

Research Briefing

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# Special Educational Needs: Support in England



## Summary

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# Summary

## Background

The [Children and Families Act 2014](#) provides the statutory basis for the system for identifying children and young people (age 0-25) 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.

Broadly, there are two levels of support:

- SEN Support, provided to a child or young person in their pre-school, school, or college
- Education, Health, and Care Plans which provide a formal basis for support for children and young people who need more support than is available through SEN Support

## How many school pupils have SEN?

In January 2024, there were around [1.7 million school pupils in England with identified SEN](#) (18% of all pupils).

Of these pupils with identified SEN, around 1.2 million receive SEN Support, and around 0.4 million have Education, Health, and Care plans.

## Review and improvement plan

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

Following delays to the review during the pandemic, the government published a green paper consultation on reform to the system, [SEND Review: right support, right place, right time](#), in March 2022.

The government published its [SEND and alternative provision improvement plan](#) in March 2023. This confirmed the government's future plans following the green paper consultation.

Among other changes, the improvement plan proposes a unified system for SEND and alternative provision, driven by new national standards, as well as local SEND and alternative provision partnerships to commission provision.

A [SEND and alternative provision roadmap](#) was published alongside the plan, setting out timelines for key parts of the then government's proposals.

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

# 1 Support for children with Special Educational Needs (SEN)

## 1.1 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.

## 1.2 Definition of SEN

The statutory SEND<sup>1</sup> [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

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<sup>1</sup> The Code of Practice refers to SEND, Special Educational Needs and Disability, whereas this briefing is focused on children and young people with SEN. While many children with SEN will also have disabilities (and vice versa), this is not uniformly the case. This briefing focuses on educational support.



early years providers. For a child under two years of age, special educational provision means educational provision of any kind.<sup>2</sup>

It is not necessary for particular medical conditions to have been assessed or diagnosed for these criteria to be met, and for support to be provided. An [article by the SEND charity IPSEA](#) provides useful information.<sup>3</sup>

## 1.3 Levels of support

The type of support that children and young people with SEN receive may vary widely, as the types of SEN that they may have are very different. However, two broad levels of support are in place: SEN support, and Education, Health and Care Plans.

### SEN Support

This will be 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 5 includes:

- a written progress check when your child is 2 years old
- a child health visitor carrying out a health check for your child if they're aged 2 to 3
- a written assessment in the summer term of your child's first year of primary school
- making reasonable adjustments for disabled children, like providing aids like tactile signs

For children of compulsory school age, the following [indicative list](#) is provided of the type of help a child might receive:

- a special learning programme
- extra help from a teacher or assistant
- working in a smaller group
- observation in class or at break
- help taking part in class activities

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<sup>2</sup> Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#), January 2015, p15-16

<sup>3</sup> IPSEA, [The myth of needing a diagnosis before you can get support](#), 8 April 2024

- extra encouragement in their learning, for example to ask questions or to try something they find difficult
- help communicating with other children
- support with physical or personal care difficulties, for example eating, getting around school safely or using the toilet

A young person of 16 to 25 in further education would need to contact their school or college before starting a course, to ensure their needs can be met.

## Education, Health and Care Plans

Education, Health and Care Plans are for children and young people aged up to 25 who need more support than is available through SEN support. 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.

The [gov.uk website](#) makes clear that parents can ask their local authority to carry out an assessment if they think their child needs an EHC Plan.

A request can also be made by:

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

A local authority has six weeks to decide whether or not to carry out an EHC needs assessment.

In conducting an EHC needs assessment, a local authority is required to:

- establish and record the views, interests and aspirations of the parents and child or young person
- provide a full description of the child or young person's special educational needs and any health and social care needs
- establish outcomes across education, health and social care based on the child or young person's needs and aspirations

- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes<sup>4</sup>

Barring exceptional circumstances, the whole process of EHC needs assessment and EHC plan development, from the point when an assessment is requested (or a child or young person is brought to the local authority's attention) until the final EHC plan is issued, must take no more than 20 weeks.<sup>5</sup>

A chart on page 154 of the [SEND Code of Practice](#) sets out the relevant processes and timescales.

## 1.4 Key aspects of the system

### The local offer

Since September 2014, local authorities have been required to publish a 'local offer' to clearly set out the services available for children and young people with SEND. The offer must have been developed in partnership with children and young people with SEN or disability and their parents, and education, health, and care partners. It should cover the support available for those with and without EHC Plans and from birth to 25 years, including SEN Support.

The Code of Practice states:

Local authorities must publish a Local Offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have Education, Health and Care (EHC) plans. In setting out what they 'expect to be available', local authorities should include provision which they believe will actually be available.<sup>6</sup>

The Code makes clear that this initial offer is intended to be the start of an ongoing process, with local offers developed and revised over time through regular review and consultation.

### EHC plans for 19-25 year olds with SEN

EHC plans may be provided for eligible students up to the age of 25. However, [DfE guidance](#) makes it clear that this does not mean that students have an automatic entitlement to education up to the age of 25:

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<sup>4</sup> Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#), January 2015, p142

<sup>5</sup> As above, p152

<sup>6</sup> As above, p59

Young people with SEND are not automatically entitled to maintain their EHC (education, health, and care) plans after they turn 19.

Reforms to the SEND system should mean that children and young people are better prepared for adulthood. Therefore, we expect the majority of young people with EHC plans to complete further education with their peers by age 19. However, we recognise that some young people with SEND need longer to complete and consolidate their education and training. The length of time will vary according to each young person.<sup>7</sup>

Nonetheless, 19 to 25 year olds with a learning difficulty or disability have the right to request an EHC needs assessment (unless one has been carried out in the last 6 months) and may appeal if a request is rejected.<sup>8</sup>

## Personal Budgets

Young people and parents of children who have EHC plans have the right to request a Personal Budget, which may contain elements of education, social care, and health funding. A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision. Local authorities must provide information on Personal Budgets as part of the local offer. Personal Budgets are optional for the child's parent or the young person, but local authorities are under a duty to prepare a budget when requested.<sup>9</sup>

A local policy should be available that includes:

- a description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets
- the mechanisms of control for funding available to parents and young people including:
  - direct payments – where individuals receive the cash to contract, purchase and manage services themselves
  - an arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the EHC plan (these are sometimes called notional budgets)
  - third party arrangements – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child's parent or the young person
  - a combination of the above

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<sup>7</sup> Department for Education, [SEND: 19- to 25-year-olds' entitlement to EHC plans](#), February 2017

<sup>8</sup> As above

<sup>9</sup> Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#), p178

- clear and simple statements of eligibility criteria and the decision-making processes that underpin them<sup>10</sup>

## Requirement for consultation with children, young people, and their parents

The [Code of Practice](#) provides information on the requirements on local authorities to consult with children and young people with SEN, as well as their parents, in carrying out all duties relating to SEN:

Local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents
- the importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood<sup>11</sup>

The Code states that these principles are designed to support:

- the participation of children, their parents and young people in decision-making
- the early identification of children and young people's needs and early intervention to support them
- greater choice and control for young people and parents over support
- collaboration between education, health, and social care services to provide support
- high quality provision to meet the needs of children and young people with SEN
- a focus on inclusive practice and removing barriers to learning
- successful preparation for adulthood, including independent living and employment<sup>12</sup>

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<sup>10</sup> Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#), p48

<sup>11</sup> As above, p19

<sup>12</sup> As above, ps19-20

The Code of Practice sets out what these principles should mean in practice, and how it is intended that they will be implemented.<sup>13</sup>

## Disputes

Where a parent is not satisfied with the provision to support their child's SEN at school, or at an early years provider or a college, they should raise this as a complaint with the educational establishment concerned. All providers should have published complaints procedures to follow.

There is a different process where young people or parents [disagree with a local authority decision](#) about their child's support, such as a decision on whether to create an EHC plan, or the contents of a plan.

Disputes of this kind may be resolved using mediation processes. Where a dispute cannot be resolved in this way, appeals may be made to the [First-tier Tribunal \(Special Educational Needs and Disability\)](#).

The Tribunal is responsible for handling appeals against many local authority decisions regarding special educational needs, including a refusal to:

- assess a child or young person's educational, health and care (EHC) needs
- reassess their EHC needs
- issue an EHC plan
- change what's in a child or young person's EHC plan
- maintain the EHC plan

The Tribunal also deals with appeals about the content of plans, about alleged discrimination by schools or local authorities due to a child's disability, and about some decisions on support for young people in custody. Since a trial period between 2018 and 2021, the Tribunal also has the power to make recommendations about health and social care issues in all appeals where there was a valid appeal.

Chapter 11 of the [SEND Code of Practice](#) provides more detail on resolving disputes.

## Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman can also investigate some complaints relating to SEN which cannot be appealed through the Tribunal.

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<sup>13</sup> Department for Education, [Special educational needs and disability code of practice: 0 to 25 years](#), p20-29

The [LGO website states](#):

The Ombudsman can investigate a complaint that a council has failed to appropriately address a child's special educational needs (SEN). This includes delay in assessing a child and issuing an Education Health and Care Plan (EHCP) and failing to implement an EHCP or carry out an annual review.

The law generally prevents us from investigating complaints for which a remedy is available through an appeal to a statutory tribunal. This means that the Ombudsman cannot investigate a complaint when the issues it raises can be dealt with through an appeal to the First Tier Tribunal (Special Educational Needs and Disability) (SEND). So, for example, we cannot question a council's decision not to assess a child for an EHCP as this can be appealed.

SEND can also hear appeals about the health and social care aspects of an EHCP, alongside the educational provision.

If you have appealed to SEND, it is unlikely we will be able to investigate any aspect of a complaint, such as interim provision, while the appeal is being heard. However, this will depend on the specific circumstances of each case.

The website also includes information on how to complain:

You should normally complain to the council first. Councils often have more than one stage in their complaints procedure and you will usually have to complete all stages before we will look at your complaint.

Then, if you are unhappy with the final outcome, or the council is taking too long to look into the matter - we think 12 weeks is reasonable - you can complain to us.

Usually, you should complain to us within 12 months of when you first knew about the problem. If you leave it any later, we may not be able to help.

For more information on how to complain, please [read our step by step process](#).

## Advice for parents, carers, children and young people

The following organisations may be able to provide advice for individuals on their particular situations:

- Local Parent Partnership Service through the [Information, Advice and Support Services \(IASS\) Network](#)
- [Independent Provider of Special Education Advice \(IPSEA\)](#)
- [SOS!SEN](#)

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## 2 Funding system

### 2.1 Background

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 individual allocation to schools.

The following PQ response provides information on SEN funding for maintained schools:

**Steve McCabe:** To ask the Secretary of State for Education whether special educational needs coordinators are able to request funds from his Department for extra assistance with SEN students in maintained schools. [201299]

**Mr Timpson:** 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.<sup>14</sup>

Mainstream academies are in a similar position. When planning their budgets, academies should take into account that they must meet the costs of additional support for pupils with SEN up to £6,000 from their school budget share (including the notional SEN funding).<sup>15</sup>

For maintained or academy special schools, 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.<sup>16</sup>

The charity Independent Provider of Special Education Advice (IPSEA), have produced a [helpful briefing](#) on changes to SEN funding that were introduced from April 2013, which provides more background.<sup>17</sup>

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<sup>14</sup> [HC Deb 23 Jun 2014 c83W](#)

<sup>15</sup> Department for Education, [Academy general annual grant allocation guide: 2023 to 2024 academic year](#), February 2023

<sup>16</sup> Department for Education, [High needs funding: 2022 to 2023 operational guidance](#), March 2023, provides an overview of relevant funding

<sup>17</sup> IPSEA, [School Funding Reform: SEN Funding](#), May 2013



## 2.2

# Reform: a national funding formula

The Conservative Government made major reforms to the way schools in England are funded. As part of this, it has introduced a national funding formula to allocate ‘high needs’ funding to local authorities – largely, this is for special educational provision.

The high needs national funding formula includes, among other factors, a basic unit of per-pupil funding for pupils in specialist SEN provision, a historic spend factor, and various proxy measures of likely SEN need such as population, school attainment, and the numbers of children in bad health.

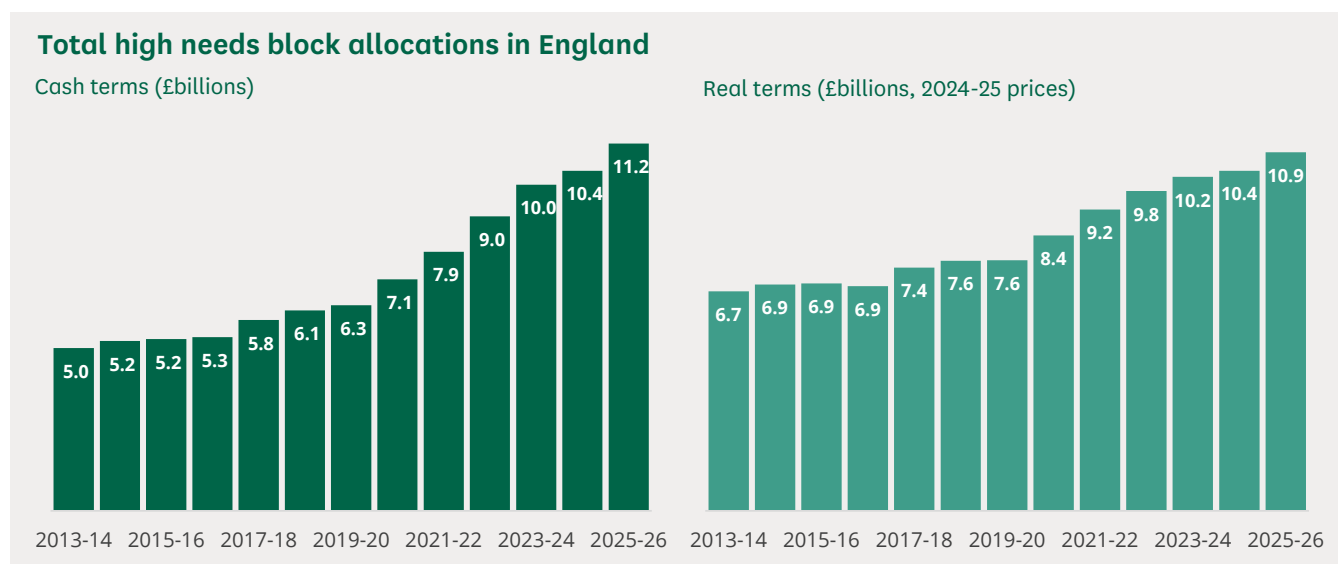
The Department for Education’s [High needs funding: 2025 to 2026 operational guide](#) provides detailed information on the allocation of funding.

## Funding levels

In a [written statement on 18 December 2024](#), Schools’ Minister, Catherine McKinnell said high needs funding would be worth over £11.9bn in 2025-26. She said this was a cash terms increase of 9% compared to the previous year.

The chart on the next page shows the total high needs block allocations over the last decade (2025-26 figures are taken from [published DSG allocations](#), which are slightly lower than the £11.9bn noted above and provisional, so subject to later updating). Some funding for SEN provision comes from other sources, including the core schools block of the DSG and other sources of schools’ income.

High needs block allocations have generally followed an upward trend, particularly in recent years.



Notes: When calculating real-terms figures, GDP deflator growth for 2020-21 and 2021-22 has been averaged across the two years to smooth the distortions caused by pandemic-related factors.

Figures for 2022-23 and 2023-24 include additional high needs funding for local authorities, made available in recognition of cost pressures.

Sources: Department for Education, [Dedicated Schools grant: Various years](#) (cash terms allocation), HM Treasury, [GDP deflators at market prices, and money GDP December 2024](#); OBR, [Economic and fiscal outlook, October 2024 \(table 1.7 of supplementary economy tables\)](#) (real terms calculations)

## Transferring funding between blocks

Prior to 2018-19, the Dedicated Schools Grant was split into 3 blocks: the schools block, the high needs block and the early years block. These blocks were notional, with local authorities free to move funds between them.<sup>18</sup>

Following the introduction of the national funding formulas, this position is now more restricted:

131. The second stage of the consultation recognised that a degree of flexibility between the DSG funding blocks would be needed to ensure that local authorities could manage their high needs budget. Local authorities will therefore be able to transfer up to 0.5% of their schools block funding into their high needs budget, with the agreement of their schools forum. [...] [T]here will be a process for considering any reasonable requests for exceptions to these rules.<sup>19</sup>

<sup>18</sup> Department for Education, [School revenue funding: Current funding arrangements](#), March 2016, p4

<sup>19</sup> Department for Education, [The national funding formula for schools and high needs Policy document](#), September 2017, p38. See also section 30 of Department for Education, [Schools operational guide: 2024 to 2025](#), 19 December 2023

## 2.3 Education Committee funding report (2019)

In July 2019, the Education Committee published its report on [A ten-year plan for school and college funding](#), which included recommendations on SEN funding.

The report described special educational needs and disability funding as “completely inadequate...[with] simply not enough money in the system to provide for the scale of demand.”<sup>20</sup>

### Government response

The government published its [response to the report](#) in October 2019.

The government highlighted its forthcoming SEND review, and then-recent additional funding for SEND.<sup>21</sup>

In response to wider concerns about the funding system and how money is allocated, the response highlighted the call for evidence on the funding system (see section 2.3), which it stated would feed into future decisions about the future of the funding system.<sup>22</sup>

## 2.4 Funding policy developments 2019-24

In May 2019 the Department for Education opened a [call for evidence](#) on the high needs funding system.<sup>23</sup> The call for evidence ran until 31 July 2019.

The call for evidence was followed by the 2022 [Special Educational Needs and Alternative Provision green paper](#) (see section 4.2) said the existing SEND and alternative provision system is financially unsustainable.<sup>24</sup> The 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.<sup>25</sup>

Chapter 6 of [the SEND and alternative provision improvement plan](#) published in March 2023 (see section 4.3) discusses how the then government planned to reform the system’s funding.

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<sup>20</sup> House of Commons Education Select Committee, [A ten-year plan for school and college funding](#), Tenth report of session 2017-19, July 2019, HC 969, para 105

<sup>21</sup> Department for Education, [Government response to Education Committee report on school and college funding](#), Cm 190, October 2019, p19

<sup>22</sup> As above, p19-20

<sup>23</sup> Department for Education, [Education Secretary confirms plans to simplify school accountability](#), 3 May 2019

<sup>24</sup> Department for Education, [SEND Review: right support, right place, right time](#), March 2022, p22

<sup>25</sup> Department for Education, [SEND Review: right support, right place, right time](#), March 2022, p74

As noted, 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 government did not propose to change this basic setup but the improvement plan provides for 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

From June to September 2022, the Department for Education ran a [consultation on school funding reform](#), including SEND funding.<sup>26</sup>

The [government's response](#) was published in April 2023. The response said the government would:

- Continue flexibility for local authorities to transfer funding to high needs budgets, with a corresponding adjustment to mainstream schools' funding allocations, through an application process to the Secretary of State
- Introduce a national approach to calculating schools' indicative SEND budgets and consult further on the design and operation of this approach

The response said SEND budgets:

...could only ever act as an indication of what might be needed, because head teachers, Special Educational Needs Coordinators and other professionals working in and with the school are best placed to decide what support each child needs, and a budget calculation at national level based on proxy measures of need could never accurately predict the precise level of resources required. An indicative SEND budget would, however, provide some assurance that the level of SEND in the school's pupil population was reflected in their funding allocation.<sup>27</sup>

### Bands and tariffs

The Improvement Plan set out the then government's intention to develop a system of funding bands and tariffs to support the planned 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

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<sup>26</sup> Department for Education, [Implementing the direct national funding formula](#), 7 June 2022

<sup>27</sup> Department for Education, [Implementing the Direct National Funding Formula Government consultation response](#), April 2023, p16

move to a world where similar types of support are backed by similar levels of funding.<sup>28</sup>

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.<sup>29</sup>

The plan said many respondents to the green paper 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 adapt to the needs of individual children and young people, in particular those whose needs change over time.<sup>30</sup>

### 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 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, it is not treated in the same way as state-maintained specialist provision, and its regulation is designed for private fee-paying schools:

Management is fragmented and small-scale, based on local authorities’ individual pupil placements. This is inefficient for both commissioners and providers and makes it difficult to assess the overall impact of independent special schools. Provision can be opened or closed regardless of the effect on the existing local offer of provision made by schools and colleges, leaving local authorities to deal with over or under supply.<sup>31</sup>

The plan continued:

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.<sup>32</sup>

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<sup>28</sup> Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p84

<sup>29</sup> Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p85

<sup>30</sup> As above, p84

<sup>31</sup> Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, ps87-88

<sup>32</sup> Department for Education, [SEND and alternative provision improvement plan: right support, right place, right time](#), CP 800, March 2023, p88

## 2.5

## Additional funding and support for local authorities facing financial challenges

### ‘Safety valve’ intervention programme

In the 2020-21 financial year, the DfE introduced a programme where a small number of local authorities facing the most significant financial challenges are given additional funding and support to address their DSG deficits. This is known as the safety valve intervention programme.

The original local authorities that signed safety valve agreements, committing them to addressing their budget deficits and managing overspends were Stoke-on-Trent, Bury, Hammersmith and Fulham, Richmond upon Thames, and Kingston upon Thames.

A further nine local authorities signed safety valve agreements with the DfE during 2021-22. 20 more agreements were signed in 2022-23, and four in 2023-24, meaning a total of 38 local authorities are involved. A list of authorities involved in the safety valve programme [can be found on the DfE website](#). The DfE has [published guidance on sustainable high needs systems, and its intervention work with local authorities](#), last updated in October 2022.

In [response to a parliamentary question](#) in May 2024, the minister, David Johnston, summarised the programme’s purpose:

The Safety Valve programme supports the local authorities with the highest Dedicated Schools Grant (DSG) deficits. The programme requires the local authorities involved to develop substantial plans for reform to their high needs systems, with support and challenge from the department, to rapidly place them on a sustainable footing. If the local authorities can demonstrate sufficiently that their DSG management plans create lasting sustainability, including reaching an in-year balance, and are effective for children and young people, then the department will enter into an agreement.

Through the agreements, the local authorities are subsequently held to account for their reform and savings projections via regular reporting to the department. The department will help the local authorities with additional revenue funding over time to contribute to their historic deficits, but this is contingent on delivery of the reforms in the agreements.<sup>33</sup>

In July 2023, the charity, IPSEA, [said it had written to all safety valve intervention local authorities](#) seeking assurance that they would meet their legal duties in relation to SEN provision, which it notes “remain unchanged in the context of both the government’s SEND Change Programme and the safety valve intervention programme”. IPSEA Chief Executive, Ali Fiddy, said:

Individual safety valve agreements are explicit about containing numbers of EHC needs assessments, EHC plans and placements in non-mainstream settings, among other things. But it would not be lawful, for example, to

<sup>33</sup> [PQ 27163 \[Special Educational Needs: Finance\], 24 May 2024](#)

introduce local policies on eligibility for EHC needs assessment that vary from the legal threshold, or blanket policies on access to particular services or placements.

While early intervention, effective multi-agency working and inclusive practices are all vitally important, there will always be children and young people who need additional statutory support. The Children and Families Act 2014 and the SEND Regulations 2014 set out clearly children and young people's entitlement to provision that meets their individual needs. However, the steady rise in appeals to the SEND Tribunal, and the high volume of unlawful decision-making evidenced by the overwhelming number of appeals upheld by the Tribunal, indicates that local authorities do not always prioritise compliance with SEND law.<sup>34</sup>

In May 2024, IPSEA published information it had requested from [local authorities with safety valve arrangements](#) under the Freedom of Information Act. IPSEA were particularly concerned about what targets might exist to limit special educational provision as part of these agreements. From the information they received, IPSEA raised concerns that safety valve agreements were requiring local authorities to:

- Reduce the number of EHC needs assessments
- Reduce the number of children and young people attending special schools and colleges
- Reduce the number of children and young people attending a school or college outside their local area
- Cease to maintain larger numbers of EHC plans<sup>35</sup>

IPSEA said that the responses raised concerns that the programme prioritised financial concerns over children and young people's needs and the associated legal duties, and called for the safety valve programme to be scrapped.<sup>36</sup>

## Pause of safety valve programme

The Labour government has said that the use of new Safety Valve arrangements is currently paused and that the Department for Education is undertaking a review of the programme's impacts:

**Baroness Smith:** [...] The department is also conducting a research project into the impact of Safety Valves in local areas. This will help us further understand the experience of children, parents, carers and schools.

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<sup>34</sup> IPSEA, '[IPSEA writes to local authorities over concerns with safety valve agreements](#)', July 2023

<sup>35</sup> IPSEA, '[Prioritise needs over numbers, and end the safety valve intervention programme](#)', 10 May 2024

<sup>36</sup> As above

The department has confirmed that it will not enter into any more Safety Valve agreements for councils that have financial deficits, pending wider reform of the whole system to prioritise early intervention, properly supporting councils to bring their finances under control. We will continue to work with local authorities that have Safety Valve agreements with the department, to deliver their plans.<sup>37</sup>

## Delivering better value in SEND

Alongside the safety valve programme, the DfE has also introduced the [Delivering better value \(DBV\) in SEND](#) programme. This is an optional programme, and works with 54 local authorities, which are able to apply for grants from the DfE, in connection with work to identify and address budget pressures. The authorities were chosen “based on those with the highest deficits as at 2020-21 (after those authorities that have already been invited to join the DfE’s safety valve programme).”<sup>38</sup> However, DBV “will not ‘write off’ any high needs budget deficits”.<sup>39</sup> A [list of participating local authorities](#) can be found on the DBV website.

There have been reports suggesting participating DBV local authorities may face targets to reduce the number of EHC plans,<sup>40</sup> and concerns about the likely success of the programme in reducing local authority deficits.<sup>41</sup>

In response to a PQ on 23 October 2023, Minister David Johnston said:

The department’s Delivering Better Value (DBV) programme has no targets to reduce the number of new Education, Health and Care (EHC) plans. Decisions about individual children and young people and whether they require EHC plans must be made on an individual basis, following the processes set out in the Children and Families Act 2014. The department is protecting every parent and family’s existing legal right to an EHC plan when they need one, and that will not change.

The DBV programme is part of the wider reform work set out in detail in the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan. DBV aims to put the SEND system on a more sustainable footing by funding system transformation in up to 55 local authorities with high dedicated schools grant deficits. It does so by providing diagnostic support to each local authority to engage with its stakeholders and identify opportunities to improve services and meet children’s needs at an early stage and with the right level of support.<sup>42</sup>

In October 2024, the Department for Education published a research report on [Findings from Phase One of DBV](#). The report’s key findings were that:

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<sup>37</sup> [PQ HL3554 \[Special educational needs\], 30 December 2024](#)

<sup>38</sup> Department for Education, [Guidance on our intervention work with local authorities](#), October 2022, p3

<sup>39</sup> Delivering better value in SEND, “[about](#)” [website article](#), undated

<sup>40</sup> See: Matt Keer and Tania Tirraoro, Special Needs Jungle, “[DBV Part 2: 20% EHCP cuts? After repeated denials, the Department for Education’s got some explaining to do...](#)”, 11 September 2023

<sup>41</sup> “[Government SEND savings plan will barely dent council deficits](#)”, Schools Week, 29 September 2023

<sup>42</sup> [PQ 203508 \[on Special Educational Needs\], 25 October 2023](#)



- 65% of the children and young people reviewed could have had their needs met in a more effective way
- An improved system could lead to 30,000 more children having their needs met through SEN Support and 35,000 more children having their needs met in a mainstream setting rather than a specialist placement, including 15,000 more children supported through resourced provision
- The main barrier to more effective support for children and young people was being supported in a provision that is not most effective for them.<sup>43</sup>

## 2.6

### Levelling Up, Housing and Communities Committee report on local authority finances (2024)

In February 2024, the Levelling Up, Housing and Communities Committee published a report on [Financial distress in local authorities](#). Among other areas, the report addressed financial pressures resulting from SEND expenditure.

#### Statutory override

As well as rising demand, the report highlighted the ‘statutory override’ introduced by the then-Ministry for Housing, Communities and Local government in 2020. The override allows local authorities to exclude any deficits on their Dedicated Schools Grant (DSG) spending from their main revenue budgets, meaning that local authorities’ DSG deficits could be separated from their wider accounts.<sup>44</sup> The override ran initially until March 2023, but in December 2022 was extended to the end of March 2026.<sup>45</sup>

The Department for Levelling Up, Housing and Communities told the committee in oral evidence that a decision on whether the government will fund, or expect local authorities to fund, deficits remaining when the statutory override ends is expected in the next Parliament.<sup>46</sup>

#### Longer-term sustainability

The committee raised concerns about the longer-term efficacy of the current support programmes in place for local authorities experiencing difficulties:

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<sup>43</sup> Department for Education, [Delivering Better Value in SEND: Phase 1 Insight Summary](#), October 2024, p12

<sup>44</sup> [PQ 98741 \[Special Educational Needs\], 7 December 2022](#)

<sup>45</sup> Levelling Up, Housing and Communities Committee, [Financial distress in local authorities](#), Third Report of Session 2023-24, HC 56, p30

<sup>46</sup> As above, p31

While we appreciate that some efficiencies may be achievable, it is not realistic to expect local authorities to manage down deficits of the scale of many billions of pounds over a period of two or three years. One-off ‘safety valve’ funding does not address the underlying mismatch between demand, costs, and annual DSG funding and it will not prevent local authorities from accumulating further deficits subsequently.<sup>47</sup>

Among the committee’s recommendations was for the government to provide clarity to local authorities on its specific expectations for resolving existing DSG budget deficits, and agree with local authorities a set of “realistic and achievable steps, supplemented by sufficient additional funding,” for eliminating those deficits, by the end of March 2024.<sup>48</sup>

## Government response

The government [responded to the report](#) in March 2024. The response confirmed that the statutory override would remain in place up to March 2026, and said that as part of the improvement plan launched in 2023, it would “carefully monitor the pace of progress towards our aims to improve outcomes and experiences within a fair and financially sustainable system.”<sup>49</sup>

## 2.7

## National Audit Office report on system effectiveness and financial sustainability (2024)

The National Audit Office published a report on [Support for children and young people with special educational needs](#) in October 2024. The report looked at how well the current system is delivering for children and young people in England identified as having SEN, as well as the DfE’s progress in providing a sustainable system that achieves positive outcomes for children.

The report presented several key findings about the system, including that:

- Since 2019, there has been no consistent improvement in outcomes for children and young people with SEN
- Families and children lack confidence in the system, which often falls short of statutory and quality expectations
- State special schools are over capacity which may mean children are not in the most appropriate setting, including in more expensive independent schools

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<sup>47</sup> As above

<sup>48</sup> As above, p33

<sup>49</sup> Department for Levelling Up, Housing and Communities, [Financial distress in local authorities: government response to the Select Committee report](#), 25 March 2024

- The factors influencing rapid increases in SEN can be hard to quantify, which inhibits the DfE’s ability to focus on addressing root causes, many of which extend beyond its remit in underlying social, educational or medical causes
- If unreformed, the SEN system is financially unsustainable. The DfE estimates that the cumulative deficit of local authorities will be between £4.3 billion and £4.9 billion when the statutory override ends in March 2026
- The DfE has taken steps to tackle local authorities’ immediate financial pressures through the Safety Valve and Delivering Better Value programmes, but these will not provide a sustainable system.<sup>50</sup>

The NAO made several recommendations, including that the DfE should “explicitly consider whole-system reform” to improve outcomes and create financial sustainability.<sup>51</sup> This should be accompanied by work to understand the root causes behind increases in SEN and demand for EHC plans and special school places, as well as to build a more integrated system of support with other areas such as healthcare.<sup>52</sup>

The report also made a series of recommendations for the DfE to make better use of its funding, including to:

as a matter of urgency, work with MHCLG and HM Treasury, to share with local authorities its plans for ensuring each local authority can achieve a sustainable financial position once the statutory override ends in 2025-26.<sup>53</sup>

## Parliamentary discussion

An urgent question was tabled in the House of Commons on 24 October 2024 by Munira Wilson (LD), when the NAO report was published.

The schools minister, Catherine McKinnell, said that the report was “bang on the money” and that regaining parents’ confidence in the SEND system would “be a huge and complex reform.”<sup>54</sup>

James Wild (Con) said that “since the election we have heard very little from this Government about their plans for reform. We look for more clarity, and we certainly support greater inclusivity.”<sup>55</sup>

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<sup>50</sup> National Audit Office, [Support for children and young people with special educational needs](#), October 2024, pp6-10

<sup>51</sup> National Audit Office, [Support for children and young people with special educational needs](#), October 2024, p11

<sup>52</sup> As above

<sup>53</sup> As above

<sup>54</sup> [HC Deb 24 October 2024 c405](#)

<sup>55</sup> [HC Deb 24 October 2024 c408](#)

Munira Wilson said that the “report makes clear the urgent need for whole-system reform, with joined-up thinking across local and national Government, the NHS and schools.”<sup>56</sup>

## 2.8

### Institute for Fiscal Studies report on spending on SEN (2024)

In December 2024, the Institute for Fiscal Studies published a report, [Spending on special educational needs in England: something has to change](#). The report said the system had faced:

unprecedented pressure over the past decade, and without substantial reform it will likely become unmanageable for local authorities over the coming years. Fundamentally, this is due to the rocketing number of children and young people with education, health and care plans (EHCPs).<sup>57</sup>

The report said the reasons behind this rise are complex, but could include increased severity of needs, expanded recognition and diagnosis of needs, and stronger incentives to seek statutory provision. As well as these rising numbers, the report identified the following key concerns:

- High needs spending has been consistently higher than funding by £200–800 million per year between 2018 and 2022
- There are large variations in identified need, funding and deficits across local authorities
- Nearly two-thirds of the increase in spending has been driven by increased spending on pupils in special schools
- Financial incentives for schools to seek EHCPs

The report said reform would be complex and costly, with potential changes including the expansion of provision in mainstream schools, expansion of state-funded special school places, geographic redistribution of funding, and reducing the statutory obligations currently attached to EHCPs.<sup>58</sup>

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<sup>56</sup> [HC Deb 24 October 2024 c406](#)

<sup>57</sup> Institute for Fiscal Studies, [Spending on special educational needs in England: something has to change](#), 10 December 2024

<sup>58</sup> As above

## 2.9

# Public Accounts Committee report on special educational needs (2025)

In January 2025, the Public Accounts Committee published a report on [Support for children and young people with special educational needs](#).

The committee said the system for supporting children with SEN “is reaching, or, arguably, has already reached, crisis point” despite extra funding, and that the system was both failing to provide support for children and putting enormous strain on local authority finances, without any sign of reforms to improve the situation:

As well as not delivering outcomes, the SEN system is unaffordable, placing a significant strain on local authorities’ finances. Most worryingly, government does not know how it will address immediate financial challenges faced by local authorities where, for many years, local authority spending has outstripped departmental high-needs funding, leading to substantial deficits.<sup>59</sup>

The committee’s chair, Sir Geoffrey Clifton-Brown (Con), said that:

The immensity of this situation cannot be overstated. As a nation, we are failing countless children. We have been doing so for years. At the same time, we are creating an existential financial risk for some local authorities, caused by that same failing system.<sup>60</sup>

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<sup>59</sup> Public Accounts Committee, [Support for children and young people with special educational needs](#), First report of session 2024-25, HC 353, p1

<sup>60</sup> Public Accounts Committee, [SEND emergency: Unviable system will end in lost generation of children without reform](#), 15 January 2025

## 3

# Accountability: Ofsted and CQC inspections

## Overview of inspections

Since 2016, Ofsted and the Care Quality Commission (CQC) have been carrying out inspections of all local authority SEND support provision in England.

Under the [Local area special educational needs and disabilities inspection framework](#), inspectors review how local areas meet their responsibilities to children and young people (from birth to age 25) who have special educational needs or disabilities (or both).

The framework sets out that the purpose of these inspections is to:

- provide an independent, external evaluation of the effectiveness of the local area partnership's arrangements for children and young people with SEND
- where appropriate, recommend what the local area partnership should do to improve the arrangements

Inspectors do not carry out inspections of individual education, social care or health services or providers under this inspection framework

Since 2023, inspections have taken place in a continuous inspection cycle, and there are three potential inspection outcomes, as set out in the framework:

- The local area partnership's SEND arrangements typically lead to positive experiences and outcomes for children and young people with SEND. The local area partnership is taking action where improvements are needed
- The local area partnership's arrangements lead to inconsistent experiences and outcomes for children and young people with SEND. The local area partnership must work jointly to make improvements
- There are widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with SEND, which the local area partnership must address urgently.<sup>61</sup>

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<sup>61</sup> Ofsted, [Area SEND inspections: framework and handbook](#), December 2023

Subsequent monitoring or reinspection of an area is dependent on its inspection outcome.

Separate [information for young people and families](#) about the inspections has also been published.

The relevant reports [are published](#) on the Ofsted and CQC websites.

## Revised approach in 2023

Ofsted and the CQC published a revised [area inspection framework and handbook](#) effective from January 2023, which amended their approach, following a [consultation on the new area SEND framework](#).<sup>62</sup>

The [SEND and Alternative Provision Improvement Plan](#) included the following summary:

In January 2023, Ofsted and the Care Quality Commission introduced a new approach for area SEND inspections. These place greater emphasis on the outcomes that are being achieved for children and young people, 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. Finally, as part of the framework, there will be a series of thematic visits each year, with the first focusing on alternative provision, publishing in autumn 2023.<sup>63</sup>

The Plan further said that the Department for Education would adjust its response to poor performance, in line with the new inspection framework, so that it could act proactively when areas fail to provide the necessary support to meet the needs of children and young people, including the removal of service control and imposition of a trust or commissioner on local authorities, where required.<sup>64</sup>

## Area inspection findings

[Ofsted's annual report for 2022/23](#) stated that, between January and August 2023, Ofsted and the CQC inspected 16 local area partnerships under the revised inspection framework.<sup>65</sup> Five of these inspections found local arrangements typically led to “positive experiences and outcomes for children and young people”.<sup>66</sup> In six areas, arrangements led to “inconsistent experiences and outcomes” and in five, there were “widespread and/or systemic failings”.

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<sup>62</sup> Ofsted, [HMCI commentary: publishing our new area SEND framework](#), 29 November 2022

<sup>63</sup> Department for Education, [SEND and alternative provision improvement plan](#), March 2023, p73-74

<sup>64</sup> As above

<sup>65</sup> Ofsted, [Annual report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2022/23](#), 23 November 2023

<sup>66</sup> As above

The report summarised:

Inspections under the new framework are showing many of the same concerns as under the previous framework. Most significantly, families continue to experience long waiting times for some assessments and support, such as child and adolescent mental health services (CAMHS), educational psychology and speech and language therapy. The increase in EHC plans is having a negative impact on health and education services. The DfE has reported that services such as educational psychology are struggling to deal with the volume of EHC plan referrals, which is delaying access to other essential services. Educational psychologists are suggesting that better early interventions could reduce the need for EHC plans and the pressure on health and education services.<sup>67</sup>

## Background on the introduction of inspections

In March 2015, the Department for Education published [Special educational needs and disability: supporting local and national accountability](#), which provided a framework for monitoring the performance of the reformed SEND support system. The document indicated that the government would develop a set of key indicators to monitor the progress and impact of the reforms locally and nationally,<sup>68</sup> and included information about new arrangements for independent assessment, including proposed inspections by Ofsted and the CQC.<sup>69</sup>

A [consultation](#) on the proposed inspections by Ofsted and the CQC was launched in October 2015 and ran until January 2016. It set out that, starting in May 2016, inspectors from these two bodies would inspect the provision of support for children and young people with SEND across the responsible local bodies in health, social services, and education.<sup>70</sup>

Ofsted and the CQC published a [response to the consultation](#) on 10 March 2016. The response set out how Ofsted and the CQC would develop their approach, informed by consultative pilot inspections.

Ofsted and the CQC stated that there was “considerable agreement” with the proposals and that inspections would begin in May 2016.

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<sup>67</sup> Ofsted, [Annual report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2022/23](#), 23 November 2023

<sup>68</sup> Department for Education, [Special educational needs and disability: supporting local and national accountability \[link to PDF, 589kb\]](#), March 2015, p6

<sup>69</sup> As above, p14-15

<sup>70</sup> Ofsted, [Local area SEND consultation: The inspection of local areas' effectiveness in identifying and meeting the needs of disabled children and young people and those who have special educational needs \[link to PDF\]](#), October 2015



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## 4 The SEND Review and the SEND and Alternative Provision Improvement Plan

### 4.1 SEND review announcement (2019)

In September 2019, five years after the introduction of the current system of support for children and young people with SEND, [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.”<sup>71</sup> 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.”<sup>72</sup>

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;

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<sup>71</sup> 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

<sup>72</sup> 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.

## 4.2

### 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.”<sup>73</sup>

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

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<sup>73</sup> Department for Education, [Ambitious reform for children and young people with SEND](#), 29 March 2022.

increase the number of staff with an accredited Level 3 SENCo qualification in early years settings.

- 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.

## 4.3 The SEND and Alternative Provision Improvement Plan (2023)

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

A [SEND and alternative provision roadmap](#) was published alongside the plan, setting out timelines for key parts of the government's proposals.<sup>74</sup>

In a [written statement to the House of Commons](#), the then 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."<sup>75</sup> The Minister also published a [letter to parents](#) providing an overview of the government's plans.<sup>76</sup>

The Department for Education also published a blog post with an [overview of the plan](#).<sup>77</sup>

### Proposals

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. The standards were a central proposal of the green paper.

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<sup>74</sup> Department for Education, [SEND and alternative provision roadmap](#), 2 March 2023

<sup>75</sup> [HC Deb 2 March 2023 c42WS](#)

<sup>76</sup> Department for Education, [Message to parents of children with SEND from Claire Coutinho MP, Minister for Children, Wellbeing and Families](#), 2 March 2023

<sup>77</sup> Department for Education, [How we are improving support for children with Special Educational Needs and Disabilities \(SEND\)](#), 2 March 2023

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 set 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

The Library briefing on [The Special Educational Needs and Disabilities and Alternative Provision Improvement Plan](#) provides more detailed information.

## 4.4 New SENCo qualification

As noted above, the SEND green paper and improvement plan announced reform of qualifications for special educational needs co-ordinators (SENcos).

In November 2023, [the DfE published details](#) of how the transition to a new leadership-level National Professional Qualification for SENCOs would work.<sup>78</sup>

This confirmed:

- The new NPQ would be taught from autumn 2024
- SENCOs who already hold the existing qualification (known as NASENCO) would not have to gain the new qualification, and nor will SENCOs in post before 1 September 2009
- SENCOs newly appointed during the 2023/24 academic year could either start the existing NASENCO programme before September 2024, or enrol on a new NPQ course no later than Spring 2025

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<sup>78</sup> Department for Education, [Transition to national professional qualification for special educational needs co-ordinators](#), 7 November 2023

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## 5 Education Committee inquiry (2024-25)

In December 2024, the Education Committee [launched a wide-ranging inquiry](#) on Solving the SEND Crisis.<sup>79</sup>

The [terms of reference](#) for the inquiry included a number of questions under the following headings:

- Support for children and young people with SEND
- Current and future model of SEND provision
- Finance, funding and capacity of SEND provision

The terms of reference said, “mindful of previous reviews that have taken place in this area, and the evidence that already exists about the nature and scale of the problem, the Committee would welcome evidence primarily focused on solutions.”<sup>80</sup>

The deadline for written submissions is 30 January 2025.

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<sup>79</sup> Education Committee, [Solving the SEND crisis – Education Committee launches major inquiry](#), 20 December 2024

<sup>80</sup> Education Committee, [Call for Evidence: Solving the SEND Crisis](#), December 2024

## 6 Statistics

### 6.1 Number of pupils with SEN

There are two broad levels of support for pupils with special educational needs (SEN) in England. Education Health and Care plans (EHC Plans) are for children and young people aged up to 25 who need more support than is available through SEN support. More detail about different types of SEN provision can be found in section 1.3, above.

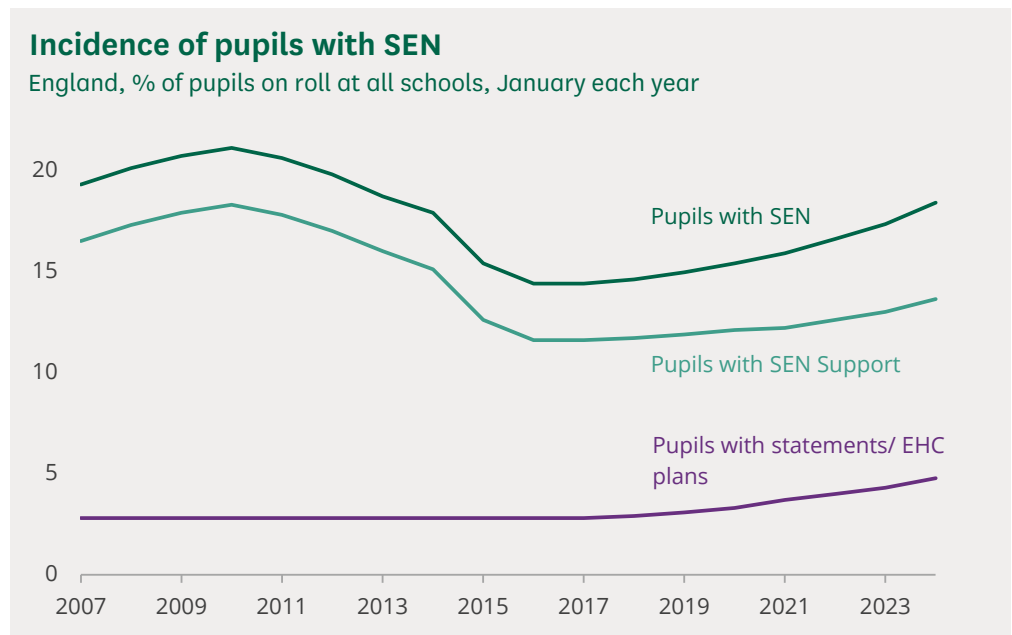
In January 2007 there were around 1.6 million pupils with SEN in England, the total increased gradually reaching 1.7 million in 2010 before declining again until 2016, when the total stood at around 1.2 million. Since then, the number of pupils with SEN has increased in each year and was back to nearly 1.7 million by January 2024.

Only a minority of pupils with SEN have EHC plans, but the number has increased over time. In January 2024, around 430,000 pupils had EHC plans (26% of pupils with identified SEN). This compared with around 233,000 pupils with statements in 2007 (15% of pupils with identified SEN).

The SEN incidence rate describes the proportion of all pupils with identified SEN.

The overall SEN incidence rate was around 19% in 2007. The rate gradually increased reaching a peak of around 21% in 2010. The SEN incidence rate then declined and reached its lowest level in 2016 and 2017 (around 14%), before increasing again gradually to just above 18% in 2024.

The proportion of pupils with statements or EHC plans has been more stable over the period. The rate remained at 2.8% of pupils in each year between 2007 and 2017, however it has increased slightly in each year since then reaching a peak of 4.8% in 2024. More details are provided in the chart below.



Source: [DfE, Special Educational Needs in England: 2024, June 2024, main text](#); [DfE, Special Educational Needs in England: 2019, July 2019](#) (for all data prior to 2020, Table 1)

In January 2024, the most common type of primary need among pupils with an EHC plan was autistic spectrum disorder (around 132,200 pupils or 33% of all pupils with an EHC plan). The second most common type of primary need was speech, language, and communication needs (around 78,200 pupils or 20% of all pupils with an EHC plan).<sup>81</sup>

The most common type of primary need among pupils with SEN support was speech, language, and communication needs (around 291,700 pupils or 26% of all pupils with SEN support). The second most common type of primary need was social, emotional and mental health needs (around 254,200 pupils or 22% of all pupils with SEN support).<sup>82</sup>

## 6.2

### Education, health, and care plans across all age groups (0 to 25 years)

#### Trends in number of statements and education, health, and care plans

Education, health, and care plans (EHC plans) are available to people aged 0-25 years old. The data in this section includes all children and young people

<sup>81</sup> Department for Education, [Special Educational Needs in England: 2024, June 2024, custom table](#). These figures exclude pupils with EHC plans in independent schools

<sup>82</sup> As above

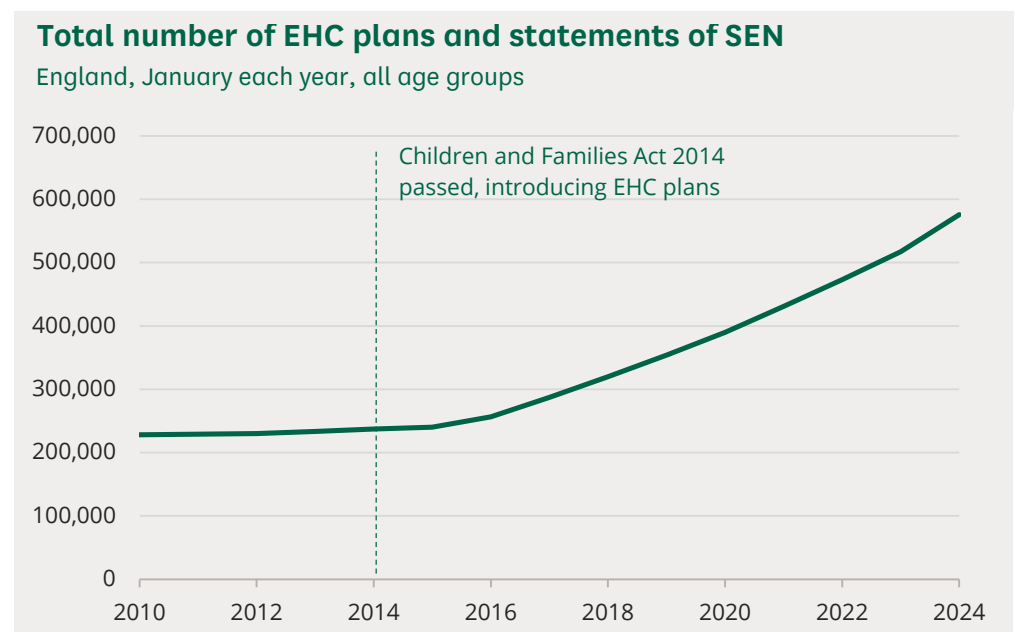


with EHC plans (unlike the previous section which only included school pupils).

In January 2024, there were around 576,000 children and young people of all ages with an EHC plan. This was an increase of 11.4% on the previous year, 2023, which comes on top of a 9.3% increase between 2022 and 2023. Around 69% of those with EHC plans are aged between 5 and 15, 20% are aged 16 to 19, 6% are aged 20 to 25, and 5% are aged under 5.<sup>83</sup>

The number of EHC plans (and earlier, statements of SEN) maintained by local authorities has increased in each year since 2010 (when there were around 228,200). This increase has accelerated since 2015 (when there were around 240,200). This increase occurred in a wider context of rising pupil numbers, as well as reforms that extended the age group potentially covered, to 25 years old.<sup>84</sup>

The chart below shows the number of EHC plans and statements maintained by local authorities, since 2010. The DfE does not publish incidence rates of EHC plans across all age groups (as it does for the narrower category of school pupils).



Notes: Figures include Statements of SEN and EHC plans until 2019, by which point all statements should have been transferred to EHC plans. The Children and Families Act 2014 extended coverage to 19-25 year olds.

Source: Source: Department for Education, [Education, health and care plans: 2023](#), June 2023, [custom table](#)

<sup>83</sup> Department for Education, [Education, health and care plans: 2024](#) June 2024, main text

<sup>84</sup> As above

## Timeliness in issuing new EHC plans

In calendar year 2023, around 84,400 new EHC plans were issued, a 27% increase on the number issued in the previous year (66,700). 2023 saw the highest number of new EHC plans issued since their phased introduction from 2014.<sup>85</sup>

Of the new EHC plans issued in 2023, around 50% were issued within the 20 week time limit. This is very slightly higher than in the previous year, 2022, when 49% were issued within 20 weeks. However, it is still lower than in 2021, when the equivalent figure was 60%. 2017 saw the highest proportion of plans issued within 20 weeks, at 65%. These figures all exclude cases where certain narrow statutory exceptions to the 20 week time limit apply.<sup>86</sup>

## Placements

In January 2024, of those with an EHC plan:

- 43% were attending mainstream schools
- 32% were attending special schools
- 15% were in further education providers

The remainder were in a variety of other settings, including early years settings and alternative provision schools and colleges.<sup>87</sup>

## 6.3

## SEND Tribunals

Parents, and in some cases young people themselves, have statutory rights of appeal to the independent First Tier Tribunal (Special Educational Needs and Disability). Appeals can be made against many local authority decisions on the special educational needs support provided to children and young people (such as the decision not to issue an education, health, and care plan, or the school or setting named in an EHC plan). Appeals can also be made regarding disability discrimination against schools. Local authorities must comply with orders made by the Tribunal.<sup>88</sup>

In the academic year 2023/24 (the latest data), 11,157 cases were decided by the Tribunal.<sup>89</sup> Of these 11,007, or around **99%**, were decided in favour of the

<sup>85</sup> Department for Education, [Education, health and care plans: 2024](#), June 2024, main text

<sup>86</sup> As above

<sup>87</sup> As above

<sup>88</sup> IPSEA, [What is the SEND Tribunal](#), accessed 8 January 2024

<sup>89</sup> This excludes cases which were conceded or withdrawn

appellant. However, this does not necessarily mean that all aspects of the decision were in the appellant's favour.<sup>90</sup>

The proportion of cases decided in favour of the appellant has increased significantly since 2011/12, when it stood at 69%.

Of all appeals for which an outcome was recorded in 2023/24, around a third (5,569 out of 16,726) were withdrawn or conceded. This can happen, for example, where the local authority and the person appealing have come to an agreement before the hearing.<sup>91</sup>

The following table sets out in more detail the trends in tribunal outcomes since 2011/12, and shows the local authorities (LAs) with the highest and lowest appeal rates.

<b>SEND Tribunals</b> England, academic years			<b>Appeal rates</b> Highest and lowest, 2023	
	Decided	% decided in favour of applicant		as % of appealable decisions
2011/12	823	69	<b>LAs with lowest rates</b>	
2012/13	808	84	Newcastle upon Tyne	0.2
2013/14	797	83	NE Lincolnshire	0.3
2014/15	788	86	Warrington	0.4
2015/16	883	88	Northumberland	0.5
2016/17	1,599	89	Blackpool	0.5
2017/18	2,298	89	<b>LAs with highest rates</b>	
2018/19	2,614	92	Oxfordshire	5.1
2019/20	3,770	95	Plymouth	5.1
2020/21	4,825	96	Windsor & Maidenhead	6.1
2021/22	5,600	96	Gateshead	6.3
2022/23	7,968	98	East Sussex	7.0
2023/24	11,157	99		

Note:

Left-hand table figures exclude cases that were withdrawn or conceded. Right-hand table figures exclude City of London and Isles of Scilly, authorities with missing data, and those with boundary changes during 2023.

Sources:

(left hand table) Ministry of Justice, [Tribunal statistics quarterly: July to September 2024](#), SEND Tribunal tables (SEND1), December 2024; (right hand table) Ministry of Justice, [Tribunal statistics quarterly: January to March 2024](#), June 2024

<sup>90</sup> Ministry of Justice, [Tribunal statistics quarterly: July to September 2024](#), 14 December 2023, SEND Tribunal tables 2023 to 2024 (SEND1)

<sup>91</sup> As above, (SEND5)

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