

The White Paper Consultation

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SOS SEN

SEND Reform: putting children and young people first

- ▶ [SEND reform: putting children and young people first - GOV.UK](#)
- ▶ Various versions linked on this page, including easy read and British Sign Language versions, and details of specialist provision packages
- ▶ Details of consultation events here - [SEND reform - Department for Education - Citizen Space](#)
- ▶ Consultation questions appear below the sections that they relate to – e.g. Q1 and Q2 are on page 21 of the print version, so that gives the context. The full list of questions is on p120.
- ▶ Appendix B (p117) explains the consultation process.
- ▶ Appendix C (p118) gives a summary of consultation questions.
- ▶ You can ask for your name and/or organisation to be kept confidential but have to explain why.

How, where and when do I respond to the consultation?

- ▶ Online starting here - [SEND reform: putting children and young people first - Page 1 of 16 - Department for Education - Citizen Space](#). Text boxes allow for a limited number of characters
- ▶ By email to SENDreform.CONSULTATION@education.gov.uk
- ▶ By post to SENDAP reform, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.
- ▶ Deadline: 18th May 2026

Is it worth bothering?

- ▶ The DfE say they want to hear from people, particularly parents, carers, children and young people.
- ▶ Please respond! They will interpret silence as meaning you agree with the proposals in full.
- ▶ You don't have to answer every question.
- ▶ The DfE are pushing the agenda that parents like the proposals. If you do not, they need to hear about it. If a large number of people are telling them that, it makes it much more difficult for them to ignore it.

I've heard the consultation is being challenged. Why?

- ▶ The proposed claimant rightly points out that there are no consultation questions on a number of the most important issues, e.g. the proposal to take away tribunal rights to name schools, and the proposal to put responsibility drawing up and delivering ISPs on schools etc alone with no enforceability.
- ▶ In its initial response the DfE said it was not consulting on these matters because the decision had already been taken to go ahead with them.
- ▶ Subsequently it backtracked and said it wanted to hear views on every aspect of the WP. However, it did not amend the questions or consider what should happen in relation to those who had already responded, so the litigation is going ahead.
- ▶ We suggest giving your views on these and other issues that have not been the subject of questions where appropriate in the responses or in the answer to the final question, which asks what else you want to contribute.
- ▶ Don't delay in responding pending the outcome of the litigation. If it does result in the consultation being reissued, there will be another opportunity to respond.

Should I copy and paste suggested responses?

- ▶ Ideally, no. Responses will be analysed and identical responses from a large number of people will be binned.
- ▶ There's obviously nothing wrong with looking at other people's and organisation's suggested responses for ideas and guidance, but please use your own wording.
- ▶ If you are familiar and happy with AI, you could use it to ask yourself questions, or to polish up your language, but **check it very carefully!**
- ▶ If using AI, don't ask it to tell you what to say. Paste your thoughts in, or specific links you want it to reference (e.g. an article you agree with) but bear in mind free chatbots have a daily limit.
- ▶ Some very useful tips on using AI here, including a basic prompt: [The 39 Steps: SNJ's guidance to help you respond to the White Paper SEND Consultation — Special Needs Jungle](#)

How should I approach this? 1

We suggest:

- ▶ Read the consultation document, or at least the easy read version. There is a LOT of repetition – feel free to skim!
- ▶ You might like to highlight important bits and write notes in the margins.
- ▶ Think particularly about how it will affect your child/ren, or how it might have done if the proposals had been in place at the relevant time.
- ▶ Think critically – if something sounds good, how realistic is it that it is going to happen? Will promised funding be enough? Will the proposals work if a different government is in power? Is the proposal better or worse than what is in place now?
- ▶ What would help the proposal to work? What would get in the way?
- ▶ Why don't these measures exist already?
- ▶ Do we in fact need to change the law to achieve the required change?
- ▶ Consider further research, e.g. our website, IPSEA's, Special Needs Jungle, Save Our Children's Rights. We recommend this webinar - [WEBINAR RECORDING! The legal implications of the Schools White Paper's SEND Proposals — Special Needs Jungle](#)

How should I approach this 2

- ▶ Go back to the questions and spend time thinking about them.
- ▶ We suggest making initial rough notes on your answers, then go back to them and tidy them up before pasting answers into the boxes or into your email document.
- ▶ If you're comfortable using a dictation app or similar, use that for initial thoughts.
- ▶ Keep your answers and sentences reasonably short. AI will be used for analysing answers and picking up themes, and it is more likely to pick up on short, pithy answers.
- ▶ Give real life examples, but remember that specific complaints won't be acted on or investigated. Your response will be ignored if it looks like you are simply pursuing a personal issue.
- ▶ Don't put anything identifiable in your response.
- ▶ Don't assume that whoever is reading your response knows anything about SEND and the legal system.

Q3: How can we ensure that children are best supported by the Universal offer?

- The Universal offer will set a new baseline for mainstream education settings with a view to raising standards and setting up one inclusive education system for all children and young people, including those with SEND.
- It will include ambitious leadership, high quality teaching, a curriculum designed for all learners, inclusive environments etc.
- Training for teachers and others to meet these expectations.
- Schools required to plan support through an Inclusion Strategy.
- £1.6 bn Inclusive Mainstream fund.
 - Think about this: how does inclusion work, how would it help for your child, is it the right way to go?
 - If you think the Universal offer model should be changed, or disagree with the premise of this, say so.

Q4 and 5: How can we ensure that children in the Targeted or Targeted Plus layers are supported?

- ▶ This is about the proposal that, on top of the Universal Offer, there will be three flexible layers of support – Targeted, Targeted Plus, and Specialist. CYP will move between them over time.
 - Targeted support will come from the setting.
 - Targeted plus support will get support from the setting with input from education and health professionals, and might have access to a Support Base within the school.
 - Specialist support will come through an EHCP.
- ▶ Day to day support at all three levels will come through an Individual Support Plan drawn up by schools, who will have a statutory responsibility to deliver the support.
 - There will be no requirement for statutory assessment before going into these levels. This will mean that support will be delivered more quickly, but will it be the right support?
 - This puts a lot of work on schools. What is needed to make this work?
 - Should schools be fully accountable for problems with ISPs or failure to deliver, and if so how? Current proposal is this should be through Ofsted and complaints process. Is that satisfactory?

Q6: How do we ensure that children in the Specialist layer are best supported?

- ▶ Proposal is that they will receive support through new nationally defined Specialist Provision Packages designed by experts. There are seven packages, but it is accepted that children might need support from more than one package. Delivery of SPPs will be LA responsibilities, but day to day support will be defined by schools in ISPs and it will be their duty to deliver it.
- ▶ The current system requires that each and every educational need of each individual child be identified and described in section B of an EHCP, with specified and particularised support for each such need being set out in section F. The placement named in section I must be capable of delivering all the support in F, and the LA has a statutory duty to ensure that all support is in place.
 - Which model do you think is better?
 - If you prefer a model where individual needs are identified and supported, and where providing support is an enforceable obligation, say so.

Q8 - Do you agree that the refreshed 'areas of development will support educators to understand and address barriers to learning and participation?

- ▶ Currently needs are grouped in the categories of Cognition and Learning; Communication and Interaction; Social, Emotional and Mental Health; and Sensory and Physical.
- ▶ Proposal is :
 - Executive function: attention, working memory, managing impulses, planning and organisation, cognitive flexibility
 - Speech, language and communication: generating sound, development of understanding and using words and sentences, use of language, gesture, signs and symbols
 - Motor and physical: gross motor - posture, balance, whole body control and large movements; fine motor – precise hand and finger movements.
 - Sensory: external and internal senses, sensory processing.
 - Social and emotional: understand and manage emotions, form relationships , regulate emotions etc.

Are you happy with these? Is anything missing? Proposals indicate that mental health input in SPPs will be considered - should this be specifically identified?

Q13: What practical actions can help teachers etc manage workload whilst implementing these changes?

- ▶ This relates to proposals for a new training package with £200m funding over three years for all staff and reviewing the role of the SENCo.
 - It has been calculated that this will cover around a half day's training for each staff member. Is that enough?
 - As it is envisaged more children will be in mainstream schools and they must draw up and deliver ISPs, co-ordinate experts etc, there will be a considerable extra workload for school staff. What would help with this?
 - Think outside the box - smaller classes, smaller schools, more schools, more training, more funding, more staff?

Q18 and 19: How can we make sure that every area can meet the full range of needs of CYP through Inclusion Bases, and that bases help CYP succeed in mainstream settings?

- ▶ Proposal is that thousands of places will be created in bases within mainstream settings for CYP who need specialist support. Inclusion bases will comprise:
 - Support bases funded by the setting, providing Targeted support;
 - Specialist bases funded by LAs, providing targeted plus and specialist support.
 - Over time it is expected that every secondary school will have an IB, with an equivalent number of places in primary schools.
- ▶ Think about:
 - Are IBs necessarily the way to go, as opposed to having more specialist schools?
 - How inclusive are inclusion bases in your experience?
 - What sort of staffing and investment would they need?
 - Should they specialise in specific types of difficulty?
 - Is it realistic to expect IB staff to disseminate expertise in SEN in mainstream schools generally?

Q20: What arrangements are needed to deliver the Experts at Hand offer effectively?

- ▶ Proposal is for £1.8 bn investment over three years in access to professionals for all settings. By April 2029 the plan is for primary schools to average 40 days a year support, and 160 days for secondary. Colleges and Early Years settings would also have access.
- ▶ Experts would provide group based approaches, advising on effective strategies and interventions.
- ▶ Mainstream schools could access time limited placements in specialist settings.
- ▶ Plan is to recruit professionals from various sources, e.g. private practice or returners, and to use support workers and trainees. Funding is allocated for training EPs and SALTs.
 - Unclear how this will help with individual support and assessments.
 - Should funding be allocated more widely, e.g. OTs, psychiatrists, clinical psychologists, physiotherapists?
 - Should there be a requirement for specified assessments before putting children on ISPs or as part of the EHCP application process?

Q21 and 22 – Specialist provision packages

- ▶ Proposal for seven packages of support to be developed by experts - [Specialist provision packages - GOV.UK](#)
- ▶ Children won't necessarily have to fit into only one package
- ▶ Only children with SPPs will qualify for EHCPs
- ▶ Will be drawn up after statutory assessment led by LAs
- ▶ Will be for both special schools and mainstream
- ▶ Support will only be outlined. Day to day detail will still be the responsibility of schools through ISPs.
 - Consider whether this is the way to go, or whether the current system focussed on the individual needs of each child is better;
 - Q21 asks how CYP with low incidence complex needs (ie rare conditions) can access the right specialist placement. Individualised assessment and provision?
 - Q22 asks about design of SPPs. But is this the way to go? Having expert panels in place constantly working on these will be expensive. Is a "seven sizes fit all" system desirable?

Q23: How do we make the EHCP proposals work more effectively?

- ▶ This relates to both the SPP and ISP proposal.
 - Are they workable at all?
 - Do you have different suggestions for the packages?
 - There will no annual reviews for SPPs, only reviews at transition points. Is that satisfactory? How would we deal with children at risk of exclusion or failing placements?
 - The only mechanism for disagreement with ISPs will be the school complaints system. Is that satisfactory?
 - Would it be preferable to retain the current system with proper accountability for local authorities to ensure that section F is always adequately detailed and specified and that LAs deliver on EHCP provision?

Q25: What would you expect to be considered as part of the needs assessment, e.g. evidence and expert or professional input?

- ▶ To speed up the process and make it more flexible, it is proposed that EHCPs be developed with schools etc in consultation with parents **after** SPPs and placement decisions have been made. This will include the offer based on the SPP plus health and care provision.
- ▶ The setting will have the legal duty to deliver the offer, and ISPs will set out individually tailored day to day provision.
- ▶ Needs assessment process will include input from any experts who have supported the CYP to date, and health commissioner will identify health provision.
- ▶ Standardised EHC template
- ▶ Regular review of ISPs, EHCP only reviewed at end of key stages.
- ▶ Only those who need SPPs will have EHCPs
- ▶ Fast track for under 5s

Q25 continued:

- ▶ Is it satisfactory that assessments will be limited to experts/services that have already worked with the child? What if school/EP identifies another area of difficulty where child has had no previous input?
- ▶ Currently LAs have a duty to secure reports which they consider appropriate, or that parents reasonably request. Should that be retained?
- ▶ Should some assessments be mandatory depending on the type of difficulty, e.g. SALT and OT assessments for autism; full cognitive tests by EPs; funding for improved involvement by CAMHS including reports from them?
- ▶ Should there be more frequent or annual reviews for EHCPs as well as ISPs?
- ▶ Currently there is a right of appeal after all annual reviews. There is no suggestion that there will be under the new proposal; if there is, it will be limited to Key Stage changes. Is that satisfactory?

Q26 What factors should LAs take into account in proposing a list of potential settings?

- ▶ Proposal is that LAs must provide a list of recommended settings able to deliver the appropriate SPP from which to choose. Parents will retain the right to request an alternative which can deliver the relevant package.
- ▶ LAs will no longer be required to name schools that are full or where placement would have a detrimental effect on CYP already in the setting.
- ▶ Increased duty to take into account value for money and fairness in future decisions. LAs could be required to consider effect of making a single high cost placement on the ability to meet needs of all CYP in the area.
 - Will the proposed lists feel too restrictive? Should parents be able to insist on schools able to choose according to ability to meet individual needs rather than to deliver a package?
 - How far should LAs investigate whether schools are really full or allegations about detrimental effect of placements? If they conclude schools are wrong, should they be able to override them?
 - Will the requirement to take into account ability to meet other needs restrict choices in poorer areas and create postcode lotteries?

Q29 Do you agree that proposed changes to regulate Independent Special Schools sector will lead to suitable placements being available at a fair cost? Explain why.

- ▶ Proposal is for legislation to ensure LAs can pay a reasonable price for placements in independent special schools.
- ▶ They will have the same admission duties as other specialist settings, i.e. children may be placed there against the school's will.
- ▶ They will be required to offer placements based on SPPs.
 - How will the proposals deal with residential special schools, and those offering extremely expensive provision, e.g. for very complex physical and learning needs?
 - Some special schools restrict entry because they want to limit admission to those within their areas of speciality. Should this right be lost?
 - Might this result in fewer independent specialist places being available? Will they be replaced by LA funded special schools?

Q32: Do you agree that the proposal for every school to become part of a local SEND group aligns with or aim for all schools be part of high quality community based trusts?

- ▶ Idea is that schools can pool funding, share expertise and training, share resources.
- ▶ They will ultimately be required to join and form a local SEND and pool a proportion of their funding.
 - Is it helpful for schools to pool funding rather than to have funding that is calculated as appropriate for their pupil cohort?
 - How does this work in remote areas?
 - Do they need to be part of a trust to do this?
 - Do you want your child's school to be part of a trust?

Q38: Do you agree that a SEND Specialist should sit on the school complaint panel when the complaint relates to SEND support and provision?

- ▶ This is the only question asked after the "Resolution and legal framework" section dealing with disputes and rights of appeal.
- ▶ Mainstream school complaints process will be strengthened, e.g. clear expectations and timeframes and strengthening independence. This should be used where parents have a complaint relating to SEND provision and support. For such complaints the panel will have to include a SEND specialist, e.g. a SENCO or senior school leader with SEND experience who is independent of the school.
- ▶ Parents will still be able to bring disability discrimination appeals to the Special Educational Needs and Disability Tribunal.
- ▶ Ofsted will scrutinise complaints data, and other options for independent scrutiny will be explored, e.g. bringing together parents and practitioner experts to look at patterns and where complaints are unusually high.
- ▶ Independent mediation services for decisions about specialist provision

Q38 cont.

- ▶ Tribunals appeal still possible for:
 - Refusal to assess with "clearer threshold for assessment";
 - Decision child does not meet threshold for SPP and therefore for an EHCP;
 - If parents believe that the package identified for the CYP is not suitable and that they should have a different package;
 - Decision that child no longer needs SPP so EHCP should cease.
 - Setting named in EHCP. However, Tribunal will be limited to deciding whether LA decision is reasonable; if not, they can quash the decision and order LA to reconsider, but cannot name the placement for the child.
- ▶ One response may well be why there is only one question about this very important section. Also:
 - Is use of schools complaints systems an adequate remedy? Governors are unpaid and untrained, in contrast to Tribunal panels which are paid and very thoroughly trained, and subject to the scrutiny of the Upper Tribunal. Governors may well not have any particular interest in SEND, and are already very busy. Will they have time? How can the DfE ensure they have the required expertise to judge the contents of ISPs?

Q38 cont. again

- How, if at all, can the decisions of complaints panels be enforced?
- Can parents have faith in the independence of such panels? Currently governors' panels uphold school decisions in 95% of exclusion cases.
- You may agree that a SEND specialist should sit on the panel, but is a specialist from a nearby school going to be seen as independent? School staff already regularly meet each other at training events etc, and the White Paper itself proposals a high degree of liaison between local schools.
- Does this really ensure independence when the SEND specialist will always be in the minority on a complaints panel?
- Do you think the criteria for assessment need to be clarified? (Currently: whether child may have SEN and may need provision through an EHCP)
- Are you happy with the fact that the list of appeals does not include a right to appeal after annual reviews?
- Should the right of the tribunal to name a school where it has found the LA nomination to be unsuitable be removed?

Q39: Some measures have already been finalised. With this in mind, is there anything further you want to contribute?

Consider adding your thoughts on missing sections, and any points you have not made previously, e.g.:

- Children out of school on EOTIS, who will be responsible for ISPs, is the intention to move them back into school?
- Children over 16? Other missing sectors, e.g. children in custody, traveller children.
- Do you agree with the proposal for removing responsibility for defining and delivery of day to day provision from LAs to schools?
- Do you agree with removing the tribunal right to name schools?
- Proposals state that school governors will have considerably increased duties and responsibilities, with requirements for more training. Given the governors are volunteers and already have major responsibilities, and that some schools already have difficulty in recruiting and keeping governors, will this increase those difficulties?

Q39 cont.

- Are you happy about losing annual reviews for EHCPs (apart from KS transfers) and rights of appeal after annual reviews?
- How would these proposals affect your child?
- Previous research has come to the conclusion that all that is needed to improve SEND provision is adequate funding plus adequate accountability so that the current LA practice of saving money by regularly ignoring and breaking the law is stopped. Do you agree?
- Current statistics show disproportionate numbers of pupils with SEND but no EHCP are excluded. With fewer EHCPs, especially in mainstream schools, is there a danger that this trend will worsen?

Finally ...

► Please join us!



The image features a collage of protest signs. At the top left, a green sign reads 'SPECIAL NEEDS JUNGLE'. The central focus is a large sign that says 'SAVE SEND LEGAL RIGHTS' in blue and red. Other visible signs include 'SAVE OUR CHILDREN'S RIGHTS', 'LEAVE EHCPS ALONE', 'SEND RIGHTS MATTER', 'RIGHTS NEED LEGAL ACCOUNTABILITY', and 'INCLUSION CAN'T BE WISHFUL THINKING'. The background shows a cityscape with a large building. At the bottom, a red banner contains the text: 'JOIN THE MAY 9TH #SAVEOURCHILDRENSRIGHTS PROTEST IN LONDON OR A REGIONAL LOCATION'.

**JOIN THE MAY 9TH
#SAVEOURCHILDRENSRIGHTS PROTEST
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