

Education Committee

Oral evidence: [SEND White Paper, HC 1819](#)

Tuesday 14 April 2026

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Members present: Helen Hayes (Chair); Jess Asato; Sureena Brackenridge; Darren Paffey; Manuela Perteghella; Mark Sowards; Peter Swallow; Chris Vince; Caroline Voaden.

Questions 1 - 52

Witnesses

I: Margaret Mulholland, Head of SEND & Inclusion Policy, ASCL (Association of School and College Leaders); Daniel Kebede, General Secretary, National Education Union; Amanda Serjeant, Vice Chair of Children, Young People and Families Policy Committee, Local Government Association (LGA); Jane Harris, CEO, Speech and Language UK.

II: Kate Cox, Senior Solicitor, Independent Provider of Special Education Advice; Hayley Harding, Founder, Let Us Learn Too; Katie Ghose, CEO, Kids; Anna Bird, Chair, Disabled Children's Partnership (DCP), CEO, Contact, Disabled Children's Partnership.

Examination of witnesses

Witnesses: Margaret Mulholland, Daniel Kebede, Amanda Serjeant and Jane Harris.

Chair: Welcome to this morning's session of the Education Select Committee. This morning we are undertaking a one-off evidence session on the Government's proposed reforms to the system of support for children with special educational needs and disabilities. This session is designed so that the Education Select Committee can make our contribution to the Government's current consultation. We will hear this morning from witnesses with a wide range of different perspectives on the SEND system, the support that it provides and the Government's proposed reforms. Before I ask our witnesses to introduce yourselves to us this morning, can I invite any members of the Select Committee who would like to make a declaration of interest to do so?

Peter Swallow: Can I declare that I am the chair of the all-party parliamentary group for schools, learning and assessment, which the NEU



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is the secretariat for?

Sureena Brackenridge: Can I declare that, as a former teacher and deputy headteacher, I have been a paid member of NEU and ASCL?

Chris Vince: I declare an interest that I am an officer of the same APPG as Peter. Also, I was once a member of the NEU.

Q1 **Chair:** I will invite our witnesses to introduce yourselves to us this morning.

Margaret Mulholland: Good morning, everybody. I am Margaret Mulholland from the Association of School and College Leaders. I am the SEND and inclusion policy specialist.

Jane Harris: Hello everyone. I am Jane Harris. I am chief exec of the children's charity Speech and Language UK.

Daniel Kebede: Good morning, everyone. I am Daniel Kebede, the general secretary of the NEU.

Amanda Serjeant: Good morning, everyone. I am Amanda Serjeant and I am vice-chair of the LGA children, young people and families committee.

Q2 **Chair:** Thank you very much for being here with us today. I will start our questioning. The Committee's report, *Solving the SEND Crisis*, described the SEND system as being just that, in crisis. In brief, do you think that the Government's proposed reforms address the crisis?

Margaret Mulholland: It points us in the right direction. We really welcome the significant ambition, as many people have said, for a fairer, more equitable system. On the question of whether it solves it, we look at the international evidence and see that nowhere is really cracking this. Recent evidence from the Centre for Education Systems is showing that our language in the White Paper and the SEND consultation is taking us to a much more inclusive position internationally, and that is really welcome.

What would we like to see, and what would we like to ask the Select Committee to think about? We have talked about a 10-year plan. If it is going to be a 10-year plan or a 10-year reform, good, that gives time, but where is the cross-party commitment that was talked about? We would like to know where that is at.

We would also really want to hear soon about an implementation plan. Implementation is key to getting this right and solving the challenges, but it has to be bedded into a really significant theory of change. We have not seen that yet, so that is another question from us. It places huge expectations on schools and that is something we would really like to explore today, particularly the statutory duties and the complaints process.



We also have a question. In solving this crisis, we need to keep learning. It needs to be iterative. It cannot just be, "We have this White Paper. We are done". How are we going to learn? Where are the cycles of learning? We have had thematic reviews from Ofsted in the past and diagnostic assessment. Where does that accountability feed back into the system to tell us what we do next and how we do it better?

It is pointing in the right direction towards a more equitable system, but will it solve the crisis? That is dependent on funding, commitment and retaining that priority on SEND, but also remembering that we have said in the run-up to this that it is not just a SEND crisis. It has been an education crisis and a failure to put young people who struggle the most first. How do we make sure that policy alignment does that and continues to do that as we go forward, on attendance, curriculum and qualifications?

Daniel Kebede: The current system has been failing children. Everybody recognises that. The system is adversarial, fragmented and chronically underfunded. Families are forced into exhausting battles for basic support and it places an unsustainable pressure on schools and local authorities.

We absolutely think that the Government are right to act, and many of the reforms that are proposed reflect a long-standing consensus across the sector, particularly the need for collaboration, stronger mainstream inclusion and the end to profiteering in the independent special sector, but good intentions alone will not deliver better outcomes. As things stand, measures such as the inclusive mainstream fund and specialist support are too small to meet the scale of need. If reform is not properly funded and properly staffed, it risks rationing support and shifting blame on to schools, rather than fixing a system. Quite simply, for the SEND reforms to succeed, the Treasury absolutely has to match the ambition.

Amanda Serjeant: We probably all welcome the ambition of this White Paper. The Local Government Association has long called for many of the things that are proposed in the White Paper. We welcome the increased funding and the fact that the system is going to be reformed. We also welcome the partnership working that is proposed with health partners.

Where accountability lies is going to be key. The fact that children have been put back at the heart of the system is something that the LGA particularly welcomes. This is a system that was not serving families, as others have said. It certainly was not serving children. Having children back at the heart is important, but so is making sure that all partners are working together, through schools, local authorities and key partners in health. A key issue for us, if this is going to work for the long term, is where the accountabilities and levers lie where that is not working. That is absolutely what families want to see—that this is going to be a long-term solution.

Q3 **Chair:** Do you want to say anything about the funding situation for local authorities and the position that the Government have taken in relation



to debt?

Amanda Serjeant: The write-off of the debt is absolutely welcomed. The Local Government Association would still point to the fact that that is a 90% write-off and it has not all been written off. That is still going to put council budgets under strain. The LGA can support councils in terms of their improvement journey and look at where they can improve service delivery through this and support councils through that. Ultimately, we are still calling for the rest of that debt to be written off.

Jane Harris: We agree with the Committee that the system is in crisis. We see that all the time in the schools we work in and in the two schools we run. Sadly, we do not think that this reform is sufficient to solve that crisis. There are some really good principles in here about early and effective intervention. That is what every parent wants for their child. It is what every young person wants. It is also what every good educator wants to provide.

There are some really fundamental gaps in how to deliver that. There is a specific gap around the 1.3 million children and young people with developmental language disorder. They are not mentioned once in the White Paper or the SEND consultation. They have never been mentioned in a speech ever, in almost two years of Government, by the Secretary of State. There is not a single reasonable adjustment that would be relevant to their needs in the White Paper and no workforce plans that would actually improve their outcomes.

There is absolutely no doubt that we have to help those children, because they are six to 11 times more likely to be behind at school. They are more likely to be punished in school. Seventy-eight per cent of teachers say that those children are being unfairly punished in school. They are more likely to have mental health problems.

As the reforms stand, there is a huge risk that we are not designing their needs in. In fact, it seems that we are designing their needs out. I think that that is happening because there is a really long-standing and entrenched misunderstanding, in both the Department and the education system, about what speech and language challenges are. It feels like the most significant work in speech and language in the last five to 10 years has been about children who have speech and language challenges due to their environment, usually due to poverty and disadvantage. It has not been about children who have speech and language challenges due to SEND, neurodivergence or disability.

We got really excited about programmes such as early language support for every child, which is really positive. We helped to deliver that and it is a good thing, but that is for children with those issues due to their environment. It was never designed for and can never help the children who have speech and language challenges due to neurodiversity and disability.



We need to keep investing in those programmes for the children with environmental challenges, but we cannot pretend that this White Paper includes things that will help those children with developmental language disorder. We really need every single policymaker to understand that distinction. Otherwise, we have policy that says, "Yes, this will help children with speech and language challenges. Here is ELSEC". That is the equivalent of saying to somebody with bipolar disorder, "Don't worry. We have a lovely mindfulness course starting". It is totally irrelevant and actually makes people feel more worried because they think, "You don't even understand the basics". We need to make sure that we have that understanding in the system and in the Department. Otherwise, we are going to continue to get poor policy and poor outcomes for 1.3 million children.

Q4 Jess Asato: The Committee has previously received evidence highlighting wide and persistent inconsistencies in the quality and availability of ordinarily available provision. How confident are you that the proposed universal support offer will deliver a higher, more consistent standard of provision for all children and young people in mainstream schools?

Margaret Mulholland: It is really important that, when we talk about universal provision, we do not pitch it as though it is something new. There is a little bit of confusion coming through from the White Paper and the SEND consultation. Schools have been working on that universal stretch, if you like, for a long time: how do we strengthen the universal provision? It is a build; it is not new.

We need greater clarity around some of this. We have some good resources already in the system. We have the *Teacher Handbook: SEND*. We have the new inclusive teaching framework from Ambition Institute, which was developed in partnership with therapists and specialists. Those are the sorts of things that will strengthen the universal. We are waiting to hear about the inclusion standards, which also should be supportive of that ordinarily available and the inclusive universal.

Building trust is really key. That is the trust that comes from the fact that universal can meet proportion of need, that we are realistic about those young people who are going to need much more and that that identification of need is accurate, the way Jane has just articulated.

One thing that is really bothering me around this is curriculum design. Too much around universal is contingent on great adaptive teaching. Adaptive teaching should complement. It should not be the be-all and end-all of inclusion. We need to think about the drafting process that is going on with the new national curriculum at the moment. I want to know who that curriculum is going to be fit for and whether it is going to be thought through. What does it look like for a young person who has significant barriers to learning? How is it being developed as inclusive by design?



For me, that means that we should have—just as we would in a specialist provision, because we now have such a high proportion of young people struggling to access the curriculum—oversight of that drafting process by speech therapists and EPs. It needs to be collaboratively designed to be inclusive. It cannot just be left to schools to then do the hard work. We actually will do that work in situ and make it contextual, but we need to go back to the curriculum drafting and say, “What are we doing to make sure this aligns with our ambition for achieving and thriving?”

Daniel Kebede: We welcome the national inclusion standards in principle. Setting out what good, inclusive practice looks like should help reduce a postcode lottery, but inconsistency is not a problem of unclear expectations. It is very much a product of underfunding. Our surveys of members also show that 97% of teachers view workload as a barrier to inclusion; 99% cite a lack of staff; 91% cite a lack of external specialist support.

The inclusive mainstream fund amounts to around £13,000 for the average primary school, so that is roughly half a teaching assistant. The DfE’s own figures show that schools can only afford a 0.7% pay rise this year. Even if there is a modest 2% increase, that would cost more than the additional resources committed. National standards let us cost what inclusion actually requires, but, without a significant funding uplift, they will simply become a mechanism for blaming schools for systemic failures. Consistency requires resource, not just regulation.

Jane Harris: If we get training and standards right, this could be really positive, but we do not know yet who is going to be writing this training. We also do not know yet who is going to sit on the body that is going to write these standards. DfE does not have a great track record of involving all the allied health professionals that Margaret has just mentioned. For example, the neurodivergence task force did not include any speech and language therapists. It did not include any occupational therapists.

It is a bit frustrating that there is this knowledge in the UK and we are not bringing it together to create some of this policy. DfE needs to look to a wider pool of experts. That would be really helpful. Otherwise we are in danger of asking people running the current system, which is failing, to create policy that will just replicate those failures again.

The other point that Margaret has picked up on is curriculum. We need real alignment with other bits of school policy. Curriculum is one of them and behaviour is another. We really need to see the Department saying that zero tolerance behaviour policies, by definition, are not inclusive. Zero tolerance behaviour policies are rigid, whereas inclusion is about flexibility.

With 78% of teachers telling us that children with speech and language challenges are being unfairly punished in their classrooms, we need to change those behaviour policies. If you have children who, for whatever reason, have a higher cognitive overload during the day, maybe due to



speech and language challenges or other reasons relating to SEND, they cannot then cope with being told that they have to bring a specific coloured pencil to a classroom and getting a detention because of this. If we want children to be having all these enrichment activities, we need to make sure they are not spending all their time in detentions because they are getting penalised for these really tiny issues.

Some frameworks have come out for schools, such as SLANT, where you have to sit up, listen, ask and answer questions, nod all the time and track the teacher. Your eyes have to be on the teacher at all times. Can you imagine this Committee functioning like that? You guys are not looking at us all the time. I am sure you are having good thoughts about what to ask next and writing things down. We are putting children into far too rigid an environment. We have to get the Department to acknowledge that it is trying to run two policies at the same time that are fundamentally incompatible.

Amanda Serjeant: I do not want to repeat what has been said. I would agree with everything that has been said. From a local government perspective, we need that shared understanding of what inclusion actually means, so that all the partners are working from that same principle of inclusion. If I move to attendance and behaviour policies, as has just been referenced, that means that, for a child with SEND, there is an understanding that good attendance and good behaviour might mean something different.

It needs to be a whole-school attitude towards inclusion. That also means that headteachers—and this is where local government can come in, because we know our areas—need to be meeting locally to discuss that. Things need to be localised down to an area. Local government can help facilitate that. It is even about the school building in terms of inclusion as well. Capacity has been mentioned in terms of workforce, and that is also a query that the LGA has in terms of putting capacity back into the workforce and making sure that there is sufficient training there that is ongoing from day one.

Q5 Manuela Perteghella: My question is for Daniel and Margaret. The Government have said that they will introduce an individual support plan for children and young people with SEND. When do you expect schools to have capacity to deliver individual support plans to a consistently high standard and are there any concerns about their ability to do so?

Daniel Kebede: Yes, we have significant concerns. ISPs represent a new statutory duty on schools that are already at capacity. Three in five SENCOs report that their workload is unmanageable. Despite long-standing recommendations, only 20% sit on school leadership teams. The DfE needs to instruct schools on this, not just recommend. We welcome the move towards a more strategic SENCO role with administrative support.



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Digital ISPs should reduce bureaucracy in principle, but producing quality individualised plans requires funded time within directed hours to assess, write, liaise with families and, of course, review. Without that, we are concerned that ISPs become a tick-box exercise. The Wales SEND reforms show the real risk of additional workload without additional resource. There is also a big risk, we feel, that heads and SENCOs become the lightning rods for parental frustration when provision is inadequate because of systemic underfunding, not school-level failing. The new duties must come with new resources.

Margaret Mulholland: I would agree with much of that. From a leadership perspective, it is really easy to feel overwhelmed by the expectations of this and the sheer scale of what will be required. It is also important to remember that a lot of schools already hold pupil profiles and pupil passports. They have systems in place to utilise those, but we are going to need an even greater shift in systems and processes. We are going to need support to instigate distributed leadership in schools.

There are some brilliant examples of where that is already happening, where teachers are supporting the writing of those ISPs and having protected time, but that is not going to be easy to implement for everybody. There is a significant change needed here in how we support schools to make that process change. I will come back to that theory of change again. What comes first? What are the enablers? That distributed leadership is a really important strategic review of what my systems look like in school at the moment and what I need to do to plan for this 10-year model.

The IMF funding that came out should not have been perceived as a way to set up an inclusion base, but actually to think about the strategic shift. It is not clear in the conditions of funding what the real intention is. Is it for strategic change? If so, we should have made that much clearer. That would be really helpful to schools.

The other thing that we need to think about is how parents feel about those ISPs. For me, I go back to the fact that EHCPs were not the problem. They were a symptom of problems. What was their value? Why are we worried about them? The value was that children who have an EHCP are visible and valued. There might be lots of bureaucracy around it, but they are seen and catered for. That has been helpful from both a schools perspective and a parent perspective.

It is really important to remember the research that has come out on The Engagement Platform—TEP—with the impact study that it has done on engagement. It shows that those children who were happiest to come to school on a Monday morning were those with an EHCP. The silver badge holders were the non-SEND and the bronze, so the least happy, were those on SEND support. What we are really trying to do here is support those SEND support learners more effectively and we need, as Daniel said, the resource to do that.



The complaints process could completely get in the way of that. As you said, it is the lightning rod. For us, this could fundamentally damage the relationship between families and schools that we have been able to align in the best interest of children over time. There is this process of complaints going through the school and to the governing body. The logistics and bureaucracy of that, and the time that that is going to take, are tremendous. We will rebuild bureaucracy. That statutory duty needs thinking about and the process of support for schools needs reviewing and reframing in the thinking. The ambition is good for those children to be visible and valued. How we get there needs reframing, I think.

Q6 Sureena Brackenridge: The Committee has previously heard that the rise in demand for EHCPs has been driven, in part, by weaknesses in earlier tiers of support, including non-statutory SEND support. What are your views on whether the new interventions, such as ISPs, targeted support and targeted plus support will reduce the need for escalation to an EHCP?

Margaret Mulholland: It goes back to what we were saying before about trust in that universal provision. Increased demand for EHCPs is already being felt since the announcement of the White Paper. We need to think about what the short-term strategic plan is. This cannot be an either/or. It has to be an and/and. We have to be thinking about the development of those children who have an EHCP. We have to be thinking about them more specifically, clearly and deliberately, and the new ISPs, rather than the ISPs being a means to reducing EHCPs.

The intention to improve the universal build quality and trust in targeted support is really helpful. We need to stop saying "tiers". The Government changed it to "layers". The reason I think that that is really important is that language matters and shapes behaviour. "Tiers" has stuck, because that was what was publicised, but I remember the day after the announcement that the Schools Minister spoke about this and said, "We are not calling it tiers. We are calling it layers", because we are thinking about provision, rather than children who sit in targeted or children who sit in targeted plus.

People are actually coming back to me and leaders are saying, "We have three groups of children now, universal, targeted and targeted plus". We cannot think like that. That is going back 15 years. Actually, what sits in universal, targeted and targeted plus is provision. If you are a child with speech and language, it does not mean that you are a targeted child for everything. You are reaching the provision in targeted support, or you might reach to targeted plus, but you are not going to be "a child". We are going back to labelling inadvertently there.

I was really worried about the way that that question was framed in the consultation, actually. Many of the questions are saying, "How can we ensure children in the targeted layer are best supported?" How can we ensure that the provision in the targeted layer is going to meet need and



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help children make progress? It is really important that we start teasing out some of that. That was a helpful question.

Jane Harris: In principle, if we put more provision in earlier, you can reduce the number of children who need an EHCP to secure provision. It is important we always think, about every process and every system, "Is that going to give the children the provision?", rather than thinking that it is a means in itself.

That only works if you have the right training for everybody in the school to implement those targeted and targeted plus layers of provision, the right reasonable adjustments, the right adaptive teaching practices and the right workforce. For speech and language, that means speech and language therapists. We mean fully qualified therapists, not purely the assistants you use for something like ELSEC. It also means, for some children, specialist teachers, with those teachers either working in an advisory capacity or actually providing some of the teaching themselves.

At the moment, there is no nationally recognised qualification to be a specialist teacher in speech and language. They exist for things such as multisensory impairment and teachers of the deaf. It does not exist for children with speech and language challenges. That is something we need to be seeing put in place.

At the moment, there are really insufficient workforce plans in the document. There is a restatement of 50 more speech and language apprentices. In a country of this size, 50 is absolutely nothing. Also, the only example of targeted support is around these group language programmes, similar to ELSEC and NELI, that are not for the children with lifelong speech and language challenges. In principle, this could work as a framework, but it needs to be populated with actual interventions and provision that will work for these children.

Daniel Kebede: We think that the Committee is right. EHCP growth has been driven by inadequacy at lower tiers, not overidentification. Parents have sought plans because they are the only form of support with legal teeth, and that is a really rational thing to do.

Splitting SEND support into targeted and targeted plus is the right move. It is something that the NEU called for because it reinstates structured access to specialists. The fast tracking for under-fives is also promising.

I hate to sound like a broken record but the critical question is resource. The inclusive mainstream fund amounts to about half a teaching assistant per primary school. The experts at hand provide one day of specialist time per SEN pupil per year, so the test is quite simple for us: will parents see enough real improvements to feel confident their child's needs will be met without the legal fight? If lower tiers remain underresourced, we think that families will continue to seek EHCPs, and, to be honest, rightly so.



Amanda Serjeant: The proposals are intended to reduce the reliance on EHCPs, but, as has been said, the rise has been driven by gaps in the system and a lack of confidence of parents. Until that is addressed, there is no guarantee that EHCP use is necessarily going to reduce. There is so much to be welcomed in terms of that early provision and the best start in life family hubs. Local government has been calling for that kind of early years help for many years and it is absolutely to be welcomed, but there is no guarantee that EHCP use will necessarily reduce.

Q7 **Peter Swallow:** This is already so interesting. EHCPs, of course, were originally intended to support children and young people with the most complex needs, although I think it is fair to say that, even for those children with those most complex needs, EHCPs are spotty at best. I have heard from many families who have an EHCP and still struggle for their young people to get the support that they so badly need.

Under the proposed reforms, the Government want to introduce specialist provision packages. I would be interested to hear your views on how that might shape being able to meet needs effectively and whether you have any concerns or queries about their implementation.

Amanda Serjeant: For specialist provision packages, local government will need access to data from ICBs in particular. While these proposals talk about the co-operation between local government and ICBs, it is important that it is expanded in terms of accountability, a duty to co-operate and a duty to share that information. That can help local areas plan provision, but it might not necessarily always be possible to provide that provision, depending on what level of complexity is required within a local area. Having regional provision and the flexibility to provide that regionally is going to be really important as well for the most complex cases.

We would say to the Government that all of this needs to be kept under review and looked at. Councils need to be given that flexibility, with both the funding and the powers to provide that. We need to make sure that there is that balance between local, of course, which is best, and regional where it is needed.

Jane Harris: We are quite confused, to be honest, about what the status of the SPPs is. It feels like there is a spectrum where, at one end, they could be guidance, which could help to share evidence, share knowledge and guide commissioning, and that could actually be quite helpful. We know that, while most children with lifelong speech and language challenges can cope really well in mainstream if they get the right support there, some will need special schools and some will need specialist bases, but there is a paucity of those.

The most northerly special school for children with speech and language challenges is our one in Nottinghamshire. That is not right. Also, we know that the number of specialist bases even for children with developmental language disorder has been going down in recent years, rather than up.



If this could be a mechanism to make sure that we have enough special schools across the country and enough of those specialist bases, that could be really helpful. I should say that there is a really good one in Shepherds Bush called Miles Coverdale. If anybody wants to come and see, we would be happy to arrange a visit there.

However, it feels like some of the discussion about these specialist packages has suggested that they are more rigid and almost like, "The child has these needs. This is the list of provision we can provide for them". We are kidding ourselves if we think we have the evidence on what children with SEND need in sufficient detail to be able to write that, because there has been an absolute historic underinvestment in evidence about what works for children with SEND. There just is not the basis to write those guidelines if we are thinking of something really rigid. It is actually really similar to the situation in women's health, where women have been excluded from lots of medical studies. Similarly, children with SEND are routinely excluded from educational research so as not to skew the results. We cannot write rigid packages. It is not possible.

Finally, there is also an issue about what the governance of these packages is. We are worried about any suggestion that this is almost just outsourced to a separate body. What parliamentary scrutiny would there be if these change over time? We do not want to see a Government get in who want to reduce support for children with SEND and can just appoint a new body that then writes new packages without Parliament having really serious scrutiny of that. We need this system to be democratically accountable.

Margaret Mulholland: I think that there is a real anxiety from school leaders and families about what this really means, as Jane said. That anxiety needs addressing quickly. There could be some good things, as you have outlined, but, while we are in this unknown space, it is building that stress.

Representing specialist school leaders, I would also say that, while there is a reference to centres of excellence for specialist provision, much of the ambition seems to be about outward-facing support, not the development and long-term growth of those specialist provisions and what that should look like.

On the local inclusion plans, there is a feeling that the write-off of debt is going to be contingent on spending on mainstream and not on specialist, and that has hit those specialist provisions hard. What does that mean for our future? We really need to address that.

I would also like to say, around the specialist packages, that we need to be thinking about children with medical needs. We need to be thinking about EOTAS, which is not referenced at all in this. These are the children who hold these EHCPs. Their families really need to know and schools need to know. We would like to be valued in supporting those young people in multiple ways.



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Again, we go back to the policy inconsistencies for the wider education system, where there are attendance issues around recognising that children with medical needs who are engaging with packages of provision through an EHCP are still being deemed as absent, even though they might be online learning every day, despite their illnesses and the challenges that they are overcoming. That does not seem equitable to me. We need to show where those kinks in the system are and iron them out.

Q8 Peter Swallow: To push back a little bit, the Government have been clear that these are very much still in development. As well as the overall consultation on the White Paper, there is a separate consultation specifically on the SPPs. That is fair, is it not?

Margaret Mulholland: That is really welcome. Like everything in this, none of us here, I do not think, is against the ambition of this at all. Our job is to say, "How do we help?" One way we help is by saying, "Put the reassurance and trust in by addressing some of these gaps". The amount of ground that is covered in the White Paper is phenomenal. It is really, genuinely phenomenal. When you dig into the detail, there is a lot more detail there than I think people have actually heard, received and understood. I agree with you.

I remember the "SEND in the Spotlight" podcast for "Women's Hour" on the day after the White Paper came out. A young girl came on and said that she had an EOTAS package but she is not referenced there. They are not sure that they will be covered in the packages. I am sure that they will be, but we need that reassurance.

Daniel Kebede: This is it. Nationally defined packages could help reduce the postcode lottery. That is largely welcome, but children's needs are quite complex, are they not? They are overlapping and individual. They do not neatly fit into seven categories.

Q9 Peter Swallow: On that point, presumably you welcome the fact that the Government have been clear that these packages are about commissioning and an individual child might draw on support from multiple packages if that is the need that they have.

Daniel Kebede: Yes. We are concerned that there is a risk that it becomes a rationing tool rather than a quality framework. We also have some concerns around the timeline of 2035. The Government need to set out a plan for transition more clearly. We are quite clear, as a trade union, that the packages must be a floor rather than a ceiling. Of course, they must be designed with families and professionals and not imposed from above.

Q10 Chris Vince: Some of you have touched upon this already. The Government propose inclusion bases that will offer specialist support in mainstream schools and colleges. That is broken into two types, which are support bases run by schools and trusts, and specialist bases run by



local authorities. This is specifically to Daniel and Margaret for obvious reasons. On the support bases first, what do you think specifically a well-designed support base should look like in practice? What are the key challenges that schools and trusts face in establishing them?

Margaret Mulholland: There is a huge opportunity here and the NFER has done some recent research on this, which is really helpful, saying that 62% of those surveyed who had a SEND unit, as was, or a resource provision felt that the overall expertise made a positive impact. Particularly for those with local authority-commissioned units, that percentage increased to 82%.

There is a great opportunity here and many schools have very successful bases already. There are consistency concerns around this and funding concerns. We already know that many inclusion bases are in the south and south-east of England and less so in the north. How is that going to mete out when the funding does not appear to be available for staffing and collaboration? It is great that the capital funding is there. That is a great opportunity.

I would go back to my concern on this that, while I recognise the opportunity, I am really keen that schools do not rush in. School leaders need to hear that there is not an expectation on them now to take that capital funding and do something with it, because actually we need sustainability. Again, there is good research from EPI and NFER on the sustainability challenges. A really great inclusive provision can be brilliant for the local area.

It is going to need significant strategic planning locally. The data is absolutely key. There was one thing that was mentioned earlier around that strategic planning at a local and a regional level. I have concerns about leader and workforce wellbeing and capacity to be looking in so many different outward facing directions. I welcome the locality element of the reforms, but we need to understand, and quickly, what the roles and responsibilities are in the local area and who is accountable for what. That is not quite clear at the moment.

Daniel Kebede: The £3 billion capital investment is, of course, welcome. What would a well-designed inclusion base have? It would have specialist teachers and experienced TAs. They would be teaching assistants with a proper career pathway, by the way. There would be access to therapists and appropriate physical space, and we would want strong links to mainstream classrooms. It should be a bridge to full participation in school life, not a permanent withdrawal unit.

We think that the most fundamental challenge is around workforce, because you cannot build an inclusion base and just staff it with whoever is available. We already have chronic shortages of educational psychologists, speech and language therapists and specialist SEND teachers. The capital funding builds the rooms, but it is the revenue



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funding that pays for the staff, and that is where we think the proposal is at its weakest.

The special school outreach, also, we think is a good idea, but those teams are under far greater pressure than a decade ago. We have seen pupil-to-teacher ratios rise by over 20% in the last decade. There is also a risk that those bases become a dumping ground rather than a genuine specialist resource. We would like to see clear national standards on staffing and operation.

Margaret Mulholland: Could I jump in? There is another bit in terms of guidance. I agree absolutely with what you have just articulated about a good provision, but inclusion bases work really well where there is a good universal offer. They are not a silver bullet and the evidence tells us that they are not a silver bullet. That whole school, universal and ordinarily available has to be in place first.

We do not want to put the cart before the horse. We do not want to rush in and build a base that we cannot then sustain, or that, as you say, more children are hived off to unintentionally because the universal is not yet robust enough. There are some risks there that we want to mitigate, working with the Government to really get this right. It could be a great additional resource, but it has to be timely.

Q11 **Chris Vince:** I have seen some really good examples of that in my constituency of Harlow, but I recognise the challenges that they are facing. To go on to look at specialist bases, I am looking at Amanda on this. It is basically the same question. How do you see these specialist bases, so those that are specifically run by local authorities, working? What would be best practice in that case?

Amanda Serjeant: We welcome the fact that the funding has gone directly to mainstream schools. It is something that the LGA has been calling for in terms of budgets. It allows schools to plan for the long term. I hear the things that have been said in terms of staffing those, so I will come back to my earlier point around workforce planning. We have questions around how the recruitment and retention of some of the specialist staff that has been mentioned by others will take place.

In terms of councils working together and collaboratively, they can learn from each other. There are councils already that have been running a partnership for inclusion and neurodiversity in schools. That started as a pilot, and then was rolled out to other areas. Local government has some great examples to help and support councils that are perhaps new to this and introducing this for the first time. For example, it has been running in South Yorkshire very successfully.

There are always things that, if you had your time again, you would not do. That is the purpose of the LGA, to support councils to work with the DfE and to help provide that support to show how people could perhaps



avoid some of the mistakes of some of the earlier pilots and go more quickly than as they introduce things in.

Q12 Chris Vince: Do you have any examples? You talked about mistakes. Do you have any particular examples?

Amanda Serjeant: Yes, as I used that word, I thought that it was probably misjudged. It is more just how things could be done more efficiently and go more quickly perhaps. When you learn from a pilot, the point of the pilot is that you try things out and are not scared to try things out. I will rephrase that. They were not scared to try things out and be bold, and we can share some of those real successes that PINS has offered to children and young people in our areas. We can provide a more detailed written answer with some examples for you.

Jane Harris: We were only aware of one single project that has been about developmental language disorder within PINS. We only knew about that because we were involved in delivering it. PINS only provides a really small amount of training. We cannot think that that is the same as a specialist resource base, which needs specialist teachers and therapists working in it. I also think it is really important that those resource bases do not become like a mini “less good than a special school” sort of provision. We need to make sure that children only attend those if they can meaningfully participate in the life of the whole school, because then there is an advantage.

Q13 Chair: This Committee, on our visit to Ontario, saw very good examples of exactly that kind of practice of specialist provision within a mainstream site, but with a very clear, individualised approach to the needs of each and every child, supporting that child to participate in the mainstream life of the school to the extent that was appropriate for that child. There is a lot to draw on from that work, as well as from sharing good practice from the existing experience in this country.

Margaret Mulholland: The research is interesting. There was a Teacher Tapp survey that looked at how valuable the resource base, as it was, or inclusion base was to the working life of the school: “How valuable do you think it is?” It was interesting that leaders saw it as significantly more valuable than teachers did. It shows us that we need much more work on that flow and how we use the base to inform the wider, whole-school approach, not the other way around. That is something that we are excited for and willing to engage with, very much so, but it will take time and funding.

Q14 Caroline Voaden: This is a question for Margaret and Daniel. The reforms introduce new SEND training for the education workforce. I was wondering whether you could give us an idea of what you think the most urgent priority is for training and the challenges that you see around that.

Daniel Kebede: We think that the priorities are quite clear from the data. Priority number one, first, would be autism and neurodivergence, which is the most common need in EHCP plans. Second is speech,



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language and communication, which has surged since the pandemic and is a key indicator of SEND. Third is social and emotional health, which is the fastest growing category.

We think that the conditions matter as much as the content. The £200 million budget equates to roughly £264 per teacher. We would like to see training take place in funded, directed time, with cover costs very much met, not through these self-directed webinars that teachers have to do at the end of a 50-odd-hour week.

I would like to make a broader point, though. We survey our members deeply and in our surveys teachers rated training as the least likely to have a major impact on SEND provision. They are all calling for additional classroom support and to have access to specialist support. Also, they want to see class sizes brought down to deliver inclusion. We have a million children taught in class sizes of 31 or more at the moment. It is the highest of the century. I often talk to teachers who have a class of 33, no support and rising pupil need, and we are expecting them to deliver inclusion.

Q15 Caroline Voaden: You took the words out of my mouth. I was going to follow up by saying that we could have the best trained teachers in the world, but, if they are on their own in a class without sufficient support, do you believe that making mainstream education inclusive is even possible? Surely it is down to the number of adults who are in there, working with these children in smaller groups and giving a well-qualified, well-trained teacher support to do it.

Daniel Kebede: Until we bring our class sizes down closer to a European average, meeting the aspirations in this White Paper is going to be nigh on impossible. I appeal to Government to use the opportunity of a falling birth rate to do that. That is what the last Labour Government did. Unfortunately, we are seeing lots of restructures happening across education at the moment and class sizes are not coming down. They are going up.

Q16 Chair: Pretty much the only pushback that we had as a Committee to our report on the SEND crisis was from a small number of school leaders who did not recognise the need for any additional training at all. That perspective sits in really stark contrast with the perspective of parents who say all the time, "We encounter staff in schools, both teachers and school leaders, who simply do not understand SEND, do not understand the adaptations that our children need to be able to thrive in school and do not have the expertise to teach in an inclusive way".

I am not challenging the opinion of your teachers at all. I am saying that that opinion coming from professionals, not to recognise perhaps their own need for training, sits in really stark contrast with a great deal of evidence that this Committee has had from parents. I wondered whether you could reflect on that for a moment.



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Daniel Kebede: We talk to our members regularly and the overwhelming majority of our members have had specialist SEND training in the last two years. Most of them think that it was good training, not poor training. For them, it is not necessarily the issue of training. It is the ability to meet need without enough resource to do it.

Q17 **Caroline Voaden:** Margaret, would you like to tell us what you think about training?

Margaret Mulholland: I agree with much of what has been said in terms of the importance. We asked for training. We were wanting to hear that there would be more opportunity for training, but your point is really important. It is about the way we work in schools. However the training is delivered, it should develop collaborative working within schools and between schools. It fundamentally has to be about how this delivery process works.

Our leaders have told us that they do not want it going to big providers and a one-size-fits-all, top-down approach. They want it to be bottom up and collaborative. That fits with some of the research that is coming out now about how teachers feel about working with children with SEND. There is some recent work from Manchester Met talking about teacher agency. Where previously we might have had this fear around SEND and a mystification of SEND and what it is, that is changing. We are hearing teachers say in this study that there is a lot of guilt because they recognise need and are not quite sure how to meet it.

That shift is really interesting and important. It tells us that we have done a lot of good, but we have a lot more to do. If you think about the way decisions are made in a specialist setting, you do not make decisions in isolation in a special school or in a pre. You make them in the round. It is about solution finding. It is about conditionality. It is about holding uncertainty. We have schools where leaders and teachers are being told, "You cannot have uncertainty. You have to get it right. You have to have the silver bullet to meet the needs of this child".

We need a change in culture and ethos around that about what works, and that is incremental improvement. That is fundamentally important and is contingent on schools working collaboratively. Bringing schools together in local areas is going to be an important part of this. The work of research schools and teaching schools could be built, because they know their locality and are using their local leaders and teachers to raise ambition. That is really key. It is the way we utilise it, so the Bananarama approach.

Q18 **Manuela Perteghella:** My question is also for Daniel and Margaret, and it is about school accountability. How do you expect the new SEND accountability expectations, such as the requirement to publish an inclusion strategy report, the monitoring of the use of the inclusion funding and the Ofsted-announced focus on inclusion to impact schools and staff on the ground?



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Daniel Kebede: In terms of the timing, we think that December 2026 is unrealistic. Schools have not seen the national inclusion standards. They do not have any guidance and of course they are grappling with some really severe financial pressures at the moment. Meaningful strategies require a lead-in time.

More fundamentally, we think that this Committee should scrutinise the tension in the Government's approach. The White Paper itself acknowledges that accountability has disincentivised inclusive practice, yet Progress 8 and high-stakes testing remain. Schools are still primarily measured on exam outcomes. Until that changes, there will always be a structural incentive to work against inclusion.

On responsibility, inclusion must be whole school and led by headteachers and governing bodies, not dumped on to the SENCOs alone. Monitoring of inclusion should sit with heads, with SENCOs providing professional leadership on deployment. On Ofsted inspecting inclusion, of course the NEU has some significant concerns around whether Ofsted can credibly do this, given its track record.

Margaret Mulholland: To pick up on the point about Ofsted again, we are glad that inclusion is the focus. It is giving more priority to inclusion in SEND, through the inspection framework changes, but it is really important to say that we need to learn from that. What are they finding? What does inclusion look like in schools? We need some diagnostic thematic reviews to say, "This is where the best practice is". There has been some great sharing over the last few years of where good practice sits and what it looks like, but that accountability needs to feed forward. It needs to be formative.

As Daniel said, there are too many perverse incentives still in the system, but we are hopeful that we are getting there. For me, the White Paper showed those inconsistencies starkly in chapter 2, where it went from narrow to broad. I wanted that chapter to look at narrow to broad to accessible. We cannot have a system that we are accountable to that is not accessible for young people. It is not just about socioeconomic disadvantage, which chapter 2 in the White Paper is all about. It is actually about the intersectional experience of that double disadvantage. We need to be much more mindful of that.

I go back to the curriculum, accountability, Progress 8 and league tables. We need to align the direction of travel so that we can be accountable. That is what teachers and leaders want. There is stress in the system. We have the TWIX survey with 86% of school leaders saying how stressed they are in terms of their leadership role; 36% are considering leaving.

This is a real opportunity. School leaders are really delighted to have children who struggle to learn at the centre of their thinking and at the top of the priority list. It is the first time, I would say, that we are officially saying that it is important to have your children who have the



most significant barriers to learning at the centre of your school improvement planning, and they have to stay there long term.

The IMF missed a trick in terms of the way it has been shared. In terms of accountability, we should have been asking schools to think about, "What is your strategic plan going forward?"

Writing that plan by December is a very tight timeframe. It is contingent on a lot of unknowns and we need an opportunity for the school leaders to collaborate with the local area, work with the local authority and work within their groups of schools to understand what the expectations are. Collaboration needs to happen in advance of reports being written. I would say that for the local area plans as well. They are due in the middle of June, I think. They should be contingent on lots of collaborative working, and that is a really tight timeframe.

Q19 Peter Swallow: I recently held an open meeting with parent-carers of SEND children in my constituency to hear their views on the White Paper. There were lots of different views and questions. They welcomed lots of what was in the White Paper but there were some concerns, as you would expect.

The one point that was consistently raised was concerns not around the introduction of individual support plans but how they would be enforced and how schools would be made accountable for delivering what was in an ISP. We all want to see them being delivered in partnership with schools, and in many places that will absolutely happen, but there was a question from parent-carers about what happens when support is not there. I would be really grateful to hear your views on what an improved complaints procedure should look like to make sure that parent-carers can have faith in this system.

Jane Harris: We recognise what the Committee previously said about the potential role of the local ombudsman in this. We think that there needs to be a body beyond the school that parents can complain to, because otherwise it feels like too much is being held at the school.

The idea of having a SEND expert involved in a second-stage complaint at school sounds attractive. However, I have to be honest. I worked at the National Autistic Society for six years. I have done this job for five years. I am a SEND parent. I have never met someone who is a general SEND expert. I do not think they exist and I am really worried that we will get people who are expert in one area of SEND hearing a complaint that is about a totally different area of SEND where they do not have the expertise. This is a really multi-layered and complex system, and it is a complex set of needs.

Instead of that one single SEND expert, we need to use the Department's framework of areas of development and say that there are pools of experts and these are the kinds of needs that they could work on. Sometimes you might need more than one SEND expert in a room where



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a child has more than one area of need, because you cannot find people who are expert across the board like that. That could really help. More independence in the system is helpful, but what is there at the moment is inadequate.

Q20 Peter Swallow: One of the defining features of the complaints system at the moment is the length of time it takes. Would you welcome the new system being much more rapid and getting parent-carers support much more quickly?

Jane Harris: Rapidity is one thing, but getting to the right decision is the other issue. If you have a rapid system that comes to the wrong conclusion, that is not helpful and could in fact lead to more adversarial situations between schools and parents. I honestly think that the biggest issue in the entire SEND system is lack of expertise. We have people making sometimes really quite amateurish judgments on not very much evidence. Can we inject that expertise in more quickly? Yes, but we cannot have rapidity without the expertise.

Peter Swallow: That is a very fair point.

Amanda Serjeant: We would like to see greater use of informal mediation to stop things escalating and becoming adversarial, as has been said. With that, we would like to see funded access to impartial information for families, so they have somewhere that they can go that is funded to increase that access for different kinds of families in different situations and to be part of that. Referral guides, template letters and all those things are things that local government could be involved in helping to make sure are available on websites etc. There should be more use of informal mediation, and tribunals, for example, more as a last resort rather than as just another step in the process.

Q21 Chair: That is very difficult for parents to hear, because it is important that we are really clear. We have had this exact same conversation with a different representative from the LGA in a previous evidence session during our inquiry. The role of the tribunal is to adjudicate in relation to the law. When local government sounds like it is asking parents to mediate on accuracy in relation to the law, you would understand why that is a very difficult thing for parents to hear. Local authorities should comply with the law.

I understand that there are really significant constraints around resources that sometimes mean that it is not possible that that is the case. It is really important that there is intellectual clarity about what the role of the tribunal is, which is not to get to a resolution. It is to decide whether a local authority is compliant with the law or not. Could you comment on that?

Amanda Serjeant: What we need then is more consistency over accessible information across all areas and regions as well, as part of this, so that the procedures and steps are there, and, yes, as a last resort, that is there as a legal basis. We would hope that steps could be



put in that would make that less required and that a mediation approach could find a solution more quickly for families.

I take on board that the wrong decision, even if it takes a short time, is not necessarily a good thing, but being involved in a very time-consuming process is certainly something that I hear as a local councillor that causes a huge amount of distress to families and children, and can lead to all other kinds of things in terms of a child being out of the education system. Informal mediation can perhaps be an earlier step in that process.

- Q22 **Peter Swallow:** The frustration that parent-carers have is that, because the current accountability framework does not give them the ability to raise those concerns in a meaningful way early on, they too often feel that tribunal is the only route to being heard. My observation there would be that, as we design a new system, having meaningful opportunities to raise genuine concerns earlier on and have deliverable outcomes from that is what we should be aiming for.

Margaret Mulholland: It feels like there are significant risks in this. Schools are most worried about this in the sense that they are being asked to mark their own homework with the governance process looking at this. They are worried about the implications for their governing body. It is hard to recruit to the governing body and now we are asking them to adjudicate over a complaints process that could be significant.

It also risks shifting bureaucracy back to the ISPs. There is a real risk that, because the ISP becomes that statutory duty in a different way with a different emphasis on it, there becomes more of a compliance aspect to it. The value of these should be about meeting the needs of young people and having them as agile documents. There is a significant issue there.

I would agree that making sure, as Jane said initially, that there is a third party is important. Mediation could be looked at. The local ombudsman should be looked at, but we need some more evidence of what that looks like in practice. I was talking to some schools yesterday where they use mediation, in Birmingham. They say that that has been really quite effective to ensure de-escalation and meeting and responding to parental needs really quickly.

This, for us, has the biggest level of anxiety attached to it. Schools do not want to be in conflict with parents. Parents do not want to be in conflict with their school. It feels like the emphasis is shifting in an unhelpful way on to school responsibility, and they are already very overstretched. That is the first thing families say to me: "How can the school possibly do that? They are already so stretched. We don't want them thinking about the complaints process. We want them thinking about what is happening in the classroom and how they are interfacing with us. We don't want to divert that attention and time to a complaints process that sits alongside school responsibilities".



Q23 **Darren Paffey:** In terms of how all of this is going to be funded, you will know that the White Paper is suggesting shifting that funding and rebalancing it back towards mainstream provision so that earlier and more inclusive objectives can be achieved. They are talking about reducing reliance on top-up funding and shifting resources from the high-needs block into schools' core budgets. From your perspective, what are some of the likely implications of those proposed changes to the SEND funding system?

Margaret Mulholland: It was the IFS that said we will need double funding. At the moment, the funding for the transition does not appear to be sufficient to give us the tools to do what we want to do. The intention is right. Core funding has definitely been a problem. A review of the national funding formula is welcome. The pressure on the notional budget of £6,000 is tremendous. We have always felt that the notional budget was not helpful.

The way we align core funding and recognise what financial resource we have for inclusion needs reframing and rethinking. ASCL would welcome the opportunity—I will say it again—to see that inclusive mainstream fund as a strategic way in which schools can look at repurposing their funding models. We have examples of schools where they have looked at pupil premium and SEND funding in the round more effectively to really identify their priority learners. That is the kind of improvement pathway that we want to see supported by this process, but core funding has to be a focus for change and improvement.

Jane Harris: We welcome the idea that more funding goes to schools, if that means we do not have to go through bureaucratic processes to get really basic levels of support for children. We need to recognise that the reason that EHCP numbers have gone up is mostly that schools and nurseries have applied for them because they just do not have the funding to do things that in the past they would have taken from their own budgets. It could be really positive.

There are two risks, though. First, if this is purely school-led, that means funding could go on school priorities in schools where they do not understand the scope of SEND. If you do not really understand what children's needs are, you can end up skewing this money in a direction that is not helpful. I can imagine situations where schools say, "We know children with SEND struggle to read, so we are going to buy more phonics programmes; we are going to spend more money on that". Actually, that might not be the specialist intervention that those children need. They need to be able to learn to read, but putting in another standardised phonics programme might not be the answer.

The other danger is that, where there is not the workforce available, you end up funding the wrong thing. We have not seen any kind of workforce plan from DHSC to try to support this. It would be helpful if DfE was a bit clearer about how dependent it is on DHSC to make this work. We have talked a lot about mission-led Government. If that means anything, we



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need to say, "What is the DHSC commitment to the opportunity mission?" We are just not seeing that at all. We literally need thousands more speech and language therapists to make this work. We need to be clear that school-level funding at targeted plus level can be for individual therapy, not just advice to teachers, or this system is going to continue to be in crisis.

The direction of funding is probably right, but it is probably insufficient. We need to make sure there is a workforce to spend the money on.

Darren Paffey: There is no reason that you would have seen this, but there was a debate last night where that question around the interaction with DHSC was asked of the Minister. It is on the table.

Daniel Kebede: Needless to say, we do not think the funding situation is sufficient at all. The headline £4 billion extra for high needs absorbs those local authority deficits. They are already at £2.5 billion and are projected by the OBR to reach £6.3 billion by 2028. This does not represent new resources for schools. The core schools budget of £67 billion is the existing spending review figure. From our point of view, there is no new money.

In practice, mainstream school budgets will be squeezed to fund SEND commitments. The DfE itself acknowledges that schools will need to find savings to even afford a very modest pay award this year. The inclusive mainstream fund will essentially be used to soften underfunding rather than fund inclusion.

Amanda Serjeant: The LGA welcomes a move away from top-up funding to cohort funding. That has been a long-time ask of the LGA in order to allow schools to do long-term planning rather than just year on year. Local government would also call for accountability measures to make sure that this funding is used for its intended purposes. Local government, with its levers and experience, can help Government to make sure that is done within schools.

Q24 **Darren Paffey:** I will probably just ask this of whoever has a strong opinion on it; we do not have time for everyone. Some have expressed concerns about the shift in funding towards mainstream adversely affecting children with complex needs. Is there any evidence that that is likely to happen? Is there anyone who shares that view or wants to make any comment on it?

Jane Harris: That is possible because it is often the children with the most complex needs who need individualised support. If you are thinking on a cohort basis and the funding is linked to a cohort, there is a risk that you take that away from, for example, one-to-one speech and language therapy or one-to-one occupational therapy.

Q25 **Caroline Voaden:** I have a couple of questions for you, Amanda. First, how confident are local authorities that the reforms will improve the



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SEND system? It is quite a general question, but what is your assessment of the new roles and responsibilities that local government will be under with the new system?

Amanda Serjeant: The LGA is currently consulting with its members on its response to the White Paper, which will be sent back to the Government and published in May before the deadline.

It is fair to say that there will be challenges to build capacity within local government. This is not happening in isolation. There is a lot of change within local government happening in children's social care, other major reform programmes and, of course, local government reorganisation. We are also aware that integrated care boards are going through their own reform.

One thing that we think is absolutely key, which needs to be specified, is where the accountabilities will lie between local government and ICBs. If this is going to succeed, ICBs should, within their core function, have accountability measures for SEND, which they currently do not. If it is not delivered, there should be some accountability for ICBs, as there is for local government. All parts of this system need to work together, which is why I am raising that.

Workforce capacity will be challenging. Again, that is why ICBs will be key in terms of recruiting more educational psychologists and more speech and language therapists. We need to work together. We need to work with DfE and MHCLG to make sure this works. The LGA provides support, good practice and improvement to its member councils. We have examples where children's services have improved and, as I talked about earlier, where councils have taken part in pilots and other programmes. That can be shared. Yes, it is fair to say that it will be challenging to put that capacity back in for some areas where it has declined.

Q26 **Caroline Voaden:** Many local authorities have been really challenged with this up until now, have they not? One of my colleagues has done a lot of work around children who have ended up taking their own lives. In many cases, coroners have said that they have been led to that point because they got absolutely no support, the local authority had refused an EHCP and they had waited years and years to grind their way through the system, out of school with no support. They are in some really horrific situations. Is this SEND reform going to change that?

Are local authorities going to be able to move more quickly and meet need better or are we still going to find that we are in the same situation with EHCPs taking years, being refused and then going to tribunals? With 99% of tribunals finding in favour of the parent, it would probably be fair to say that the local authority maybe should give an EHCP in the first place rather than being forced through that system.

Amanda Serjeant: The reason the LGA supports and welcomes this White Paper is that a do-nothing approach is just not sustainable. The



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system is not working currently. Partners within the system are not working together in the way that they perhaps could to produce better outcomes for children and families. It is key that children and families are put at the heart of this. We feel this White Paper has done that. What happens next is up to us in terms of making sure that we raise the issues that need to be raised, that the Government allow enough flexibility within the system—I know this Committee will be keeping that under review—and that we look at where more capacity needs to be put in as things develop. The system currently is absolutely not working for children or families.

Q27 Caroline Voaden: I have one very quick final question. How confident are you that the reforms will enable local authorities to cut expenditure on independent specialist places and on home-to-school transport?

Amanda Serjeant: Cutting expenditure is not the aim of this White Paper. Going back to what I just said, it is about putting children and families back into the heart of the system and producing better outcomes.

Q28 Caroline Voaden: Do you think it will do that?

Amanda Serjeant: Will it produce efficiency savings? We have seen projects in some areas where savings have been able to be made around home-to-school transport in terms of independence plans, route planning and working with providers. There are some really good examples of where that has happened from around the country that the LGA can provide in written evidence back to this Committee. It has not happened everywhere.

The White Paper is about having a consistent approach. It is looking to provide that consistency. Local government wants to see an end to the postcode lottery that children and families face. In some areas, they do have better provision than in others. There are examples of some really excellent practice. We want every child and every family to be able to access that.

Q29 Mark Sewards: I have a couple of questions for Amanda. Time is short, so I will try to be as brief as possible. This Committee in a previous inquiry heard concerns about weak accountability within local authorities regarding SEND provision. You have already addressed part of that in a previous answer, when you talked about the lack of engagement from health services, but we also heard that SEND area inspections are not engaging with parents and carers, and are not as effective as they could be.

Bearing in mind that the LGA is consulting on this at the moment, how confident are you that the reforms will address these issues of accountability and that the new measures will lead to meaningful improvements in oversight?



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Amanda Serjeant: The first thing I would like to say is that, with what is proposed in the White Paper, it is really welcome to see local government back at the heart of this. Although local government held the statutory responsibility, we were not always at the heart of everything that happened in our areas. This gives us more power, more influence and more ability to support and be engaged with other schools, groups of schools and our health partners.

With those parts of the White Paper, there need to be some levers to pull or accountability measures put in across the system, not just to local government but to the other parts of the system so that they also have this as part of their core function. That really is key. To hold only one part of the system accountable, as we have seen, is not working. What we want, what this Committee wants, what this Government want and what children and families want is for that system to work.

Q30 **Mark Swards:** Finally, what is your assessment of the proposal to reduce the powers of the SEND tribunal, including removing its ability to name a setting? What impact will that have?

Amanda Serjeant: We need better provision. We need better local provision. We need better mainstream local provision. All the things that other people have talked about need to be part of that. We need earlier decisions for families. We need to end the adversarial system. I go back to some of my other answers. I do not want to repeat myself, but we need more support for children and parents. This system is so complex. We need to remove some of the complexity. We need to make it easier to navigate so that people get a better result.

Sometimes we will need to look outside of a local area for a complex provision place. Sometimes that will be necessary. The LGA would also welcome accountabilities to the independent sector in terms of local authorities paying a fair price for a service. That has been an issue. That is very much to be welcomed. I know that is not what you are directly asking me. However, all those things in combination should enable local authorities to support children and parents better to gain the place that they want nearer to home or regionally, if that is what is necessary.

Q31 **Mark Swards:** The overall impact of these reforms will mean that tribunals will be less necessary. Is that what you are saying?

Amanda Serjeant: We hope that parents and children do not feel like they are in a position where they need to do that. We hope they get much earlier intervention, much better service provision and the teaching, the education and the outcomes for their child that they want without having to resort to legal redress.

Q32 **Chair:** On the specifics of the change to the tribunal, under the new system a tribunal will be able to say, "This is not the right place for the child and we disagree with the local authority's decision to name this particular setting", but it will not be able to name an alternative setting.



The consequence of that will be that the decision goes back to the local authority, which has been found in breach by the tribunal, to look again at the decision.

We are about to hear from parents what they think about that. From the perspective of local authorities, how is that going to work? What would you expect your members to do when a tribunal says, "This is not the right setting; you go away and think about a new setting"? Will they agree with the parents on the setting? Will they persist with naming the setting that the tribunal has said is not the right one? What is going to happen practically? That is what we are interested in.

Amanda Serjeant: The ambition is for there to be more capacity within the system. All these reforms in the round will release capacity within the system so that the provision is there and, where it is not there, we are able to put it in.

Q33 **Chair:** I am really sorry to push you; I am not trying to be difficult at all, but we are talking about what will happen in the cases where there is disagreement. There might be less disagreement and it might all be working much better, but the question is about what happens when there is disagreement and how that is going to work in practice for local authorities.

Amanda Serjeant: You are right to flag it. It is definitely an issue in terms of when the judgment comes down not in favour of the local authority but without the power to compel the local authority. We would hope, as I said, that local authorities will work in partnership and that they will find a solution without having to be forced legally to provide a solution. Again, through mediation a solution could be found that was acceptable to all parties.

Local authorities do not want to see any child without educational provision. They want to see provision that is going to produce outcomes in those areas as well as others. The outcomes for SEND children will also need to be looked at by Ofsted, so that SEND children's outcomes are tracked throughout the system. The duty is on everybody to work together to provide that outcome for the child and the family.

Chair: I appreciate that. We are short on time, so I am going to go to Sureena for the final question.

Q34 **Sureena Brackenridge:** This is for Amanda and then I will open it up to the panel, if you wish to add anything. Is there a potential for tension between the reforms and schools' and local authorities' duties to make reasonable adjustments under the Equality Act 2010?

Amanda Serjeant: One of the things that I said earlier was that we all need to be working from the same framework and basis of what inclusion means. That means between groups of schools, the local authority and what comes out of this White Paper. We need some specific and clear guidance on what a whole-school inclusion policy means, whether that is



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around attendance or behaviour. Other people have talked about curriculum. Although that is not something directly for the Local Government Association to comment on, an inclusive curriculum would also be a factor. It would mean the fabric of the school building as well as the teaching that is available.

I do not doubt that tensions will arise. It would be unrealistic of me to say that they will not. They will arise with ICBs and health partners.

With everybody seeing that they have a part to play within this, what we want is better outcomes. At the moment, under the current system, the outcomes for SEND children are not better than they were before EHCPs. There is no evidence that children are being better served. That is what we want. We want better outcomes for the children.

Like I said, I do not doubt that some tensions will emerge, but, if we are all working better in partnership, if everybody's accountabilities are clearer and if we can enforce people's duties to children with SEND across schools and health, local authorities will be able to work much more efficiently.

Jane Harris: The key with reasonable adjustments is that people need to be both willing and able to grant them. The ability comes through identifying what the children's needs are in the first place. The White Paper sets the right direction on wanting early identification. We have not seen the detail of what kind of tools will enable that, and we need to see that.

It also comes from having the right specialists who can identify what kind of reasonable adjustments will work. We do not have the workforce plan for that. It is also about willingness. Until we change things such as the curriculum, behaviour and attendance, all those things in the education system, the willingness will not be there. Daniel talked about Progress 8 and all those perverse incentives.

Finally, we need to think about our wider culture. Children do not just live in schools. The teachers who work in schools do not just come out of nowhere. The people who work in local authorities do not come out of nowhere. We are living at a time when it sometimes feels like SEND is being dragged into a culture war. There is nothing in the White Paper to deal with that.

A decade ago Government invested in changing social attitudes to mental health. We have seen that really take off. There are not the same stigmatising attitudes around mental health that there were a decade ago. Whether the services are there is a different question, but the attitudes have changed.

We have increasing levels of stigmatisation around SEND. One thing that Government could do is to put a small amount of money into trying to change social attitudes on this. If we had a really child-centred reform



rather than an education-assisted reform, we would be thinking about the wider society around a child, not just the education and health system.

Chair: I need to draw this to a close now because we have overrun by quite a bit on the first panel. Thank you all very much indeed for coming to give us your evidence today. If there is anything that you did not have the opportunity to get across to us today because of time constraints or any further points of clarification, please do write to the Committee after the session. We would very much welcome that. Thank you very much.

Examination of witnesses

Witnesses: Kate Cox, Hayley Harding, Katie Ghose and Anna Bird.

Q35 **Chair:** Welcome to the second panel of our oral evidence session on the Government's proposed SEND reforms. Can I ask our second panel of witnesses to introduce yourselves please?

Katie Ghose: I am Katie Ghose and I am the chief executive of Kids. We provide a wide range of community services to children and young people with SEND, and therefore we feel very strongly about the importance of things such as short breaks and after-school clubs to support the important inclusive schools agenda.

Kate Cox: I am Kate Cox. Hi, everybody. I am one of IPSEA's senior solicitors. IPSEA provides free legal support and advice to families of children with special educational needs.

Anna Bird: I am Anna Bird. I am chief executive at Contact. We provide information, advice and support to families with disabled children. I am also the chair of the Disabled Children's Partnership, which is a coalition of over 130 organisations that have come together for better education, health and social care for disabled children and their families. Everyone here is a member of the Disabled Children's Partnership.

Hayley Harding: I am Hayley Harding. I am the founder of the parent campaign group Let Us Learn Too. I was also a member of Minister Gould's SEND development group prior to the release.

Q36 **Chair:** Thank you very much indeed. I am going to start our questioning. As you know, our Committee's report—all of you, in different ways, gave evidence to our inquiry, for which we are grateful—described the SEND system as being in crisis. To what extent do you believe that the proposed reforms that are undergoing consultation at the moment will solve the crisis? Hayley, I might start with you.

Hayley Harding: It is mixed. I want to start with the positives. It is really positive that we now have a drive to address the long-standing issues, particularly those that have been exacerbated by inflation. Children now have to get an EHCP to get the bare minimum support,



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which they did not have to when the Children and Families Act was first established. That is a positive move. We really welcome that.

There is a clear intention to move away from the reactive fire-fighting model that is currently in place, which pushes parents, as we have spoken about before, completely to breaking point. We are really pleased that significant funding is being given to support this because the worry was that more would be taken away. It is really positive to see the Government trying to put the money where their mouth is.

The introduction of a standardised process could be better, if there is more consistent terminology and more of a consistent approach, but the problem for us right now as parents is that we just do not know. Part of that is because of the White Paper, the consultation and the fact that areas have to be consulted on as part of this, which is a positive approach. The offshoot of that is that we just do not know what the specialist packages are. We do not know whether our children are going to be in the right areas.

There is a lot of “wait and see” right now. There are major gaps in terms of the children who do not have parents who can fight for them. They are still not covered under this White Paper. In terms of accountability, there are a lot of worrying movements. We will come on to that later.

The overall feeling right now is, yes, there are positives in terms of early intervention and trying to get my child the support they need without having to go through that fight, but have the Government really listened to the actual problems that are there? A lot of parents do not feel that they have been listened to in terms of the reasons why it all went wrong in the first place.

Anna Bird: From the Disabled Children’s Partnership’s point of view, we would agree with this Committee’s conclusion that the reforms needed to deliver on inclusion and accountability, and to restore trust to the system.

On inclusion, there are some really promising signs in the reforms that have been proposed. We are really pleased to see the inclusive mainstream fund and the requirements for a report about how that is going to be spent. We are pleased to see an investment in training for schools. We are pleased to see the principle behind Experts at Hand—that there is going to be investment in specialists around schools and a multidisciplinary approach to provide schools with extra specialist support. We are pleased with the introduction of new statutory plans for children who are currently on SEND support. We think that will bolster SEND support.

What we are also now hearing from members and parents is a real sense of growing and deepening concern about the realism behind some of that positive stuff around inclusion. How far is that investment going to go? Where is the availability of specialist workforce? Do schools have the capacity to deliver what is being asked of them?



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Critically, there are also really serious concerns about the erosion of rights within the set of proposals. On the point about accountability, this Committee asked for a cast-iron guarantee that rights will be strengthened and not eroded through this set of reforms. We cannot guarantee that at this stage.

On the final point on trust, which you made really clear, we are hearing from parents a real concern about whether the consultation is genuine. Contact has just organised a series of focus groups to hear about parents' concerns and what they like and do not like about the reforms. Off the back of some really unhelpful noise around the Government's response to the judicial review, which said there were parts of the consultation where they were not interested in hearing parents' responses, we have had some parents pull out of our focus groups, saying, "What is the point?"

There is a concern about trust here that we really need to address. We are worried that parents are giving up hope.

Kate Cox: This Committee was rightly concerned in its solution-focused inquiry with the failure of public bodies to comply with the legal framework, yet it appears to IPSEA that these issues have not been properly addressed or resolved in the White Paper or SEND consultation. Many of the recommendations that were provided appear not wholly adopted, especially around accountability.

Rather than focus on widespread non-compliance with the law, which we think is the real crisis in SEND, the reform proposals, first, shift the responsibilities for meeting children and young people's needs from local authorities to settings. That will have wide-ranging consequences, which I will talk about later.

Secondly, they dilute, reduce and remove actionable legal rights despite, as Anna mentions, this Committee's recommendation that statutory entitlements must be retained.

Thirdly, the proposals seek to move the legal framework from one that entitles all children and young people with special educational needs to the special educational provision that those individual needs reasonably require to one in which entitlements, where they exist, will be to predetermined cohort plan packages.

Lastly, we are concerned that they introduce the wider use of discretion for public bodies and fewer effective remedies when things go wrong.

Undoubtedly, many of the ambitions set out in the White Paper—such as identifying and responding to needs quickly, better training, better collaboration, more use of specialists and ensuring inclusion—are welcome. However, they can and should all be happening now under the current legal framework and they do not necessitate any dilution of rights.



IPSEA has supported tens of thousands of families over decades to secure the education their child is entitled to, but these reforms would fundamentally change those entitlements. We have critically examined the proposals, looking at a duties, rights, risks and protection analysis. We welcome this opportunity to discuss the proposals, not least in light of some suggestions or valid and well-reasoned concerns that they are in some way seeking to exploit families or do not have the best interests of children and young people at heart.

Let us be clear. We think the crisis in compliance is not solved by removing actionable rights, reducing entitlements, shifting responsibilities, limiting effective redress or allowing for more discretion. SEND families have endured too much for too long to see vital legal protections removed and replaced with hope, good intention and wishful thinking.

Q37 Chair: We will come back, I am sure, to discuss some of those criticisms in some more detail. Before we do that, we had the mirror image of that discussion with the LGA. It would be remiss of me not to give a similar challenge to that perspective. Part of the critique and the analysis that the Committee undertook points to a failure in the delivery of support in the mainstream, ordinarily available provision and SEND support, leading to a crisis in enforcement because of those failures.

The perspective that we heard from the LGA—we went around the houses a little bit—broadly was that we expect there to be less conflict because delivery is better. Are you able to reflect on that? As an organisation, you see the compliance part of the system. That is what you exist to do. A lot of our report focused on the whole of the rest of the system, where there is currently no redress; there are no or very weak standards; there is no resourcing; and it is all a disaster.

I would like to get your reflection so that we as a Committee can get a balanced discussion overall on whether it is right to focus strictly on the compliance aspects of the current system when all the evidence points to the need for a wholesale reform of how everything is delivered in that system.

Kate Cox: I would agree that we do need a wholesale look at the system, but I am saying that legal rights exist as a protection. They are a safety net for those who need them. To the extent that everything that is set out in the White Paper and SEND reforms meets individual needs, that is fantastic and IPSEA welcomes it. We are concerned that there may be situations in which that does not happen and that there will be very little some families can do.

When I am thinking about compliance, what I am really doing is asking, "Where is the safety net? Where is the effective remedy? What protection is available to that child or young person?" That is really what I am trying to focus on. All the good stuff should be happening, but we need to make sure there is the right protection in place in case it does not.



Chair: That is helpful. Thank you.

Katie Ghose: The ambition, the drive and the Government saying, “We are going to end the fight that families endure” are all very welcome, as is this emphasis on reorienting the system towards early identification.

Two key drivers of the current crisis are the lack of investment in the 2014 reforms and the complete failure of health to be a full and equal partner. In our view, the proposals need to be significantly strengthened in respect of accountability mechanisms; healthcare, education and community services working together; legal rights and backstops; and trusted professionals for children and adults to navigate the system.

The initial funding, impressively achieved outside the spending review, must be the catalyst for the ongoing investment in children with SEND. The biggest risk that we are hearing about at the moment to children not having their specific needs met is the lack of a legal obligation to deliver the actual support in an individual support plan and the proposal to shift towards standardised packages and away from support based on an individual assessment of need and for that to be the gateway to an EHCP in future.

If the proposals are significantly amended—we appreciate that it is a consultation—we think that they do have the potential to address those drivers, provided that, as Jane Harris said earlier, there is a wrapper of cultural change; all of us change our attitudes, as the young people who we talk to say; and we have great schools where there is a can-do culture that work with young people. If all of that is done, we think the underlying drivers of the crisis could be addressed.

Q38 Caroline Voaden: What are your views on the role and the potential impact of the national inclusion standards and to what extent do you think that they will improve consistency, accountability and the quality of provision across mainstream settings?

Katie Ghose: They can help with those goals, if they are standards. By “standards”, I mean things that have purpose, parameters and measures so that organisations know when they are meeting the standards. An evidence bank is a good thing, but an evidence bank is not the same as a set of well-designed standards.

They could ensure quality, accountability and consistency of provision if they were designed with young people. Some of the young people we have worked with have already done a couple of sessions on what inclusion is. It means having a flexible problem-solving mindset and compassion over compliance. There are so many practical ideas. Involving young people in the design of the inclusion standards would be a very good and rapid start.

Kate Cox: From what we know about national inclusion standards, they will be designed to inform settings on what support at universal, targeted



and targeted plus should look like. They will be organised around those five new areas of development, which is a point that I will come back to. The consultation tells us that settings will be required to use these to plan support for cohorts. It is not clear whether that will be a legal duty or set out in the code.

These tools may well be useful. They will need to be used carefully to make sure that they are robust and effective in meeting individual needs, and the funding sitting behind them must also be sufficient. Settings will need to use these standards, as well as their inclusion strategies, carefully rather than prescriptively or rigidly. They cannot simply form a checklist. There may be a risk that a school, by following these national inclusion standards, leads Ofsted to consider that it is meeting individual needs, whereas that might not be the case.

It could be a risk, depending on how they are being used, that the national inclusion standards could become a proxy for what is required to meet a child or young person's needs without consideration of their individual circumstances.

We do have some concerns around the new areas of development and exclusion of mental health challenges. That may impact the ability of children and young people with special educational needs to have their needs properly understood. For example, in speech and language difficulties as well as care experienced children, we know that higher percentages of them may well have social, emotional and mental health challenges. That is something that I really wanted to flag to the Committee today.

Anna Bird: We definitely see that the national inclusion standards could make a big difference in terms of setting expectations and making clear where the evidence is. That is all good.

I would make three key points on this. First of all, having good statutory guidance is not a replacement for having a duty to deliver the provision that is required for an individual child. We want to see both standards and that duty to provide support. Both of those are needed to provide a real guarantee that the support is going to be there for a child.

The second is about assessment. Kate made this point as well. We are hearing a lot from parents who are really concerned about the assessment process. "How are educators going to assess my child's needs?" Guidance alone is not going to do that job. There needs to be proper specialist input. There needs to be proper child-focused assessment in order to make sure that provision is right for each individual child.

Thirdly, as Kate said, the guidance is going to be organised, we understand, by the five new areas of development that are being developed. One of the things that we are hearing a lot from parents in the focus groups that Contact has been running is a real concern at the



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decision to take mental health out of those five areas of development. What seems to be happening is an uncoupling of mental health and SEND. The fact that mental health is not going to be in those standards or the areas of development raises some real concerns for us. Parents are consistently concerned about it.

We are concerned that the standards are not clear about what to do if you see someone who has really severe anxiety or who is expressing trauma or burnout. If that is not all clear in the guidance, educators might miss children who have undiagnosed SEND needs. It could create an accountability boundary—"That is not our problem to deal with"—when this whole reform exercise should be about getting rid of those accountability failures and making sure that children are picked up and their needs are supported. We really want to see that addressed in the standards.

Hayley Harding: From a parent point of view, this is really welcome. As parents, we have wanted to know for a long time what exactly we should expect from our schools. It is fair to have a bare minimum. We should be able to go in and say, "You are not delivering for my child. You should be providing this". From the point of view of parents, that is welcome.

The worry that comes in is, "What happens when the school doesn't?" It is great that Ofsted will look at these additional inclusion standards as part of its inspections, but they only come every four years. What happens in between? You still have a child at school for four years who is not getting the provision that they need. That is a real worry for parents right now.

In principle and on paper, it looks great. I know some people have pushed back on the fact that schools now have to produce an inclusion strategy. A lot of schools already do that. Any good school would have that already anyway. We still need that a bit more.

When you are talking about assessments and the more developing needs, the next stage is about what will stop local authorities using those to say, "No, we are not helping because your school should be providing that" when the school is not providing that. We are back in that loop again, where parents do not know where to go, who to appeal to or who to seek redress from. In principle, yes, it is really positive. Again, we need to see what they are because we do not know, but broadly the feedback that we have got is that that is positive and welcome.

Q39 **Caroline Voaden:** Just briefly, do any of you have any comments to make on the stakeholder involvement in developing these inclusion standards?

Hayley Harding: Anna and I were both in the SEND development group prior to the White Paper. When we sat here last year, we made the point that we were not being included at all. We were really struggling with interaction. I certainly was getting nothing back. Since Minister Gould has



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come in, there has been a very strong change in approach, which we are very grateful for. They have taken on board points that we have said. They have made changes based on what we have said. It has not been just a listening exercise.

Going forward, I personally am still involved heavily in the discussions that are being had and the general consultation that is taking place. There has been a shift. Has there been enough of a shift? Probably not, no. I would always like to see more, but, to bring the positives out as well, it has changed in terms of process since last year.

Anna Bird: Jane made an important point earlier: we cannot afford for the inclusion standards, the specialist provision packages or any part of the system to be designed only by people who are currently delivering a system that does not work and therefore recreate some of the failure. We need to make sure that there is good involvement from all the organisations and experts who really understand children and special educational needs. We want to see broad involvement. We need to have the voluntary sector as well as health and social care and educators in the room.

That point about health and social care is really important. It has felt at some points during the development of these reforms that health and social care has not been an equal player around the table. In the development of the standards and the specialist provision packages, they need to feel like they are equally owning what is being developed.

We then want to see proper consultation on what is developed. We also feel really strongly that there needs to be an affirmative resolution process in which parliamentarians have a vote. That matters now, but it also matters if there are changes in the future to the standards or the specialist provision packages. There should be a knowing parliamentary review of what those changes are before they are voted through and the changes are made.

Kate Cox: A point I wanted to raise is that it will be essential, we think, for these national inclusion standards to be developed with and be reflective of all the people in our communities. IPSEA carried out some outreach research, which we have recently published, that found that racism, unconscious bias and a lack of cultural competency was impacting public bodies' delivery of provision. We can share that with the Committee, if you would find that helpful. We think the development of standards will need to ensure cultural competency and make sure that the experts appointed to oversee these frameworks, in all the frameworks we are talking about, are reflective of everyone in our society.

More broadly, we note the emphasis on experts and panels in the consultation, but there is no detail provided as to what qualifications they will have, what training they will have, how any imbalance of power between parent and professional voices will be remedied, and who will



appoint them and on what basis. Some more transparency around that would be really welcome.

Even if it is a well-qualified panel that is reflective of our society that is creating this evidence-based guidance, the key issue will always be the identification and the provision of individual needs rather than an estimation of what a child might typically require. We really want that to be part of this consideration with these standards: making sure that they meet everybody's needs and that we avoid those challenges being baked in.

Katie Ghose: The principles of inclusion need to be developed first as part of the standards. That needs to be done in the most collaborative way possible with everybody involved. If you get the principles right, that can form a really robust set of standards.

There definitely have been some improvements. We are delighted that Minister Gould actively wants to listen to younger people. We want to build on that.

What is so important is that this is such a diverse population. Anybody could be in a family with a sibling or young person with additional needs. We have to keep thinking about the complexities. People who are not verbal, people who communicate in different ways and quieter people have so much going on in their lives. Engaging with a government consultation is not going to be something that they can do, yet they will have extremely valuable solutions to bring to the table. There is a responsibility for all of us to think about how to really listen to, engage with and act on everybody's voices and views.

Q40 Darren Paffey: We have had evidence presented to us previously about the wide and persistent inconsistencies in the quality and the delivery of ordinarily available provision. That is a given. How confident are you that the proposals in the White Paper for universal support will deliver a higher and more consistent standard of provision for all children and young people in mainstream schools?

Katie Ghose: It is described in quite a similar fashion. To say what someone else said earlier, what is going to be new and different here? There are four things for it to be a better offer.

First, the core principles of inclusion need to be developed and schools need to be mandated to meet those through the new inclusion strategies.

Secondly, we need a wholesale cultural and attitudinal change so that every school has a can-do culture.

Thirdly, school budgets for inclusion and ongoing training and CPD need to be invested in for the longer term, so that it is not a "one shot and done" but there is continual development.



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Finally, the drive to have a great universal support offer and to intervene earlier has to come from the top, from the governors and the chief executive. It has to be genuinely the whole school. One young person said that it was the school nurse going into her room and having a chat with her from time to time that was the game-changer. We know the golden value of teaching assistants, who do a tremendous amount of work with children with special educational needs.

These are the things that could make the difference between what we have now and the universal support offer.

Kate Cox: I would agree with everything that Katie just said. I would also like to add that the support that will be available at this level will be set out in the national inclusion standards, which we have not seen yet. We know it will help inform what schools should be offering.

I will always come back to this point, though. The existence of standards and strategies is no guarantee of the consistency of support, not least because settings will have quite wide discretion on what they put in place for individual children.

The proposals assume that most children and young people's needs will be met by this universal offer. It is not clear to me what evidential basis was used to arrive at that assumption. I wonder whether we should question what would happen should that assumption in fact be incorrect and whether funding, expertise and capacity at the higher levels of support will be sufficient, if the need is higher than expected.

The other thing that I want to highlight to the Committee today is that, when we think about this universal layer, a school will be deciding whether a child sits at that level or whether they move up to targeted or targeted plus. There may well be few meaningful remedies available to a parent or young person if the school makes a decision not to move a child on to a further level.

There may be more discretion involved and more adversarial systems coming out of it, such as disability discrimination claims or potentially judicial review claims, if a parent feels that a school is not doing enough and other routes, such as making an EHC needs assessment, are closed off to them because of a potential higher threshold in that legal test.

Anna Bird: I have already said that there is a lot in the proposals around inclusion that is really positive. The combination of funding plus new inclusion standards, guidance, training and the accountability of Ofsted, which is really significant, will go a long way to shifting the expectations and therefore the universal offer.

What the previous panel emphasised really clearly needs to be brought back here as well: it will only work if this is the prevailing culture, if this is what we are all working to. If curriculum, behaviour and attendance policies do not follow suit, we will not see the shift that we need.



Hayley Harding: I support everything that everybody has already said. As parents, all we ever want is for our children to go to school, be happy and learn. That is it. If we can move back to a system that puts the child at the forefront, that would be fantastic.

It does feel a little bit like we are in utopia, though. This White Paper does not necessarily recognise fully the culture that we face, as parents trying to get our children the support that they need. It does not recognise the labels that are put on them and the attitudes that we face. Even good schools still do not quite nail it at times in terms of the general mainstream offer.

We heard earlier that the attitude from some teaching unions is, "We just can't do it". Everybody has to pull together and say, "We want to make this work" because the whole culture has to change for that to happen. I am nervous that it will not, even if the willingness is there, if everyone is consistently saying, "We can't. We can't. We can't". I just like to hear more, "We can". Then we might get somewhere. A lot of it is down more to attitudes than structure, money, etc right now.

Q41 Darren Paffey: I am interested in whose attitudes you are talking about in terms of the culture. Rightly, this is coming under a lot of critique, but what we are hearing from the outside is, "Can they?" Is that not also part of the culture? If the Government want to aim for something, where is the rallying around to get the detail right and to be part of that cultural change?

Hayley Harding: I am in this right now. I have young children, one in mainstream and one in the base. You get some brilliant teachers out there, who will look at the child and think, "Why are they behaving this way? Why can't they cope?" They will try to seek the meaning behind it. You do not always get that. You sometimes just get instant blame. "The child is just misbehaving. They just don't want to do it. It is in them. They just won't co-operate".

When you move to the specialist sector, you get more of the why. We need to push more of that attitude of, "Why are the children doing what they are doing? Why are they behaving however they are behaving?" That is the shift that will start bringing in more inclusion through natural behaviour, more understanding and more empathy. I do not want to criticise all teachers; that is definitely not what I am trying to do, but there has to be a huge culture shift before we can get to a place where this will work.

Q42 Caroline Voaden: We have the different layers of support. We have targeted and targeted plus. How confident are you that those layers will be effective? What challenges do you see in delivering support in that way?

Hayley Harding: My worry is about those children who are in the targeted plus area. At the moment, we have a situation where a child is



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assessed independently for what they need. This will move that child into a situation where effectively the support is being shared between a lot of other children.

Will that child of higher-level needs within that mainstream setting get the upper end of the support they need or will they have to lose that because it has now become a bit more of a one-size-fits-all? If the support is quicker, better and more one-on-one, that is fantastic, but there are a lot of unanswered questions.

This is where removing EHCPs becomes the worry for parents. Those plans give you a definitive, "This is what your child will get". We are now moving to a point where it is up to the school what they get. That could be on a monthly, daily or whatever basis. There is nothing there to say, "You have to give them this". Again, it is a lot of "wait and see", but the children at the upper levels are most at risk right now.

Anna Bird: In the focus groups that we have held with parents, we have heard a lot of concern about, "Will my child have to fail at the targeted level to get targeted plus? Is this an exercise in having to prove that you need the next level up before you move through the layers?"

That is not the intention of the reforms, but there is certainly a fear that that is how it will play out in practice for families. There is some concern about the layers and having to fail to move through that graduated approach.

We will talk about this when we talk a bit more about ISPs, but certainly we have a concern around the delivery of the provision at each level. We know there is real pressure. Experts at Hand, what is funded through this set of reforms and the new funding is all very welcome, but it is equivalent to one day of support for every child in a secondary school with special educational need. That is not sufficient. Who is going to lose out? What does that mean? If the provision is not there, the targeted and targeted plus support will not be there. We want to really make sure that is dealt with.

Kate Cox: Targeted and targeted plus are going to fall within the new, currently unknown distinction between commonly occurring and less commonly occurring needs. I am not sure how this is going to be decided or what happens if a child, who has what are predetermined as common needs, needs far more support than what is available at that layer.

The Children and Families Act entirely avoids the risk of mischaracterisation, which we potentially might be reintroducing with this distinction, which we do not yet have any information on. That is one point I wanted to flag.

The other is on the use of support bases. Targeted support may include access to a support base, and at targeted plus it may include access to an inclusion base, which could be a support base or a specialist base. Those



children nearly always have an EHC plan, which currently guarantees them access to those units, as we call them, because the provision in section F needs to be secured. At targeted and targeted plus, these children will not have those plans in place, and they will not have the right to attend those units.

We wonder what would happen if the cohort changes and that child gets moved out of the unit, or potentially the unit that is set up is one that meets particular needs, because they are going to be cohort-specific, but not the need of that particular child. I wonder how inclusive an education is if it does not take place in the classroom and does not take place in the support base where the school is based.

The other point I wanted to flag is around experts at hand. It appears from the case study and the consultation—as well as the body of it—that experts at hand may be lending support to the setting, rather than direct support to the child, unlike the code. The code tells us that settings are encouraged to seek specialist support at any time, and that children and young people should receive it as early as possible. This could potentially lead to a postcode lottery, in terms of the expertise available locally, bearing in mind that those at targeted plus will have less common needs, and a school's willingness or ability to recognise needs or fund direct interventions when required. This may depend, of course, on the way the schools are pooled together or clustered. We just do not know yet.

Katie Ghose: I have two points. Who does the assessing is a critical success factor. We know it cannot just be the education staff; it has to involve other specialists as well, to have your best shot at doing a really good assessment of what layer of support might be the one. It is a development of clear processes for schools to follow and to know what they are doing, in terms of assessment and who should be involved.

My second point is that the layers of support will rest or fail on whether there is a robust, detailed and resourced workforce plan for the experts at hand. That is the bit of support that the schools are really going to need for the support to be delivered and the layers to work, and to really start to drive the early intervention, which is what the whole system change should be trying to achieve.

Q43 **Mark Swards:** Thank you for your answers so far. We are going to stick with ISPs. To what extent are you confident that placing the responsibility for the delivery of ISPs on schools will lead to better identification and support of pupils' needs in mainstream schools? Some of you have answered this in part already. I am happy to start with anyone.

Hayley Harding: From a parent point of view, it is always preferable that the person who is writing that plan knows your child. I do not think it is necessarily a bad thing. I would say that in a lot of local authorities this happens already, so that is already in practice, but what is changing is the legal entitlement to the provision in those plans. That is where the worry comes in. This is obviously for children with complex needs as well.



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This is not just the ones who are in mainstream. All the day-to-day provision is now going to be in an ISP.

The way it is going to be processed now is that, if you have an issue with what is written and what is not written, you have to go through this complaints process, which then goes to governors, who do not necessarily know anything about the needs of your child. That is a real worry, because, as we all know, the standard of EHCPs from school to school is really variable right now. Some schools do them brilliantly. Others just do not. What happens for those parents in the schools that do not?

While the idea behind moving to schools is not necessarily a bad idea, we need a much stronger mechanism in order to hold them to account, with the training that needs to be behind them and the support that needs to be given to those schools that are not doing very well right now, in terms of the plans they are producing.

Anna Bird: We were really pleased at the introduction of independent support plans in this set of reforms. Just to make clear, Contact and IPSEA together put forward a proposal to amend section 66 to make statutory the requirement to assess, plan, do and review for children who have SEND support needs in a mainstream school. We are clearly behind these proposals, and the DCP fully supported that too.

What we see in the reforms is that the assess, plan and review bit has statutory force, but the delivery bit does not. That is of critical concern to us, because it is the bit that guarantees a child that they are going to get the support they need. Without that requirement on schools to deliver, we are going to face all the issues we have now, where SEND support is bottom of the pile when there are resource constraints.

What we have heard from parents and our focus groups at Contact is that at the moment they do not see anything that would change their sense that they are going to have to reach for an education, health and care plan, because that is the only way to guarantee that the support will actually be there for their child. We need to make that adjustment to what has been put in the reforms to make sure that the duty to deliver is absolutely cast iron.

Kate Cox: We need to consider ISPs from two angles, because ISPs will be produced by settings at targeted, targeted plus and specialist layers. That carries some implications. Not all children and young people receive their education and support in a school. This is not just children receiving EOTAS packages; it is children in custody, young people on supported internships, young people on apprenticeships, but also children receiving education otherwise through their local authority under section 19 of the Education Act, for example. They may well not be in a school. I am happy to provide the Committee with much more detailed information, which we do not have time to go into today, around the specific concerns that IPSEA has in relation to these cohorts of children.



If I can take targeted and targeted plus first, much is made in the consultation of a legal duty to produce and monitor these, but, as Anna says, we think it falls down because there will not be an entitlement to that provision. It is not the duty to create the plan that is important; what is important is the guarantee of the delivery, the expertise and the funding that sits behind it, and that the right special educational provision is specified in it. There will be few routes of redress if it is not secured, if it is incorrect, or if it is amended. I know we are going to go on to discuss remedies later. It is also not clear to us how it would be possible for someone at targeted or targeted plus to continue in education or training at FE level post-19, because currently that would require an EHC plan

If I can turn to specialist quickly, this would entail the removal of specific, reasonably required individual special educational provision from the legally binding plan, and instead place it within the ISP. I could find nothing in the consultation or the White Paper that said that the ISP was going to be a binding document. We understand that this change is being proposed to enable flexibility, and that EHC plans often do not accurately reflect the support a child needs, but by law all EHC plans must specify the individual support a child or young person requires. That is in the Children and Families Act section 37 and SEND regulation 12.

An EHC plan should be a practical document that helps rather than hinders, and they can provide flexibility when that is required for the child's needs. The Worcestershire and Redbridge cases of 2020 set that out. To the extent that EHC plans have not specified what is needed or have not allowed for sufficient flexibility, that is a legal compliance problem, not a reason to reduce rights. We think the introduction of the ISP concept would fundamentally change EHC plans, and have significant ramifications, firstly for those cohorts of children, as I have mentioned, who are not in a school.

If there is a legal duty owed by a school to the child to receive what is called the educational offer, will that be specific enough to be enforceable? Next, if there is an enforceable legal duty from the setting to the child to secure the educational offer, we need to remember that not all settings are public bodies. Judicial review is not going to be available to secure that educational offer against a non-maintained special school, for example, in section 41, or an independent special school. That is a significant disadvantage to the current system.

We are also concerned that ISPs—remember, we are talking here about children and young people with the most complex needs in our country—may be amended without proper process, unlike the current arrangement where we have a legal process that must be entered into when the special educational provision is amended or reconsidered by a local authority. It appears that that will not be happening.

Chair: Can I just encourage you to be a little more brief? I am really sorry; we are really short on time. You are able to write to us afterwards.



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Kate Cox: Yes, I will stop here.

Mark Sowards: You did offer to write to us, so we will take that offer up.

Katie Ghose: Let us not forget the early years. It has been very good to see the Government recognise that crucial link between the early years and primary education. The potential role and value of ISPs needs to be considered in collaboration with all the early years settings, and with parents of babies and toddlers with SEND, to see how it can contribute to a significant uptick in the number and quality of placements for babies and toddlers with SEND in both nurseries and childminders. I completely agree on the essential need for a legal obligation to deliver the provision contained in the plans.

Q44 **Mark Sowards:** I have one follow-up question, if that is okay, for Kate. Again, if you need to write to us afterwards, that is absolutely fine. Let us say we have an ISP in place, and the process just completely breaks down and a dispute arises. What mechanisms do you think should be in place to resolve that? Do you have a view on the Government's thoughts that mediation should be the way to go, or should additional things be introduced?

Kate Cox: Mediation will be available when there is an appealable decision, and ISPs are not going to be an appealable decision, full stop. That is not going to be available unless, of course, the right to mediation shifts and we see a change, but currently they are just for appealable decisions. You cannot go to the tribunal about an ISP.

In terms of dispute resolution, that is a voluntary process. It requires everybody to be engaged in it. We provided the Department for Education widespread concerns around mediation as it is. We are introducing more concepts around utilising dispute resolution. Those are voluntary processes. They do not carry the same protections as mediation, and that needs to be considered.

It is going to be essential that the LGSCO's remit is extended, given the shift to more schools meeting more needs without EHC plans, because mediation will not be available for individual support plans. I also cannot see that there would be any overlap between the LGSCO's remit and the tribunal's remit in this regard, because those ISPs will not be ever going to the tribunal. That is also the view of Professor Thomas at the University of Manchester, who has been leading research into the LGSCO recommendations. He shared with us that this too is his recommendation—that LGSCO needs to be extended.

Anna Bird: In our focus groups, we heard from parents that they were deeply worried about a complaints process that starts with a school and has three layers of complaint. Parents are telling us that they have to be at the school every day. They want their relationship to be positive. When they are in a dispute with the school, it is really damaging, and they



would shy away from putting a complaint to the school. We do need to look again at that complaint process.

What we are proposing is a fast-track complaint, so rather than three tiers there is just one, where the complaint is looked at by the most senior tier in the school. There needs to be an independent tier. We also support the Local Government and Social Care Ombudsman, as your committee has recommended, as the final tier.

- Q45 Sureena Brackenridge:** EHCPs, as you know, were originally intended to support children and young people with the most complex needs. However, under these proposed reforms, do you believe that specialist provision packages will be capable of meeting those needs, and what difference could they make? Please outline any concerns that you may have.

Kate Cox: Specialist provision packages may meet the needs of some children, but there is no guarantee that they will. I also do not understand how it is possible that they can. They are going to cover from nought to 25, and all the complex needs that we have in this country. Now, the current Children and Families Act avoids that challenge entirely, because it focuses on the personalised provision required to meet individual needs. These packages would move the entitlement away from that personalised provision, which has been comprehensively assessed to be reasonably required, to an entitlement to a predetermined package of support and funding. The consultation considers that there is a one-size-fits-all approach. That is not found anywhere in the legal framework.

What appears to be proposed, rather than addressing those issues, is a seven-sizes-fit-all model. We do not see how that can possibly work. We have a number of concerns here, which I will briefly explain. The determination of which package would be best suited—

- Q46 Chair:** I am really sorry, but we have not got time for you to read out lots of notes. It is not the way the process works. We are here to have a conversation with you. If there are detailed notes that you have written down, you are welcome to send those to us, but we are wanting to have a conversation, if that is okay. Could you summarise them?

Kate Cox: We think there is a risk that the packages will be based on assumptions as to how a child presents, rather than the underlying needs. There may be some children for whom there will not be a package that is best suited to them. Unless the local commissioning arrangements are used, I do not see how those packages will ensure that those provisions will actually be secured for that individual child.

Hayley Harding: It is not completely dissimilar to what you saw in Ontario. They have packages there. It can work, but, again, it is going to be very much down to the detail of what those packages mean. What are



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the packages? I am not sure that has even been established yet, because of the consultation.

A problem we have had as parents is trying to work out, when local authorities have said no to us, why. Why has my child not met the criteria? The general sense is that, if we had more detail as to why and what it is that they do not meet, then that would make things easier for us. If the packages actually pull that out, that might not necessarily be a bad thing. Again, it is a lot of what ifs right now, because we just do not have that information.

Katie Ghose: I am really worried about this, because there is a danger here that disabled children, and children with special educational needs, could lose their right to an assessment of them as an individual. That is fundamental, and something that we probably all appreciate.

I completely understand the need for good and effective planning within available resources. Packages could have a part to play in that, but I am just looking at one autistic young woman we work with, with a profile spanning communication differences, executive functioning, sensory processing, so a number of these matters. I know the Government have been very open about saying this is very underdeveloped and welcome consultation, but I just wanted to share that fundamental concern I have. We could be moving from something that we must retain, which is the child in front of you and what they need, to something that could have unintended consequences and be too packaged or generic.

Anna Bird: Just to add to that, this is one of the areas of greatest concern among the DCP's membership. There is certainly some confusion about what is actually in the reforms and what is set out there. It would be really helpful if the Government could clarify whether this is about providing some certainty around allocation of funding, setting quality standards and expectations around the provision, or whether it is about providing for individual children and setting out what an individual child might get. The answer as to whether it can work depends very much on the answer to that question. We are hearing different things depending on which officials we talk to or where in Government we look. There is concern there.

The other concern around SPPs is that we have a system where you are allocated a package. We then understand that the education part of the delivery will be set through an ISP process. It feels really unclear where the individual planning for health and social care for any given child and their family is set out, and how that process works.

There is a lot still to be ironed out, but there are some real concerns that it is not clear what "complex needs" means. The idea is very underdeveloped, so how can we know it works? You absolutely cannot fit children into packages. Every child with complex needs, by definition, has different and unique needs, and they need to be delivered through an individual and specialist process of planning and delivery.



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Q47 Peter Swallow: I just wanted to really tease this out, because obviously the Government have made it clear that anyone accessing one of these SPPs will still have an EHCP. They will additionally have an individual support plan.

To me, that makes it really clear that there will be an individualised plan with statutory backing for that child, whereas these provision packages are more about the commissioning of services to ensure that what is in the EHCP is delivered. However, at the moment, because there is such a postcode lottery and there is not clear guidance on what every local authority must make available to young people, an EHCP can promise the world, but actually that does not exist in the real world.

I just wanted to get your sense on whether this is more about ending the postcode lottery in terms of provision, or whether you are concerned that the SPPs are about individualised delivery of support.

Anna Bird: We are genuinely hearing different things depending on who we talk to. That commissioning framework approach is something we would support, but there is some concern that it replaces some of the individualised planning. Clarity would be really helpful, so that we can respond well.

Katie Ghose: Is the proposed new package going to be a gateway or a closed door to somebody having an education, health and care plan? I completely understand what you are saying, but it is this clarity we seek now from the Government about the purpose of the proposed specialised provision packages that would help everybody to engage and make sure that the right of a child to have individual needs assessed and met is retained in the reform system.

Hayley Harding: In terms of the structure, the plan actually is going to be that the child is allocated a package, but the ISP then takes over. Effectively they say, "Yes, that is right. You deserve that package; you can go to this school". But what will happen then is that the child is made to fit the budget, rather than the budget made to fit the child. You will be given a banding, which is your provision to be paid for, effectively, but if you need more you cannot get that without going back to tribunal again.

At the moment, if you go to the local authority, it works out your needs, then you get the school, and then you get the funding instantaneously—well, in theory. The process now is that you get allocated a band within that package, then you go to the school. The worry is that you are forcing a child to fit a band, rather than actually having the band fit the child, if that makes sense, or the funding for the child.

Q48 Mark Swards: I am very conscious of time. Many of you have answered this question in detail already, so I am only looking for additional items, if that is okay. It is the same question I asked the previous panel. To what extent do you think the SEND reforms will strengthen accountability across the system, including within the NHS? That was addressed in previous answers. Are there any gaps we should



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be aware of? That is open to anyone.

Hayley Harding: Unfortunately, I do not think it will strengthen it. It will weaken it, as it stands right now. The placement issue is a massive worry for parents. Parents are put in this cyclical environment, where we go to the judge, the judge says, "Yes, you are correct. The local authority have given you the wrong school", and yet you have to go back to the very people who have given you the wrong school in the first place.

I said at the beginning that there are worries that they have not necessarily listened to why we are in this position in the first place. The major thing that I do not think has come through enough is the local authority attitudes, and the extent to which the laws have not been following that culture that has developed, which has literally broken parents for years.

All the focus in this paper right now is on schools and school accountability, but they have actually lowered the accountability on local authorities. It is almost like a reward for what they have done for the past 10 years. That is how it feels as a parent having gone through it. If anything can change out of that, that would be something that really does need to be looked at, because I do not see enough here right now to address that culture.

Anna Bird: In terms of health and social care accountability, we are really disappointed. There really is not the overhaul of accountability that we were hoping to see in these reforms. We agree with lots of what was said in the previous panel, which I do not need to reiterate, about workforce efficiency, but there needs to be a workforce plan for SEND. Without that, the provision will really fall down.

I just wanted to pick up the point about local authority accountability. When Disabled Children's Partnership ran a survey over the winter asking parents about various aspects of their experience, 57% of a large-scale sample of parents said that they had been lied to by authorities. The need to change culture in local authorities is absolutely vital. Through these reforms we have seen proper investment in training for school leaders and school staff. We have seen an investment in changing how things operate in schools, and a message from the top that things have to change. I do not think we have seen that message that there needs to be a wholesale shift in the culture in local authorities, but there really does, because parents do not trust that they are going to get the right outcomes for their children.

Q49 **Chair:** It was our recommendation that there should be training.

Katie Ghose: Unless the issue with the previous reforms, of health not being an equal accountable partner, is addressed, there will be serious failings this time round. We know that there are children who are hampered from being in school, perhaps because teachers have not had the input from a specialist nurse. The groundbreaking change there is



when that child has health needs met, and they can achieve and thrive at school, can only happen if all the accountability mechanisms—joint commissioning being mandated—all the way through the system are saying, “This time round, it is going to be health and education equally with all the other parts as well”.

Chair: And social care.

Katie Ghose: And social care, yes.

Q50 **Chris Vince:** A lot of the evidence that we have received says there was basic consensus that SEND tribunals should only ever be used as a last resort. The Department said they expect the vast majority of disagreements to be resolved. We spoke to the representative of the local authority. Once we teased it out from her, the implication was that because of this change there would be a greater need for that mediation. Do you think that is realistic? What are the limitations of these avenues?

Hayley Harding: Absolutely not. Again, we are just still back in that process where we are not answering the question. Why is it not being made right in the first place? Why can we not just get the decisions right? As any parent will tell you, mediation has just been used as a tool by local authorities to delay provision for as long as they can eke it out, effectively. Anecdotally, you have stories of parents who have gone to mediation where local authorities have not turned up on the other side, and they have just wasted their time.

Mediation is not the answer here. The answer is getting it right in the first place, and everybody owning up to the fact that they have not done it correctly for the past 10 years. Stop blaming everybody else. We are all on a fresh page here now. Let us just say, “We hold our hands up. We have not done it right, but we are going to do it right going forward. We are not going to need all these other mechanisms to try to avoid actually getting the right decision made”.

Chris Vince: I admire your ambition for that.

Hayley Harding: I have to hope.

Q51 **Chris Vince:** You say, “Let’s have a clean slate” and Anna talked about that need for a culture change, but there is a reality that there will always still be mistakes. That is reality, so there does still need to be some sort of mechanism. What would you like to see there?

Hayley Harding: The proposal in here is that the mediation is going to be commissioned by the local authority. If you think that local authorities are not going to commission the mediator who is going to be most favourable towards them, that is very naive. The Government have to take more control of this at a top level. Whether that is the Government sorting something out, I do not know. Obviously, these are ideas coming up right now.



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I just do not think mediation is necessarily the answer, because it is a really stressful thing for parents. We are still not getting past the fact that so many parents do not have a background in legal advocacy and all these processes. It is cruel to put them in these situations, so there needs to be a lot more done before we get to mediation.

Anna Bird: We have been absolutely clear that we do not want to see a dilution of tribunal rights. The tribunal exists as a backstop when all else has failed. You do not improve the system and make better decisions by taking away that backstop. You put investment into the system elsewhere. Over time, we hope that reliance on that tribunal will be reduced because the system will be better, but it needs to be there. That is the way.

Q52 **Chris Vince:** You would still want to reduce the need of it.

Anna Bird: Yes, absolutely.

Kate Cox: The final point I would like to make, just building on from Anna, is that there is a frightening inequality of power between local authorities and families. Local authorities can make potentially lifelong, consequential decisions for children and young people. That backstop must remain. We really feel very strongly about that. Families are very nervous about it.

Katie Ghose: The impact of this proposed to-ing and fro-ing and back to the local authority will mean more children with SEND who are not in school, and families who are desperate for them to have a place. We are extremely concerned about the implications of that proposal.

Just on mediation, Kids provides mediation services. It does play an important role, the evidence suggests, in some circumstances, but, when you have these binary decisions over placement, the evidence is that you need a very good-quality decision to be made. These are some of the factors and the evidence that we need to be bringing forward into the proposed reforms, but we completely endorse and support what DCP has said about the tribunal powers.

Chair: Thank you all very much indeed. It is been very interesting and informative for the Committee to hear your evidence this morning. We are grateful to you for coming. If there were aspects of detail that you were not able to get across to us—we are always under constraint of time—please do write to the Committee afterwards. We would really welcome that very much. That brings us to the end of our session for today.