

SEND Reform

In recent weeks, the issue of potential SEND reform has been in focus. Whilst no exact proposals have been released, the government has said that a white paper detailing changes to the SEND system will be issued in the autumn. Alongside acknowledgement that the current system is demonstrating significant signs of strain, concerns have been raised about how any potential reform could impact children and young people with Education, Health and Care Plans (“EHCPs”).

EHCPs are legally binding documents setting out a child or young person’s special educational needs, the requisite provision and support to meet their needs and the outcomes that they would like to achieve.

As of January 2025, there were in excess of 1.7 million school pupils in England with identified Special Educational Needs (“SEN”) - 19.6% of pupils in total. Of these pupils with identified SEN, nearly 1.3 million receive SEN Support, with approximately 500,000 pupils having EHCPs. In total, there are 638,745 children and young people with EHCPs.

There has been a substantial rise in the number of EHCPs issued, with an annual increase each year. Between 2024 and 2025, the number of pupils with an EHCP increased by 11.1%, and the figure has doubled since 2016.

According to the Institute for Fiscal Studies^[1], the increase in the number of EHCPs has been driven by “complex” reasons. These include an increase in the severity of needs, expanded recognition and diagnosis of needs and stronger incentives to seek statutory provision.

Importantly, the report also highlighted the challenges faced by the current system. It noted that high needs spending has been consistently higher than funding by £200 - 800 million per year between 2018 and 2022, and there are considerable variations in identified need, funding and deficits across local authorities.

In addition, the report noted that reform would be complex and expensive, with potential changes that could include expansion of provision in mainstream schools, an increase in state-funded special school places, geographic reorganisation of funding and reducing the statutory obligations assigned to EHCPs.

Furthermore, at the start of this year, the Public Accounts Committee published a report on special educational needs. It stated that the system for supporting children with SEN “is reaching, or, arguably, has already reached, crisis point” despite significant extra funding being provided. It also concluded that, “as well as not delivering outcomes, the SEN system is unaffordable, placing a significant strain on local authorities’ finances.”

The government responded to the Public Accounts Committee report, confirming that it intends to set out plans for reforming the SEND system later in 2025.

With no details as to what changes could be enacted, concerns have arisen regarding the statutory provision for children and young people with EHCPs. Subsequently, SEND-specialist charities and disability organisations have urged the government to commit to keeping EHCPs.

Whilst no legislative proposals have been discussed, there is a private members Bill, the Special Educational Needs and Disabilities (Training in Schools) Bill, which has had its first reading in the House of Commons. Although this would appear to address the issue of training for SEND in initial teacher training and continuing professional development, it may be considered as part of a broader reform for SEND provision, particularly in mainstream settings.

Undoubtedly, with a surge in demand for EHCPs, there have been consequential increases in the number of SEND Tribunal cases registered. In the academic year 2023/24, HMCTS recorded 21,000 listed appeals in relation to SEND, an increase of 55% compared to the prior year. Whether any changes to SEND provision will also impact the current trend of appeal numbers is yet to be determined.

With one minister reported as saying that the white paper will be a “complete recalibration” of the SEND system, any potential changes or reduction to legal protection must be carefully scrutinised. The extent to which any such proposed changes will significantly impact children and young people with SEND remains to be defined, and it will be hoped that the white paper will establish a reform that will provide positive change whilst ensuring that legal rights are not adversely affected.

Natasha Otero is now accepting instructions as she undertakes her practising six and is experienced in Education and SEND Tribunal work. Please contact her clerks for details of her availability.

[\[1\]Spending-on-special-educational-needs-in-England.pdf](#)