



Key Points from the Government's SEND White Paper Proposals

1. Introduction

The UK Government has published proposals to reform the Special Educational Needs and Disabilities (SEND) system in England. These proposals are often referred to as the **SEND White Paper reforms**.

It is important to understand that **these proposals are not law**. They represent policy intentions which would require further consultation and legislation before implementation.

The current SEND legal framework therefore **remains unchanged**. This framework is primarily set out in:

- Children and Families Act 2014
- SEND Code of Practice

Local authorities, schools, and tribunals must continue to follow the existing legal duties.

Government proposals indicate that major structural changes would **not be introduced until approximately 2029-2030**, meaning many children currently in education will complete their schooling under the present system.

2. The Current Legal Position (No Immediate Changes)

At present:

EHCP rights remain unchanged

Children with special educational needs may obtain an **Education, Health and Care Plan (EHCP)** following an **Education, Health and Care Needs Assessment (EHCNA)**.

Key legal protections include:

- Local authorities must secure the special educational provision specified in **Section F** of an EHCP.
- Parents retain appeal rights to the **First-tier Tribunal (Special Educational Needs and Disability)**.

Section 19 duty remains unchanged

Local authorities must ensure children receive suitable education if they cannot attend school due to illness, exclusion or other reasons under:

- Section 19 of the Education Act 1996.

The White Paper proposals **do not suggest any change to this duty**.

Tribunal appeal rights continue

Parents currently have legal rights to challenge decisions such as:

- Refusal to carry out an EHC needs assessment
- Refusal to issue an EHCP
- Contents of an EHCP
- The school named in Section I of the EHCP

These rights remain fully in force.



3. Why The Government Says Reform is Needed

The Government has stated that the SEND system is under pressure due to:

- Increasing numbers of EHCPs
- Rising local authority deficits in SEND funding
- Inconsistent support across different local areas
- Increasing Tribunal appeals

Government policy aims to create a system where **more children's needs are met within mainstream schools**, reducing reliance on EHCPs.

4. Proposed Structural Changes to SEND Support

A central proposal is a **layered system of support within mainstream schools**.

Three levels of SEND support

The proposals suggest three tiers:

1. **Targeted Support**
2. **Targeted Plus Support**
3. **Specialist Support**

The aim is for many children with SEND to receive appropriate support within mainstream education without requiring an EHCP.

Universal SEND Offer

The Government proposes a stronger "**universal offer**" in mainstream schools.

This would involve:

- improved SEN support within schools
- smaller intervention groups
- specialist expertise available within mainstream settings

The Government has indicated an intention to invest **approximately £4 billion** in SEND and school inclusion reforms. (Policy announcement; funding duration remains uncertain.)



5. Individual Support Plans (ISPs)

One of the most significant proposed changes is the introduction of **Individual Support Plans (ISPs)**.

What are ISPs?

ISPs are proposed documents that would:

- set out the day-to-day support a child with SEND should receive in school
- be created collaboratively by parents, teachers and specialists
- follow a **national template used by all local authorities**

ISPs are intended to be **more detailed and accountable than current Individual Education Plans (IEPs)**.

Relationship with EHCPs

Government proposals suggest that:

- **ISPs would replace EHCPs for many children**
- EHCPs would be reserved only for **the most complex cases**

However, details remain unclear in several areas, including:

- how ISPs would be legally enforced
- how parents could challenge their contents
- whether the level of specificity required in EHCPs would apply

These issues have not yet been fully addressed in the policy proposals.

6. Future of EHCPs

The Government has stated an ambition to **reduce the number of EHCPs by approximately 50%**.

Proposals include:

- raising the threshold for obtaining an EHCP
- introducing specialist support before an EHCP is considered
- issuing EHCPs only after specialist provision has already been identified

Possible reforms may involve changes to **section 36 of the Children and Families Act 2014**, which governs the threshold for conducting an EHC needs assessment.

Implementation of these changes would require **new legislation**, which has not yet been introduced.



7. Changes to Mainstream Schools

The proposals place significant emphasis on strengthening mainstream school provision.

National Inclusion Standards

A proposed set of **National Inclusion Standards** would:

- define what SEND support mainstream schools must provide
- create consistent expectations across England
- be based on evidence and specialist advice

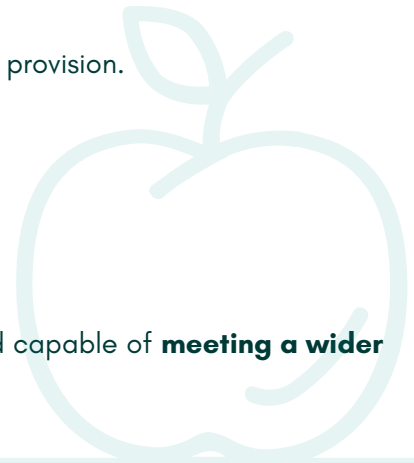
These standards are intended to make mainstream schools more inclusive and capable of **meeting a wider range of needs**.

Additional responsibilities for schools

Schools may face increased duties relating to:

- SEND inclusion
- reasonable adjustments under the Equality Act
- monitoring pupil progress
- reducing exclusions of pupils with SEND

The Government has indicated that increased funding would be accompanied by **greater accountability for schools**.



8. Special Schools and Specialist Provision

The reforms also address the role of special schools.

Proposals include:

- higher regulatory standards for special schools
- new requirements for independent special schools to receive public funding
- increased collaboration between mainstream and special schools

Special schools may also be expected to provide:

- outreach support
- short-term specialist placements
- support to mainstream schools.

Concerns have been raised within the sector about:

- possible restrictions on independent special schools
- greater difficulty in securing specialist placements through EHCPs.



9. Tribunal and Dispute Resolution Proposals

The Government has emphasised that legal disputes should be reduced where possible.

Greater focus on mediation

Before cases reach the tribunal system, there will likely be increased emphasis on:

- mediation
- school complaints processes
- early dispute resolution

Possible changes to tribunal powers

One proposed reform is particularly significant.

Currently the **First-tier Tribunal (Special Educational Needs and Disability)** can:

- order amendments to an EHCP
- name a specific school placement.

Government proposals suggest the Tribunal **may lose the power to directly name a school.**

Instead, the Tribunal could:

- overturn the local authority decision
- require the authority to reconsider the placement.

If implemented, this would significantly reduce the Tribunal's direct role in determining school placements.

10. Areas Where Policy Remains Unclear

Several important issues are not yet fully addressed in the proposals.

These include:

Education Otherwise Than at School (EOTAS)

The proposals do not clearly explain how children educated outside school through EHCP provisions would be treated if ISPs replace EHCPs.

Independent expert reports

It remains unclear:

- whether parents will still be able to rely on independent professional reports
- how expert evidence would be incorporated into ISPs.

Health and social care provision

The proposals focus heavily on educational provision. There is limited detail on:

- health services
- social care responsibilities
- multi-disciplinary working between services.



11. What Parents Should Know Now

Key practical points for parents and carers:

1. The law has not changed.

All existing SEND legal rights remain in place.

2. EHCP duties continue.

Local authorities must still secure the provision specified in an EHCP.

3. Tribunal rights remain available.

Parents can continue to challenge decisions through the tribunal system.

4. Reforms will take time.

Most proposed changes are not expected to be implemented until around 2029-2030, subject to legislation.

5. Some uncertainty remains.

Important details about ISPs, tribunal powers and placement rights have not yet been finalised.

Conclusion

The Government's SEND reform proposals represent a potentially significant restructuring of the SEND system.

The central policy direction is to:

- strengthen support within mainstream schools
- introduce Individual Support Plans
- reduce reliance on EHCPs
- increase accountability for schools.

However, these proposals are **not yet law** and many aspects remain uncertain.

For the foreseeable future, the SEND system continues to operate under the framework established by the **Children and Families Act 2014** and the **SEND Code of Practice**.

Parents should therefore continue to rely on their existing statutory rights when seeking support for their children.