



**Vicky Ford MP**

Parliamentary Under-Secretary of State for Children and Families

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Rt Hon Caroline Nokes MP

Chair, Women and Equalities Committee

By email: [caroline.nokes.mp@parliament.uk](mailto:caroline.nokes.mp@parliament.uk)

Cc: Justin Tomlinson MP

Minister for Disabled People, Health and Work

By email: [minister.disabledpeople@dwp.gov.uk](mailto:minister.disabledpeople@dwp.gov.uk)

17 May 2021

Dear Caroline,

I am writing following the Westminster Hall debate on 15 April, when you asked how long we would retain the emergency powers to amend the law on Education, Health and Care (EHC) plans by notice. You also asked about the progress of the SEND Review.

In my letter to you of 24 March, I set out why it is still important to have this power to make temporary changes to the law on EHC plans.

I hope that I can offer you assurance, however, that the powers would only be used if the situation deteriorated significantly. We are a long way from the criteria being met to issue such a notice. The use of the powers was appropriate and proportionate when the outbreak was having the sort of impact we saw in May to July last year, but once things had begun to improve the Secretary of State issued no further notices. The safeguards built into the Coronavirus Act 2020, as you know, include that such notices can only be made where this is an 'appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus', so this is not a power that can be used lightly. The Secretary of State has also made it clear that he has no intention to use the powers again unless the evidence changes. We would certainly not want to use the powers again unless there was a clear and compelling reason to do so. The Secretary of State will continue to keep the SEND provisions in the 2020 Act under review between now and next March, when the Act is due to expire, and would take steps to remove those provisions early if there were no longer a case for their retention.

You also asked in the debate about the progress of the SEND Review. The SEND Review team has drawn on the best evidence available, worked with both families and partners across education, health and care to understand the challenges the SEND system faces, and to deliver workable proposals to address them. It is clear we share an ambition to find ways to improve the outcomes of children and young people; support mainstream education to fulfil their responsibilities; and make the system more sustainable. We all want these children and young people to enjoy a fulfilled adulthood, including employment.

Our partners also tell us that the best way to achieve those goals is to make early intervention and support a reality, that the universal offer should be clearer to everyone, and that funding and accountability systems should be changed so as to ensure that this offer is delivered. However, it is clear that the challenges facing the SEND system are complex and that delivering the vision of the 2014 reforms will require change from everyone. The Government is committed to consulting families and stakeholders over how to respond to those issues. The pandemic has made that harder and also raised new challenges about how the education system responds to the impact of lost time in education. This has delayed completion of the SEND Review unavoidably, and altered the context in which it would report and be implemented. The Government's ambition is to publish proposals for public consultation by the summer.

I have asked officials to ensure that you and members of your Committee are informed at the point that consultation begins.

Finally, can I repeat my offer to meet - if you would find it helpful to discuss these matters further, I would be very happy to do so. Should you wish to arrange this, I would be grateful if your office could contact my diary manager at: [Ford-DIARY.PS@education.gov.uk](mailto:Ford-DIARY.PS@education.gov.uk) to confirm the details.

I am copying this letter to Justin Tomlinson MP, the Minister for Disabled People, Health and Work.

Yours sincerely,

A handwritten signature in black ink, reading "Vicky Ford". The signature is written in a cursive style and is positioned to the left of a vertical line.

**Vicky Ford MP**  
**Parliamentary Under-Secretary of State for Children and Families**