, Health and Care Plans (EHCPs) are for children and young people aged up to 25 who need more support than is available through the SEN support route. In January 2022 there were around 356,000 pupils with EHCPs in England (4.0% of all pupils).³ At the time of writing this is the most recent data available.

EHCPs are the replacement for the pre-2014 system of SEN statements and Learning Difficulty Assessments (LDAs). They aim to provide more substantial help for children and young people through a unified approach that reaches across education, health care, and social care needs.

Parents (and all those with parental responsibility) can ask their local authority to carry out an assessment if they think their child needs an EHCP.

A request can also be made by:

- anyone at the child's school
- a doctor
- a health visitor
- a nursery worker

Requests should be made with the knowledge and, where possible, agreement of the child's parents or the young person.

A local authority has six weeks to decide whether to carry out a needs assessment for an EHCP.

1.3

Protections for disabled children

Although there is significant overlap, not all children with SEN have disabilities, and vice versa.

² GOV.UK, [Children with special educational needs and disabilities](#)

³ Department for Education, [Special Educational Needs in England](#), 16 June 2022. All pupils refers to pupils attending state-funded nursery, primary, secondary and special schools, non-maintained special schools, pupil referral units and independent schools.

All schools in England, irrespective of how they are funded or managed have obligations under the Equality Act 2010. The 2010 Act protects pupils from discrimination and harassment based on protected characteristics, including disability.

[Technical guidance for schools](#) published by the Equality and Human Rights Commission (EHRC) sets out schools' obligations under the 2010 Act.⁴ Chapter 6 of the EHRC guidance discusses reasonable adjustments for disabled pupils.

The Department for Education (DfE) has also published [Equality Act guidance for schools](#).⁵ Chapter 4 discusses disability discrimination.

1.4 Support in further education

In addition to the statutory [Special Educational Needs and Disability \(SEND\): Code of practice](#), the Government published a [guide to the code of practice](#) for further education colleges, sixth-form colleges, 16 to 19 academies, and independent specialist colleges.⁶ The guide is not a substitute for the full code of practice, and it has no statutory basis, but it explains the duties and responsibilities of further education providers who deal with children and young people with SEND.

As with children of compulsory school age, support for post-16 learners with SEND comprises general SEND support and the specific support that accompanies an Education, Health, and Care Plan.

SEND support

Further education providers are expected to be involved in planning for the transition between school and college, so they can prepare to meet a student's needs. College applicants should have opportunities to declare whether they have a disability or medical condition that will affect their learning. Colleges should then discuss this information, along with any information provided by the school, with the student and any parent, guardian, or advocate to develop a support plan.

Colleges are expected to provide appropriate, high quality SEN support using all available resources. Support might include assistive technology, specialist tuition, and note takers. Colleges must also ensure they have access to external specialist services and expertise. These can include educational psychologists, Child and Adolescent Mental Health Services (CAMHS),

⁴ Equality and Human Rights Commission, [Technical Guidance for Schools in England](#), July 2014

⁵ Department for Education, [The Equality Act 2010 and schools](#), May 2014

⁶ Department for Education, [Further education: Guide to the 0 to 25 SEND code of practice](#), 1 September 2014.

specialist teachers and support services, supported employment services, and therapists.

The effectiveness of the support should be reviewed regularly. Colleges must also ensure young people with SEN have the information they need to transition out of post-16 provision. This includes information about higher education (and the associated support available and how to claim it), local employers, further training, and where to go for more advice or support.

Education, Health, and Care Plans

In almost all circumstances, a college has a duty to admit a young person if the college is named in their Education, Health, and Care Plan (EHCP) and to provide the educational support specified in the plan.⁷ Further education students can also ask the local authority for a EHCP needs assessment at any point before their 25th birthday.

The EHCP specifies the provision the young person needs to help them to achieve their desired outcomes. Colleges are involved in the development or review of EHCPs to determine what can be provided from within their own resources and what will require additional external expertise or further funding from the local authority.

While a local authority must not cease an EHCP simply because a young person is aged 19 or over, there is no automatic entitlement to continued support, or an expectation that young people with an EHCP should remain in further education until age 25. However, local authorities must consider whether the education or training outcomes specified in the EHCP have been achieved before they decide it is no longer necessary to maintain it.

1.5

Support in higher education

The statutory SEND system (including EHCPs) does not extend to higher education (education generally undertaken in universities). Providers are instead bound by different statutory duties under the [Equality Act 2010](#) when it comes to supporting students with SEN in higher education. There is also different funding in place known as the [Disabled Students' Allowance](#) (DSA).

Equality Act 2010

Publicly funded higher education providers have a duty under the [Equality Act 2010](#) not to discriminate against potential or current students if they have a disability. A disability is defined in the Act as: “a physical or mental

⁷ Department for Education, [Further education: Guide to the 0 to 25 SEND code of practice](#), 1 September 2014, p15.

impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.”⁸

Higher education providers must not discriminate against a student with a disability in the way they provide access to education, services, and facilities. The Act’s Public Sector Equality Duty also requires providers to comply with general duties to eliminate discrimination and advance equality of opportunity between those who share a relevant protected characteristic and those who do not.⁹ Disability is a relevant protected characteristic.

Reasonable adjustments

The Equality Act 2010 requires higher education providers to make ‘reasonable adjustments’ for disabled people.¹⁰ The duty aims to ensure disabled people do not face ‘substantial disadvantage’ compared to non-disabled people.

- The first requirement of the duty covers changing the way things are done (such as changing a practice).
- The second covers making changes to the built environment (such as providing access to a building).
- The third covers providing auxiliary aids and services (such as providing special computer software or providing a different service).¹¹

The aim is to prevent disabled people being from disadvantaged and to encourage greater equality in participation and outcomes among all students.

The Office for Students, which regulates higher education in England, has published [information on effective practice and resources](#) to assist higher education providers in supporting disabled students.¹² Many universities have disability advisers who can discuss with students what reasonable adjustments might be available to them depending on their personal situation.¹³

Disabled Students’ Allowance

[Disabled Students’ Allowance](#) (DSA) helps to cover the extra costs a student might incur because of a disability, including a long-term health condition,

⁸ Disability Rights UK, [Factsheet F56. Understanding the Equality Act: Information for disabled students](#), June 2020.

⁹ [Equality Act 2010](#), Section 149.

¹⁰ [Equality Act 2010](#), Section 20 and Schedule 13.

¹¹ [Equality Act 2010](#), Section 20

¹² Office for Students, [Disabled students](#), 27 July 2020.

¹³ Disability Rights UK has a factsheet on some common adjustments for disabled students: Disability Rights UK, [Factsheet F11. Adjustments for disabled students](#), April 2020.

mental health condition, physical disability, or specific learning difficulty such as dyslexia or dyspraxia.¹⁴

DSA can help to pay for:

- specialist equipment, such as a computer or disability-related software;
- a non-medical helper, such as a British Sign Language interpreter;
- the day-to-day costs of study related to the student's disability; and
- travel costs.

The amount of DSA a student is entitled to will depend on their individual needs. Students may need to provide evidence of their disability and attend a Study Needs Assessment to establish the necessary support.

In England, undergraduate and postgraduate students can get up to £26,291 for support for the 2023/24 academic year.¹⁵ Students apply through Student Finance England and the money is paid either into the student's bank account or directly to the organisation providing the service or equipment.

Disabled Students' Commission

The [Disabled Students' Commission](#) is an independent group established by the Office for Students in March 2020. Through a competitive process, the training provider Advance HE was awarded funding by the Office for Students to support the Commission for three years.

The Commission provides advice and information to higher education providers to improve support for disabled students. Following a consultation, the Commission will launch the [Disabled Student Commitment](#) in early 2023, which is “a call to the sector and its organisations to make the step change necessary to create a more inclusive higher education environment for everyone.”¹⁶

The Commitment does not seek to replicate or replace existing legal duties, but instead will ask providers to consider what more they can do to improve the experience of disabled students by looking at their practices and policies.

¹⁴ GOV.UK, [Help if you're a student with a learning difficulty, health problem or disability](#) (accessed 16 March 2023)

¹⁵ GOV.UK, [Help if you're a student with a learning difficulty, health problem or disability](#) (accessed 16 March 2023)

¹⁶ Advance HE, [The disabled Student Commitment](#) (accessed 16 March 2023).

1.6

Transitions to employment

The statutory [Special Educational Needs and Disability \(SEND\): Code of practice](#) says that one of the most effective ways to prepare young people with SEN for employment is through work-based learning. Apprenticeships, traineeships and supported internships are all referred to as potential routes to employment.

Anti-discrimination legislation

The [Equality Act 2010](#) prohibits both direct and indirect disability discrimination in employment and recruitment.

Direct disability discrimination occurs where an employer treats a disabled person less favourably because they are disabled.

Indirect disability discrimination occurs where an employer applies a policy, criterion or practice which has the effect of putting a disabled person at a particular disadvantage as compared with non-disabled persons. Indirect discrimination may be lawful if it can be shown to be a proportionate means of achieving a legitimate aim.

The Act also prohibits employers from harassing or victimising disabled people.

Reasonable adjustments

As part of the [Equality Act 2010](#), employers must make **reasonable adjustments** to support disabled job applicants and employees. As stated in the Department for Work and Pensions (DWP) guidance:

This means ensuring disabled people can overcome any substantial disadvantages they may have doing their jobs and progressing in work.

Examples of reasonable adjustments included in the guidance and on the gov.uk page [Reasonable adjustments for workers with disabilities or health conditions](#) are listed below. This is not an exhaustive list of potential adjustments.

- Making changes to a disabled person's working pattern. Allow those who have become disabled to make a phased return to work.
- Doing things another way, such as allowing someone with social anxiety disorder to have their own desk instead of hot-desking, or allowing someone with a wheelchair to work on the ground floor.
- Providing training or mentoring. This will include training to non-disabled workers on how they can be more inclusive to disabled people.

- Either employing a support worker to assist a disabled worker, or arrange for a colleague to assist them with certain tasks.
- Making alterations to premises, like installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person.
- Ensuring that information is provided in accessible formats, for example in Braille or on audio tape.
- Modifying or acquiring equipment, such as special keyboards for those with arthritis.
- Changing the recruitment process. Modify procedures for testing or assessment to ensure they don't disadvantage people with particular disabilities.
- Allowing extra time during selection tests.

[Access to Work](#) funding can be applied for towards the cost of making such reasonable adjustments.

Both employers and training providers will receive £1,000 from the government for every apprentice they take on aged between 19 and 24 who has previously been in care or has a Local Authority Education, Health and Care plan. This payment reflects the extra support that these apprentices generally need, and the costs associated with this support.¹⁷

¹⁷ ESFA, [Apprenticeship funding in England From June 2022](#), June 2022, p11

2 Alternative provision in education overview

This section provides background on the existing system for alternative provision. Further information is available in the Library briefing [Alternative Provision Education in England](#) (2019).

2.1 Types of alternative provision

Alternative provision (AP) is defined by the Department for Education (DfE) as:

Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.¹⁸

Types of AP providers include: AP academies, AP free schools, pupil referral units (PRUs), hospital schools, independent providers, further education colleges, and voluntary sector providers.

The Department for Education routinely publishes the number of Pupil Referral Units, AP academies, and AP free schools. In January 2022, there were 182 Pupil Referral Units, 106 AP academies, and 50 AP free schools in England. Around 11,700 pupils attended these providers (this was around 0.1% of all pupils).¹⁹

There are different types of providers with full and/or part-time places which tend to offer both short and longer-term placements. A 2018 [research study of 200 AP providers by the DfE](#) (PDF), found that the average placement was a minimum of six months.²⁰

2.2 Duties of local authorities and schools

Depending on the reason a child requires AP, placements will be commissioned by local authorities or schools. It is up to whoever is

¹⁸ Department for Education, [Alternative Provision Statutory Guidance for Local Authorities](#) (PDF), 2013 p3

¹⁹ Department for Education, [Schools pupils and their characteristics: January 2022](#), 25 August 2022

²⁰ Department for Education, [Investigative research into AP: Oct 2018](#) (PDF), p96

commissioning the support to determine the most appropriate AP provider, but they are expected to consider the views of the child, their parents and other professionals.²¹

Local authorities have a statutory responsibility for arranging “suitable” full-time education for pupils permanently excluded from school, and for other pupils who “would not receive suitable education without such provision”.²² This applies to all children of compulsory school age living in the local authority area, regardless of whether they are on a school roll, and what type of school they attend. The provision of full-time education for excluded pupils must begin no later than the sixth day of the exclusion.²³

There is no statutory requirement for how soon full-time education should begin for pupils placed in AP for reasons other than exclusion. However, the guidance states that local authorities should ensure that such pupils are placed “as quickly as possible”.²⁴

In addition, although good AP will differ depending on the circumstances of the pupil, “there are common elements that AP should aim to achieve”²⁵ according to the DfE, including:

- Good academic attainment on par with mainstream schools, particularly in English, mathematics and science (including IT), and with appropriate accreditation and qualifications;
- That the specific personal, social and academic needs of pupils are properly identified and met in order to help them to overcome any barriers to attainment;
- Improved pupil motivation and self-confidence, attendance and engagement with education; and
- Clearly defined objectives, including the next steps following the placement such as reintegration into mainstream education, or successful transition to further education, training or employment.

2.3

What is taught to pupils in alternative provision?

In 2018, [the DfE published investigative research into AP](#) (PDF) with interviews with 200 AP head teachers. One question asked head teachers what qualifications they offered and why. Most respondents offered GCSE mathematics and English (four out of five respondents) as well as other

²¹ Department for Education [AP: creating opportunity for all, March 2018, p5-7](#)

²² Department for Education, [Alternative Provision Statutory Guidance for Local Authorities, p3](#)

²³ [As above](#)

²⁴ [As above](#)

²⁵ [As above, p97](#)

qualifications such as functional skills, arts-based provision, vocational subjects and a “narrow range of additional GCSE subjects”. Most APs offered work-based learning or work placements.²⁶

Respondents said it was a challenge to balance core academic subjects with vocational ones to accommodate such a wide range of pupil abilities and needs. In addition, AP providers offering short term or part time placements supported shorter, unit-based qualifications, which could be completed quickly and increase pupils’ confidence that they can achieve qualifications.

Statutory guidance does not state that APs must adhere to the national curriculum. However, [the DfE’s investigative research into AP found it was “common” for APs to do so as closely as possible](#) (PDF), in order to help pupils reintegrate back into mainstream education.²⁷

²⁶ Department for Education, [Investigative research into AP: Oct 2018](#) (PDF), p11-12

²⁷ As above, p98

3 The 2022 SEND and Alternative Provision Green Paper

3.1 SEND review announcement (2019)

In September 2019, five years after the current system of support for children and young people with SEND was introduced, [the Government announced a major review of its effectiveness](#).

The review aimed to “improve the services available to families who need support, equip staff in schools and colleges to respond effectively to their needs as well as ending the ‘postcode lottery’ they often face.”²⁸ It intended to look at how the system has evolved since its introduction, links with health and social care, and would “conclude with action to boost outcomes and improve value for money.”²⁹

The Government said it would consider and propose action on:

- the evidence on how the system can provide the highest quality support that enables children and young people with SEND to thrive and prepare for adulthood, including employment;
- better helping parents to make decisions about what kind of support will be best for their child;
- making sure support in different local areas is consistent, joined up across health, care and education services, and that high-quality health and education support is available across the country;
- how to strike the right balance of state-funded provision across inclusive mainstream and specialist places;
- aligning incentives and accountability for schools, colleges and local authorities to make sure they provide the best possible support for children and young people with SEND;

²⁸ For example, the Education Policy Institute identified a “postcode lottery” in the provision of SEND support in its study, “with the chances of receiving SEND support from the school or from the local authority largely dictated by the school that a child attends, rather than their individual circumstances” [Identifying pupils with special educational needs and disabilities](#), 19 March 2021

²⁹ Department for Education, [Major review into support for children with Special Educational Needs](#), 6 September 2019

- understanding what is behind rising numbers of education, health and care (EHC) plans and the role of specific health conditions in driving demand; and
- ensuring that public money is spent in an efficient, effective and sustainable manner, placing a premium on securing high quality outcomes for those children and young people who need additional support the most.

The Government said the Covid-19 pandemic has affected the timing of the review, and its content would be reconsidered as a result.³⁰

In March 2021, the Permanent Secretary at the Department for Education, Susan Acland-Hood, told the Public Accounts Committee that a SEND green paper would be published towards the end of June 2021.³¹ This deadline passed, however, and the Government later said the review would be published in the first quarter of 2022.

3.2 Funding issues and call for evidence

Funding for SEN in England is not allocated as a separate amount per pupil. SEN funding is part of the overall Dedicated Schools Grant allocated to each local authority to fund their schools budget. It is for local authorities, in consultation with their schools forums, to determine the allocation to schools.

Responding to a parliamentary question in 2014, Edward Timpson, the then Parliamentary Under-Secretary of State for Children and Families, described SEN funding for local authority maintained schools. The question, from Steve McCabe MP (Labour) then Shadow Minister for Children and Families, asked whether SEN coordinators were able to request funding from the DfE for extra assistance with SEN students in maintained schools.

Edward Timpson said extra funding should come from local authorities:

The Department for Education does not give funds directly to local authority maintained schools. Funds for extra assistance with students with special educational needs (SEN) come from schools' budgets and, if the extra cost is more than £6,000 per year for an individual student, from local authorities in the form of top-up funding for the school. Local authorities can also give extra funding to schools with a disproportionate number of pupils with SEN. Special educational needs coordinators should therefore seek any additional funds required from the relevant local authority.³²

Mainstream academies are in a similar position. When planning their budgets, academies should account for meeting the costs of additional support for pupils with SEN up to £6,000 from their school budget share

³⁰ See, for example, [PQ 38401, 6 September 2021](#)

³¹ Public Accounts Committee, [Oral evidence: COVID-19: Education](#), HC 944, 25 March 2021, Q80

³² [HC Deb 23 Jun 2014 c83W](#)

(including the notional SEN funding).³³ Additional, ‘top-up funding’, may be provided by local authorities when required.

For special schools, maintained or academies, a similar system is in place, but they are funded at the higher level of £10,000 per SEN pupil, with any extra ‘top-up’ funding then provided by the local authority.³⁴ (This level of funding may also be provided for some pupils in specialist SEN units and resourced provision in mainstream schools, including academies and free schools.)

Call for evidence on funding

In May 2019 the [Department for Education opened a call for evidence on the High Needs funding system](#).³⁵

The call for evidence asked for views on a range of issues relating to SEN, including:

- SEN factors in the school funding formula,³⁶ including the possibility of tiering funding for pupils with lower attainment in mainstream assessments and, by proxy, pupils with more complex needs
- targeted funding for pupils with SEN
- the notional SEN budgets provided to schools to support their spending decisions
- the expectation that mainstream schools pay for the costs of SEN support up to £6,000 per year per student before accessing extra funding
- the information available locally about the SEN support in particular schools
- whether existing funding arrangements provide perverse incentives against early intervention to support children with SEN

The call for evidence also included questions about SEN support in post-16 education, and funding for alternative provision.³⁷

³³ Department for Education, [Academy general annual grant allocation guide: 2020 to 2021 academic year](#), February 2020, p11

³⁴ See separate DfE guidance on the [funding of special schools in 2020-21](#)

³⁵ Department for Education, [Education Secretary confirms plans to simplify school accountability](#), 3 May 2019

³⁶ House of Commons Library, [School funding in England](#), December 2022, provides more information on school funding

³⁷ Department for Education, [Provision for children and young people with special educational needs and disabilities, and for those who need alternative provision: how the financial arrangements work: Call for Evidence](#), May 2019

The call for evidence ran until 31 July 2019. The March 2022 green paper included proposals on SEND funding, and future consultations on wider school funding reform are expected to include more proposals on how local authorities manage their SEN budgets.³⁸

3.3 SEND and Alternative Provision Green Paper (2022)

The Government published [SEND Review: right support, right place, right time](#), setting out plans for a single national system for SEND and alternative provision on 29 March 2022.

The Government said the green paper (a discussion paper) aimed to “improve an inconsistent, process-heavy and increasingly adversarial system that too often leaves parents facing difficulties and delays accessing the right support for their child.”³⁹

A consultation on the proposals was open from March to July 2022.

The green paper envisaged:

- a new integrated national SEND and alternative provision system setting statutory, nationally consistent standards.
- establishing new local SEND partnerships, bringing together education (including alternative provision), health and care partners with local government and other partners to produce a local inclusion plan, setting out how each local area will meet the national standards.
- introducing a standardised and digitised EHCP process and template.
- local authorities providing a tailored list of SEND settings to support parents and carers to express their preference for a suitable placement.
- introducing a streamlined process for redress, including mandatory mediation. The SEND Tribunal, responsible for handling appeals against local authority decisions regarding special educational needs, would remain in place.
- a planned consultation on a new Special Educational Needs Coordinator (SENCo) National Professional Qualification for school SENCos, and to increase the number of staff with an accredited Level 3 SENCo qualification in early years settings.

³⁸ Department for Education, [SEND Review: right support, right place, right time](#), March 2022, p74

³⁹ Department for Education, [Ambitious reform for children and young people with SEND](#), 29 March 2022.

- revised and clarified accountability for responsible bodies, such as schools and local authorities.
- a new national framework of banding and price tariffs for high needs funding, which covers SEND and alternative provision.

The Library briefing on [The Special Educational Needs and Disabilities and Alternative Provision Green Paper](#) (April 2022) provides more detail on the Green Paper and its publication.

4 The SEND and alternative provision improvement plan

4.1 Publication in March 2023

The Government published its [SEND and alternative provision improvement plan: right support, right place, right time](#) in March 2023. The plan responded to the green paper consultation and confirmed the Government's future plans.

A [roadmap](#) was published alongside the plan, setting out timelines for key parts of the Government's proposals.⁴⁰

In a [written statement to the House of Commons](#), the Children's Minister, Claire Coutinho, said that what the Government had heard in the consultation responses "gives us confidence to establish a new national SEND and alternative provision system."⁴¹ The Minister also published a [letter to parents](#) providing an overview of the Government's plans.⁴²

The Department for Education also published a blog post with an [overview of the plan](#).⁴³

4.2 Key proposals in the improvement plan

Building on the intentions set out in the 2022 green paper, the Improvement Plan sets out the Government's intention to establish an integrated national system for SEND and alternative provision.

This section summarises some of the key proposals in the plan.

⁴⁰ Department for Education, [SEND and alternative provision roadmap](#), 2 March 2023

⁴¹ [HC Deb 2 March 2023 c42WS](#)

⁴² Department for Education, [Message to parents of children with SEND from Claire Coutinho MP, Minister for Children, Wellbeing and Families](#), 2 March 2023

⁴³ Department for Education, [How we are improving support for children with Special Educational Needs and Disabilities \(SEND\)](#), 2 March 2023

National standards for SEND and alternative provision

A main intention of the Improvement Plan is to create, for the first time, new national standards for SEND and alternative provision education. The plan sets out the Government's timeline for developing these standards:

- **Spring 2023:** Engagement across the education, health, and care sectors to develop national standards
- **By the end of 2023:** Start testing elements of the standards with Regional Expert Partnerships
- **By the end of 2025:** Publish a “significant proportion” of the national standards, focused on those that are most deliverable in the existing system

The Government then intends to “at the earliest opportunity...underpin the National Standards with legislation,” with a consultation on the full standards planned ahead of that legislation.⁴⁴

The plan states that the standards would clarify:

- what types of support should be made available
- whose job it is to make different types of provision available
- what budgets should be used to pay for support⁴⁵

Accountability mechanisms, including the role of Ofsted and the Care Quality Commission, would be developed alongside the standards.⁴⁶

These new standards would be complemented by an amended SEND code of practice, which the Government intends to hold a consultation on.⁴⁷

The plan states that with national standards, and improved mainstream provision, fewer children and young people would need to access support through a formal Education, Health and Care Plan (EHCP).⁴⁸

SEND and alternative provision partnerships

The plan sets out the Government's intention to create local SEND and alternative provision partnerships to work with local partners to provide for SEND and alternative provision, in line with the national standards.

⁴⁴ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, pp29-30

⁴⁵ As above, p26

⁴⁶ As above

⁴⁷ As above, p28

⁴⁸ As above, p5

The partnerships would be expected to create local inclusion plans to show how the needs of children and young people in the local area will be met in line with the standards. They would also be responsible for producing a strategic local inclusion plan (LIP) for local delivery of services.

The plan sets out three phases to establish the revised system:

- **2023:** The SEND and Alternative Provision Change Programme’s Regional Expert Partners will support areas to design and test their partnerships and LIPs, beginning in spring 2023; and
 - non-statutory guidance would be issued in the autumn, setting out expectations for local SEND and alternative provision partnerships
 - the guidance would also provide the requirements for LIPs;
 - a “maturity matrix self-assessment tool” will support local areas to evolve partnerships and move towards new model of plans.
- **2024:** The SEND and Alternative Provision Change Programme’s Regional Taskforce Teams will target support where most needed to develop partnership structures and develop LIPs; and
 - The Department for Education’s Regions Group will work with local SEND and alternative provision partnerships to develop and agree LIPs by end of 2024.
- **2025:** The Government aims to introduce primary legislation at the next available opportunity to put partnerships on a statutory footing and mandate collaborative working; and to
 - support the future introduction of tailored lists of settings;
 - continue to work with Ofsted to make sure framework reflects updated arrangements.⁴⁹

Education, Health and Care Plans

The Government intends to develop a standard template for Education, Health, and Care Plans (EHCPs), and to develop digital systems for EHCPs to reduce bureaucracy and improve the EHCP process.⁵⁰

The plan says that the Government will:

⁴⁹ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p32-33

⁵⁰ As above, p21-22

- standardise the templates and processes around EHCPs to improve consistency and best practice, improving experiences for families and children and young people seeking plans.
- digitise EHCPs, to reduce the burden of administrative process in the system, improve the experience and satisfaction of parents, carers and professionals and improve our ability to monitor the health of the SEND system.
- introduce the use of local multi-agency panels to improve parental confidence in the Education, Health and Care (EHC) needs assessment process.⁵¹

Three phases are set out in the plan for the digitisation of EHCPs:

- **2023:** working with local authorities, suppliers and families to further test how digital solutions might best improve their experiences of the EHC process
- **2024:** designing digital solutions and testing drafts with local authorities and suppliers
- **2025:** begin rollout of requirements across local authorities, dependent on digital solutions being tested and agreed upon⁵²

A tailored list of settings

The green paper included a proposal that local authorities would provide a tailored list of settings for parents and carers to support them to decide on a suitable placement as part of their EHCP. The Improvement Plan acknowledges concerns that were raised about this idea during consultation:

Many were concerned that this would reduce choice, and that meeting the needs of the child or young person would not be the central consideration in drawing up the list.⁵³

The plan said the Government would continue to “develop and test delivery options for amending the process for naming a place within an EHCP by providing parents and carers with a tailored list of settings,” alongside wider system reforms, and that:

Tailored lists will only be introduced in an area once the local inclusion plan has been quality assured and signed off by the Department for Education’s Regions Group as being in accordance with the National Standards.⁵⁴

⁵¹ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p37

⁵² As above, p39

⁵³ As above, p41

⁵⁴ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p41

£70m Change Programme

The improvement plan confirmed the Government's intention to implement a SEND and alternative provision "Change Programme" to implement the reforms, both to test and refine the proposals and to support local SEND and alternative provision systems in managing local improvement:

The £70 million Change Programme will serve as the delivery vehicle for this work by creating up to 9 Regional Expert Partnerships. These Partnerships will consist of a cluster of 3-4 local authorities in each region, including at least one lead local authority. These will help test and refine the key reforms over the next two years, with oversight from the National SEND and Alternative Provision Implementation Board.⁵⁵

A reformed alternative provision system

The plan sets out the Government's intention to create a three tier alternative provision system:

- **Tier 1:** targeted support in mainstream schools, with specialist early interventions
- **Tier 2:** short, time-limited placements in alternative provision to assess a child's needs before they return to school
- **Tier 3:** transitional placements for pupils who need to move on to a new school or post-16 educational institution⁵⁶

These changes aim to move the emphasis of alternative provision away from long-term placements.

To improve the quality of alternative provision based on our new vision for a three-tier service, we proposed to introduce a bespoke alternative provision performance framework based on five named metrics. This would be designed to set robust standards focused on aspects such as increased attendance, attainment, re-integration into mainstream education or progression to sustainable post-16 destinations.⁵⁷

The plan also included proposals to reform alternative provision funding, noting particular difficulties faced by these providers in predicting pupil numbers, and "perverse incentives" to retain students who could return to mainstream provision:

Given these issues, the green paper proposed to ensure that state-funded alternative provision schools (whether local authority maintained pupil referral units or alternative provision academies or free schools) have the funding security and stability they need to deliver a support service focused on early intervention. Under this proposal, local partnerships would draw up a plan for

⁵⁵ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p42

⁵⁶ As above, p25

⁵⁷ As above, p78

delivering alternative provision in their area and identify the budget that would be needed to implement the plan over a minimum period of 3 years. [...]

We will develop new approaches to the funding of alternative provision, based on the three-tier system that prioritises preventative work and reintegration of pupils back into mainstream schools.⁵⁸

Workforce measures

The Improvement Plan includes a focus on the skills of the SEND workforce needed to enact its measures.

This includes plans to introduce a new leadership level SENCo (Special Educational Needs Co-ordinator) NPQ (National Professional Qualification) for schools.

Currently, SENCos must complete the mandatory National Award for SEN Coordination (NASENCo) within three years of taking the role. The green paper proposed introducing a new mandatory leadership level SENCo NPQ and strengthening the mandatory timeframe requirement in which the qualification must be undertaken.

The plan confirmed the Government's intention to proceed with this plan, with details on timings and providers for the qualification yet to be announced. The Government said: "We intend to replace the NASENCo with a mandatory leadership level SENCo NPQ for SENCos that do not hold the current qualification, including those that became a SENCo prior to September 2009."⁵⁹

The Government said it would fund up to 5,000 early years staff (with over 4,000 applications already received) to gain an accredited Level 3 early years SENCo qualification to support the early years sector, with training running until August 2024. The plan highlighted:

The crucial role of high-quality early years support in preventing unnecessary escalation of need and providing children with a strong foundation for their future educational journey.⁶⁰

The plan also said that the Government would:

- take a joint approach to SEND workforce planning through the Department for Education and the Department of Health and Social Care, establishing a steering group in 2023 to oversee the work and aiming to complete by 2025

⁵⁸ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p86

⁵⁹ As above, p57-58

⁶⁰ As above, p59

- review the Initial Teacher Training and Early Career Frameworks, starting in early 2023
- increase the capacity of SEND specialists, including by investing a further £21 million to train two more cohorts of educational psychologists in the academic years 2024 and 2025
- Improve early identification, diagnostic assessment pathways and post-diagnostic support for autistic children in line with the NHS Long Term Plan⁶¹
- Continue the roll out of Mental Health Support Teams in schools, including the new Education Mental Health Practitioner role⁶²
- publish three practice guides for frontline professionals, focused on advice for mainstream settings, building on existing best practice
- propose new guidance on delivering a responsive and supportive SEND casework service to families when consulting on the SEND Code of Practice
- extend funding until March 2025 of the alternative provision specialist taskforce (APST) pilot programme, which is testing co-location of a diverse specialist workforce in pilot alternative provision schools.⁶³

Accountability measures

There have been longstanding concerns that families have to fight to get the SEND support that they should be entitled to. For example, in 2019 the [Commons Education Committee](#) said:

Parents currently need a combination of special knowledge and social capital to navigate the system, and even then are left exhausted by the experience. Those without significant personal or social capital therefore face significant disadvantage.⁶⁴

The improvement plan confirmed this was a common concern in the consultation and that accountability for providing support was seen as too weak.⁶⁵

⁶¹ See House of Commons Library, [Autism – overview of policy and services](#), February 2022, for further information

⁶² See House of Commons Library, [Support for children and young people’s mental health \(England\)](#), June 2022, for further information

⁶³ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p52

⁶⁴ Education Committee, [Special educational needs and disabilities](#), First Report of Session 2019, HC 20, p87

⁶⁵ As above, p73

Inclusion dashboard

The plan included an intention to publish a local and national inclusion dashboard to support the development of local inclusion plans. An initial prototype dashboard would be in place from April 2023 with a view to making a fully public version available in autumn 2023:

- **Spring 2023:** develop and test (from April) a prototype dashboard, and consider whether a fuller version is required
- **Autumn 2023:** publish a first, fully public version of the dashboard. There would be ongoing assessment of whether the dashboard could be improved or expanded⁶⁶

Ofsted/CQC inspections

The Improvement Plan sets out the Government's intention to refocus Ofsted and Care Quality Commission (CQC) local area SEND inspections on the outcomes and experience of children and young people with SEND and in alternative provision.

The plan said the reformed inspections placed "greater emphasis" on outcomes for children and young people and:

look more closely at children under 5 and those aged 16-25 years old and include alternative provision for the first time. It will have three possible inspection outcomes providing more nuanced judgements for areas to better inform a Department for Education response into local areas.⁶⁷

The Department for Education said it will "develop a holistic new ladder of intervention for local areas," focused on creating financial sustainability and improving outcomes for children and young people, to complement these inspections.⁶⁸

Other measures

The plan includes a series of further measures to strengthen accountability in the system, including to:

- improve working between the Department for Education and NHS England
- strengthen accountability through health structures, such as ensuring every Integrated Care Board (ICB) has an Executive Board Lead for Children and Young People with SEND and Safeguarding

⁶⁶ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, pp72-73

⁶⁷ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p74

⁶⁸ As above, p74

- strengthen redress for individual disagreements by clarifying who is responsible for resolving complaints and undertaking further testing of effective mediation approaches
- establish an expert group to support the development of a bespoke national alternative provision performance framework
- work with local authority, trust and school leaders to review processes and develop options for ensuring transparent and effective movement of pupils without EHCPs, such as those requiring alternative provision, to address behavioural needs.

Mediation

The green paper included plans to introduce a streamlined process for redress of disputes, including mandatory mediation.

The Improvement Plan said the Government is continuing to explore options for strengthening mediation and “will test and evaluate approaches further, before deciding whether to bring forward legislation to make strengthened processes statutory and make mediation mandatory.”⁶⁹

The Government believes that increased use of mediation can relieve pressures in the system. The plan states:

Resolving more cases via early dispute resolution and mediation will enable the SEND Tribunal to hear cases more quickly than it does now and improve the experience for families who need it.⁷⁰

Two phases of reforms are proposed to improve mediation processes:

- **Autumn 2023:** working with the Civil Mediation Council, the College of Mediators, other sector partners and families to review and build on the professional standards for SEND mediators, as well as
 - improving the information, advice and guidance available to families on mediation
 - evaluating the outcomes and impacts of mediation
- **Autumn 2024:** clearly setting out what processes should be followed by education, health and care partners locally, and setting out how the mediation process will be monitored⁷¹

⁶⁹ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p77

⁷⁰ As above

⁷¹ As above

National SEND and Alternative Provision Implementation Board

The green paper proposed setting up a National SEND and Alternative Provision Implementation Board to oversee the implementation of its proposed changes. The Improvement Plan confirmed the Government's intention to establish the board.

The board will be comprised of parents, sector leaders across education including schools, early years and post-16, health and care and local and national government. The board will be jointly chaired by the Minister for Children, Families and Wellbeing and the Parliamentary Under Secretary of State for Mental Health and Women's Health Strategy.

The plan says the board will “draw from, and promote, good practice to lead and drive change across the SEND and alternative provision sector.”⁷²

Funding reform

The green paper said the existing SEND and alternative provision system is financially unsustainable.⁷³

Chapter 6 of the improvement plan discusses how the Government will reform the system's funding.

Funding for SEND in England is not allocated as a separate amount per pupil. SEND funding is part of the overall Dedicated Schools Grant (DSG) allocated to each local authority to fund their schools budget. It is for local authorities, in consultation with their schools forums, to determine the allocation to individual schools. Both SEND and alternative provision are funded out of the High Needs block of the DSG.

The green paper did not propose to change this basic setup but proposed a new national framework of banding and price tariffs for high needs funding, which would be matched based on need and type of education set out in the new national SEND standards.

Consultation on school funding reform

A [consultation on school funding reform](#), including SEND funding, was run by the Department for Education from June to September 2022.⁷⁴

The Government has not yet responded to this consultation, but the improvement plan said it will publish a response in spring 2023, including

⁷² Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p80

⁷³ Department for Education, [SEND Review: right support, right place, right time](#), March 2022, p22

⁷⁴ Department for Education, [Implementing the direct national funding formula](#), 7 June 2022

proposals on funding for SEND, including the notional SEND budget, and a mechanism for transferring funding to high needs budgets.⁷⁵

Bands and tariffs

The Improvement Plan confirmed the Government's intention to develop a system of funding bands and tariffs to support the national standards for SEND with more consistent funding across the country.

The plan said:

Whilst there will always be some local variation, to have a consistent, national SEND and alternative provision system and ensure value for money, we must move to a world where similar types of support are backed by similar levels of funding.⁷⁶

It acknowledged that costs vary around the country and that any changes needed to take account of this:

We know that currently there is significant variation in the cost of provision across the country, so, starting in 2023, we will undertake research to gather more information about the costs of provision and then explore the best way to manage and reduce this variation as much as possible.⁷⁷

The plan said that many respondents to the consultation “welcomed the proposal for a more nationally consistent and transparent system,” but also that others were concerned the reforms needed to be flexible enough to be adaptable to the needs of individual children and young people, in particular those whose needs change over time.⁷⁸

Independent schools

The green paper proposed that national bands and tariffs would apply across the whole range of special education provision, including the independent specialist sector.

The Improvement Plan said that while independent special schools represent a third of special schools and support 5% of pupils with EHCPs, and the sector's funding comes overwhelmingly from the state, the sector is not treated in the same way as state-maintained specialist provision, and its regulation is designed for private fee-paying schools.⁷⁹

The plan continued:

⁷⁵ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p82

⁷⁶ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p84

⁷⁷ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p85

⁷⁸ As above, p84

⁷⁹ As above, p87

We will re-examine the state’s relationship with independent special schools to ensure the expectations we set are comparable to those on other state-funded specialist providers. We will work with the sector to consider how they should be aligned with the new National Standards, defining the provision they offer and bringing consistency and transparency to their costs.⁸⁰

Other funding plans

The plan confirmed the Government’s intention to invest £2.6 billion over the next three years “to fund new places and improve existing provision for children and young people with SEND or who require alternative provision.”⁸¹ This is an average of £0.9 billion per year, which is higher than the allocation for financial year 2021-22 (£0.3 billion)⁸²

The plan said the Government is in the process of approving a tranche of applications from local authorities to open new special free schools in their area, and would shortly launch competitions to seek groups to run these schools.⁸³

The plan further stated that the Government would:

- increase core school funding by £3.5 billion in financial year 2023-24 compared to the year before, of which almost £1 billion of that increase will go towards high needs. “This means high needs funding will be £10.1 billion in 2023-24”, which is a cash terms increase of 12% compared to the previous year and an increase of 10% after adjusting for inflation (see chart below for more details).⁸⁴
- support local authorities through the [Delivering Better Value](#) and the Safety Valve programmes and share the best practice from local areas.⁸⁵
- develop new approaches to funding alternative provision aligned to their focus on preventative work with, and reintegration of pupils into, mainstream schools.⁸⁶

⁸⁰ As above, p88

⁸¹ As above, p10

⁸² Department for Education, [High needs provision capital allocations](#), 4 July 2022

⁸³ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p10

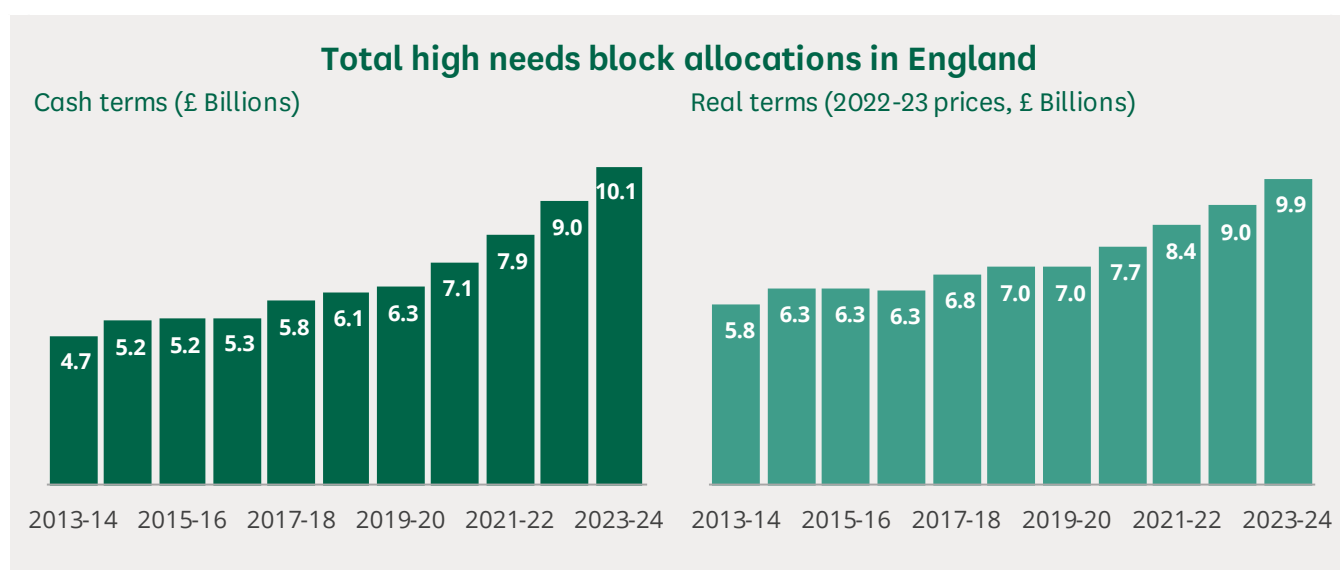
⁸⁴ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p13; Department for Education, [Dedicated Schools grant: 2022-23](#), 16 March 2023. Real terms 2022-23 prices; HM Treasury, [GDP deflators at market prices, and money GDP march 2023](#), 16 March 2023.

⁸⁵ Guidance from the Department for Education on [Creating sustainable high needs systems](#) provides related information. The Safety Valve programme, introduced in financial year 2020-21 for those local authorities with the highest percentage DSG deficits, requires these local authorities to develop substantial plans for reform to their high needs systems. Delivering Better Value in SEND was introduced in 2022 to target the 55 local authorities who have the next highest percentage DSG deficits after those in the Safety Valve programme.

⁸⁶ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p82

The chart below shows the total high needs block allocations over the last decade. These allocations have generally followed an upward trend, particularly in recent years. These allocations do **not** include any SEN related funding from the schools block (this is usually for pupils with less complex special educational needs).

The most meaningful way of making comparisons over time is on a per pupil basis. Per pupil high needs block allocations cannot be estimated because the Department for Education does not publish the number of children and young people that benefit from high needs block funding.



Notes: When calculating these figures, GDP deflator growth for financial year 2020-21 and 2021-22 have been averaged across the two years to smooth the distortions caused by pandemic-related factors. OBR forecasts are used for 2021-22.

Sources: Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023 (2023-24 cash terms allocation); Department for Education, [Dedicated Schools grant: Various years](#) (all other years), HM Treasury, [GDP deflators at market prices, and money GDP march 2023](#); [OBR, Economic and fiscal outlook, 15 march 2023 \(table 1.7 of supplementary economy tables\)](#)

Transitions into and out of post-16 provision

The improvement plan sets out an ambition for successful transitions that prepare children and young people for adulthood from as early as possible. It says planning should be “built in from the earliest stages” and continue throughout education based on the young person’s aspirations and needs:

Provision should support children and young people to develop independence, contribute to their community, develop positive friendships, be as healthy as

possible, and, for the majority of young people, prepare them for higher education and/or employment.⁸⁷

The consultation feedback highlighted several current issues that are undermining the Government's ambition for successful transitions, including:

- late planning and decision-making for a child or young person's next stage.
- poor support around transitions, particularly in relation to post-16 transition.
- information about students' needs not being shared "readily, easily, or early enough".
- the deadline for local authorities to specify post-16 provision for students with EHCPs (31 March) being regularly missed.⁸⁸

The plan states the Department for Education (DfE) is developing "good practice guidance" to support transitions for children and young people with SEND and in alternative provision between all stages of education from early years education.⁸⁹ This will focus initially on transitions into and out of post-16 settings, including transitions into employment, adult services, and out of alternative provision.

To produce the guidance, the DfE is working with:

- the Department for Work and Pensions;
- the Department of Health and Social Care and NHS England;
- stakeholders from the SEND and post-16 sectors;
- young people with different types of need (including those with EHCPs); and
- parents and carers.⁹⁰

Higher education measures

The consultation period revealed some young people with SEND do not feel effectively supported to transition into higher education. Delays to receiving support through the Disabled Students' Allowance (DSA) were highlighted, as

⁸⁷ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p44

⁸⁸ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p44

⁸⁹ As above, p45

⁹⁰ As above, pp45-46

were differences in the levels and types of support available at different higher education providers.⁹¹

Some consultation responses suggested extending EHCPs to support people in higher education, as a way of addressing issues around transition. However, the Government ruled this out, noting it had been considered ahead of the 2014 SEND reforms.⁹²

Instead, the plan states the DfE and the Welsh Government are working with the Student Loans Company to reduce the length of time between a student making a DSA application and having their support agreed. It also said the Government would “seek to set expectations” on how students should be supported to apply for DSA as part of the broader transitions guidance the DfE was developing.⁹³

Transitions to employment

The Government has committed to:⁹⁴

- Publishing guidance which will look to support effective transitions into employment
- Consider flexibilities in the English and mathematics requirements for apprenticeships
- Double the capacity of the Supported Internships Programme
- Continue the development of the Adjustments Passport pilot

Adjustments Passport

The Department for Education is working with the Department for Work and Pensions to pilot an Adjustments Passport. The passport provides information on the disability or health condition that a person has and allows them to say how it affects their life and work. They can also use the passport to say what support they require, such as any specialist equipment, or support that they may need communicate and interact with people.⁹⁵

The passport has been piloted in three Higher Education Providers, with evaluations providing positive feedback, and it is also being piloted in apprenticeship and supported internship settings.⁹⁶

⁹¹ As above, p46

⁹² As above

⁹³ Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p46

⁹⁴ DfE, [SEND and alternative provision improvement plan](#), March 2023, p11

⁹⁵ DWP, [Health Adjustment Passport](#), 23 December 2022

⁹⁶ DfE, [SEND and alternative provision improvement plan](#), March 2023, p48

Supported Internships

Supported Internships have been in place since September 2013, and look to provide “coherent, personalised, learning programmes” to help disabled young people move into employment.⁹⁷

The Government has committed to investing £18 million over the next three years with the intention of doubling the number of Supported Internships by 2025.⁹⁸

Apprenticeships

To support young people with SEN to participate in apprenticeships, there are flexibilities in place regarding the maths and English requirements to start an apprenticeship.

Apprentices with formally recognised special educational needs, learning difficulties or disabilities are able to complete a level 3 or higher apprenticeship if they have entry level 3 functional skills in English and/or maths. For other apprentices, a level 3 or higher apprenticeship can only be completed if the apprentice has achieved a level 2 qualification in both English and maths.⁹⁹

As part of the Improvement Plan, the Government is conducting a pilot to “consider the evidence required to access flexibilities” for the maths and English requirements.¹⁰⁰

The Government will also work with Jobcentres to ensure that young people with SEND who have contact with them are made aware of apprenticeships and their benefits.

⁹⁷ DfE, [Providing supported internships for young people with an EHC plan](#), 1 February 2022

⁹⁸ DfE, [SEND and alternative provision improvement plan](#), March 2023, p49

⁹⁹ ESFA, [Apprenticeship funding rules and guidance for employers August 2022 to July 2023](#), July 2022, pp50-54

¹⁰⁰ DfE, [SEND and alternative provision improvement plan](#), March 2023, p51

5 Reaction to the improvement plan

5.1 Debate in Parliament

Commons debate

The Parliamentary Under-Secretary of State for Education, Claire Coutinho, made a [statement on the SEND and alternative provision improvement plan](#) to the House of Commons on 6 March 2023.

Claire Coutinho said:

Our mission is threefold. First, we want every child and young person to enjoy their childhood, and feel well prepared for their next step, whether that is into employment, higher education or adult services. Secondly, we know that the system has lost the confidence of parents and carers. We need to regain their trust by improving the support that is ordinarily available. Finally, we have increased the high-needs budget by over 50% in the past four years; we now need to make sure that the funding is being well spent.¹⁰¹

As well as providing an overview of the Government's approach, Claire Coutinho highlighted that oversight of the reforms would be provided through a new national special educational needs and disabilities and alternative provision implementation board, jointly chaired by herself and the Under-Secretary of State for Health and Social Care.¹⁰²

The Shadow Education Secretary, Bridget Phillipson (Lab), highlighted the timescales set out in the plan, and said that "much of the substance in this plan will not even come into effect until 2025 or even 2026, at best six years after the review was announced."¹⁰³

Bridget Phillipson also raised the Improvement Plan's aim of reducing Education, Health and Care Plan (EHCP) numbers, asking how needs for EHCPs would be reduced:

Reducing EHCPs through improving support in mainstream schools and getting better support in place early would be welcome, but it must not simply be seen as a means of reducing costs within the system. Which of the proposals discussed will reduce the need for EHCPs, and how will they be delivered? Will the Minister provide reassurance to parents, already facing an adversarial

¹⁰¹ [HC Deb 6 March 2023 c54](#)

¹⁰² [HC Deb 6 March 2023 c56](#)

¹⁰³ [HC Deb 6 March 2023 c57](#)

system, that an EHCP will not become more difficult to obtain for children who do need that level of support? ¹⁰⁴

In response, Claire Coutinho said the Government has “not waited for the publication of the improvement plan” to provide extra funding for children with high needs, as well as providing funding for more specialist places, and training educational psychologists. On the national standards, she said it was “important that we consult and take time to get it right.”¹⁰⁵

The Chairman of the Education Committee, Robin Walker (Con), raised the importance of identifying the need for SEND support and finding specialist provision early.¹⁰⁶

Munira Wilson (LD) drew attention to the timescales of reform, highlighting that the SEND review was published in 2019 but central aspects of the plan would not begin to be published or come into operation until 2025.¹⁰⁷

Lords debate

The statement announcing the improvement plan was [debated in the House of Lords](#) on 9 March 2023.

Baroness Twycross (Lab) highlighted the aim of reducing the number of children with education, health and care plans. She said the Government had to ensure this came through improving support in mainstream schools and getting better support in place early, not be a means of reducing costs or making it even harder for children and young people to access support.¹⁰⁸

Lord Addington (LD) said the SEND system has got “bogged down in legalese, buck-shifting and dodging” and welcomed movement on the appeals procedure. He also raised the question of how the Government would ensure teachers are properly trained and have the support to intervene to support pupils with SEND.¹⁰⁹

The Parliamentary Under-Secretary of State, Baroness Barran, said the Government was “laser focused on the early identification of educational needs and ensuring that high-quality support is in place” and highlighted the measures being taken with the workforce in achieving this goal.¹¹⁰

¹⁰⁴ HC Deb 6 March 2023 c57

¹⁰⁵ [HC Deb 6 March 2023 c58](#)

¹⁰⁶ HC Deb 6 March 2023 c59

¹⁰⁷ HC Deb 6 March 2023 c62

¹⁰⁸ [HL Deb 9 March 2023 c929](#)

¹⁰⁹ HL Deb 9 March 2023 c930

¹¹⁰ HL Deb 9 March 2023 c931

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Other commentary on the improvement plan

The [Children's Commissioner for England](#), Dame Rachel de Souza, welcomed the plan's focus on early support for families, and the digitisation of EHCPs. However, she identified "serious gaps", in particular in support for looked after children with additional needs. She said: "much of the Plan assumes that children will have familial support and does not consider how children in the care of the state will be represented and supported." She also raised concerns that the plan does not move quickly enough.¹¹¹

The [Local Government Association](#) said the plan's measures would help to fix some of the problems with the current system, but did "not go far enough in addressing the fundamental cost and demand issues that result in councils struggling to meet the needs of children with SEND."¹¹²

Further education

Ruth Perry, the Senior Policy Manager at [Natspec](#), a membership association for organisations which offer specialist further education, said the plan was a "missed opportunity to set out a vision for 16-25 SEND provision," which included "acknowledgement of the need for reform without any new commitments" beyond already-announced initiatives.¹¹³

David Holloway, Senior Policy Manager for SEND at the [Association of Colleges](#), said: "The plan acknowledges critical issues faced by college students with SEND...but the plan offers no solutions to these problems, nor even a timescale for review."¹¹⁴

Early years

Neil Leitch, CEO of the Early Years Alliance, said it was positive the Plan acknowledged the importance of high-quality SEND provision in the early years. He added, however, that it is "pivotal...that this review leads to a significant and long-term increase in early years SEND funding."¹¹⁵

Helen Donohoe, Chief Executive of the Professional Association for Childcare and Early Years (PACEY), broadly welcomed the Plan's aspirations but said

¹¹¹ Children's Commissioner for England, [Statement from the Children's Commissioner in response to the SEND Improvement Plan](#), 2 March 2023, p4

¹¹² Local Government Association, [SEND measures 'do not address cost and demand issues' - LGA on Government's Improvement Plan](#), 2 March 2023

¹¹³ Natspec, [The SEND and AP improvement plan: less a big bang than a damp squib for FE](#), March 2023

¹¹⁴ Association of Colleges, [AoC response to SEND and alternative provision improvement plan](#), 2 March 2023

¹¹⁵ Early years alliance, [Alliance reacts to publication of government's SEND Improvement Plan](#), 2 March 2023.

she “wanted to see the government go further and propose more transformational ambitions.”¹¹⁶

Unions

The [National Education Union](#) contested the need for national standards for SEND, and said “there is no evidence that National Standards for SEND will improve access to the specialist support services that schools tell us is the most challenging aspect of keeping students in mainstream provision.”¹¹⁷

Charities and other SEND organisations

The [SEND charity IPSEA](#) highlighted that some of the proposed changes, including a “tailored list” of education settings for children and young people with EHC plans and mandatory mediation before families can appeal to the SEND Tribunal, cannot be introduced without a change to the law. IPSEA Chief Executive Ali Fiddy said:

It’s hard to see how the imperative of containing costs can be met without restricting the provision that children and young people receive, which is unlikely to be lawful. Perhaps most disappointing is the complete absence of any specific plans to address the persistent non-compliance with the law by many local authorities – an issue that the Government has heard about repeatedly and which lies at the root of the SEND crisis.¹¹⁸

The campaign organisation [Alliance for Inclusive Education](#) said it was “very disappointed” by the plan. The Alliance said it did not include any reference to the [UN Convention of the Rights of Persons with Disabilities](#), and that the three tier system of support for alternative provision “moves the UK further away from the Inclusive Education commitments made through the ratification of the UNCRPD.” It also raised concerns that support would be provided more quickly to specialist, rather than mainstream, provision.¹¹⁹

[Disability Rights UK](#) Head of Policy Fazilet Hadi said that families would be “underwhelmed and disappointed” by the plan. She said:

the growth in Special Schools is presented as a huge step forward, in fact it is a sign that inclusive mainstream education is failing. It is only relatively recently that Disabled children were allowed to come to mainstream schools and now the clock is being turned back.¹²⁰

Annamarie Hassall, CEO of the [National Association for Special Educational Needs](#) (Nasen), said that Nasen felt “encouraged” by the plan, in particular

¹¹⁶ PACEY, [DfE publishes SEND and AP improvement plan](#), 2 March 2023.

¹¹⁷ National Education Union, [Government’s SEND and AP improvement plan](#), 2 March 2023

¹¹⁸ IPSEA, [Government publishes SEND Improvement Plan](#), March 2023

¹¹⁹ Alliance for Inclusive Education, [Special Educational Needs and Disabilities \(SEND\) and Alternative Provision \(AP\) Improvement Plan: Headlines](#), 2 March 2023

¹²⁰ Disability Rights UK, [Government Special Educational Needs report is released](#), 3 March 2023

its moves towards greater inclusivity. She also said the “absence of a SEND focused NPQ has been an omission from the NPQ portfolio for too long.”¹²¹

The [Special Needs Jungle website’s initial response](#) to the plan said that “any reduction in EHCPs should be a positive by-product of a well-functioning system, not the goal”, and that “children do not acquire an EHCP when they don’t really ‘need’ one”, pointing to how difficult it can be to get an EHCP.

It also said the plans to reduce costs, such as Safety Valve and Delivering Better Value in SEND, “can risk putting LAs in greater conflict with the law as they seek to spend less on high needs.”¹²²

¹²¹ Nasen, [nasen Responds to the publication of The SEND and Alternative Provision Improvement Plan](#), 2 March 2023

¹²² Special Needs Jungle, [The Government’s SEND Improvement Plan: an initial overview](#), 2 March 2023

6 Relevant briefings

These Library briefings provide related information:

- [Special Educational Needs: Support in England](#) (March 2022)
- [The Special Educational Needs and Disabilities and Alternative Provision Green Paper](#) (April 2022)
- [Alternative Provision Education in England](#) (March 2019)
- [Autism – overview of policy and services](#) (February 2022)
- [Support for children and young people’s mental health \(England\)](#) (June 2022)
- [Mental health policy in England](#) (March 2023)

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