

# SEND reform: putting children and young people first

Consultation response from the National Governance Association, 18 May 2026

## Introduction

**The National Governance Association (NGA) is the sector body for school and trust governance in England, representing the interests of school governors, trustees and governance professionals across all types of schools and school structures. As the membership organisation for school governance, we support and champion good governance.**

Like many in the sector, NGA's view is that the current SEND system is fundamentally broken and requires radical change. We, therefore, welcome the government's attempts in heeding calls, and their efforts in setting out the most ambitious reform seen in recent years.

Governing boards have statutory responsibilities for pupils with SEND and can lead the way in setting a school or trust culture which emphasises inclusion. However, many boards are currently forced to balance statutory duties and a vision for inclusion against a backdrop of increased demand for support, cost pressures and reduced capacity within local authorities and external services alike. This means that for many schools and trusts, the necessary improvements to provision and outcomes are beyond the capacity of boards and their staff.

To resolve this crisis, NGA advocates for reform built on four essential pillars: restructuring mainstream funding, building professional capacity, transforming parent-school relationships and breaking a cycle of dependency on education, health and care plans (EHCPs). More information can be found in our [published SEND paper](#). While the spirit of these suggestions is captured in the proposed reform, there are elements that raise concern for us. Namely the suggestion that boards sample individual ISPs, which risk drawing governance into operational matters, as well as the risks associated with appointing an independent SEND specialist to complaints panels.

Further, while we welcome the white paper's recognition of governance's accountability function, elements of the proposals assume a level of SEND-specific expertise that boards cannot reasonably be expected to hold. As such, we call for national training to reach governance as well as the workforce, that is embedded within routine board induction and ongoing CPD. Boards carry statutory responsibility for SEND, yet there is no funded offer available to governors and trustees on SEND specifically – a significant gap given the scale and complexity of the reforms proposed.

NGA continues to be a pragmatic, collaborative organisation that seeks to work with the Department to ensure the proposed reforms are deliverable and sustainable, to ensure outcomes for children and young people with SEND see meaningful improvements.

## Executive Summary

**Question 1. We want children, young people and their families to be involved in making better, evidence-based decisions about SEND, both in their local area and across the country. How can we make sure children, young people and their families have a genuine say in these decisions?**

A ‘genuine say’ requires participation at every tier of the system - from individual schools and trusts, local authorities and health partners - with each tier connected to the next. Existing governance structures are an under-recognised route for sustained family voice. Whether a school-level governing board or trust board, all carry mechanisms for parent participation. These are standing structures, not one-off consultations that already sit closest to families.

But boards need to be equipped and expected to hear from SEND families, specifically through structured engagement and routine scrutiny of how the experiences of families with children with SEND are understood and acted upon. As governance is visibly accountable to the communities it serves, it provides a ready-made mechanism to achieve this aim.

Decisions should be shaped by structured, ongoing input from parent/carer forums, young people themselves and the organisations that represent them, through the ongoing, responsive primary line of accountability that school and trust governance brings rather than episodic consultation.

Crucially, families need to see how their input has changed decisions. Feedback loops that demonstrate impact are what distinguish genuine say from the appearance of it. Where families cannot trace their voice through to outcomes, trust erodes and with it, the evidence base the system depends on.

**Question 2. How can we make sure that high-quality evidence and best practice inform decisions about SEND? Please share examples.**

High-quality evidence already exists, but the challenge is ensuring it shapes decisions consistently, particularly where resources are being allocated. EEF’s guidance on SEND in mainstream schools, resources from the Whole School SEND consortium and the Council for Disabled Children offer a strong evidence base, but NGA questions how widely they are used.

Governing boards have a distinctive role in schools – approving budgets, scrutinising resource allocation and holding leaders to account for outcomes. This makes them well placed to ask whether evidence has informed key decisions. NGA would expect boards to routinely ask: what evidence base underpins the SEND provision being funded; whether interventions being commissioned or sustained have been evaluated for impact; and whether resourcing decisions during ISP development reflect what is known to work for similar needs, rather than what is locally familiar or historically funded. Asking these questions consistently is itself a driver of better practice.

For this to be meaningful, the government should ensure evidence is accessible to those who need it, including governors/trustees, who are volunteers without time to navigate fragmented sources. A consolidated, plain-language SEND evidence resource, signposted through statutory guidance

and reflected in inspection, would help boards and leaders use evidence as a shared reference point.

## **Part one: putting children and young people first**

### **Question 3. How can we ensure that children are best supported by the Universal offer?**

The proposed universal offer rests on the board responsibility for publishing an annual inclusion strategy. While NGA supports this in principle, expectations must be clear, and governance asks must be limited. Precedent is set through the requirement for boards to be responsible for ensuring their school/s meets the DfE requirement to publish a pupil premium strategy. We suggest a similar approach. However, requiring a document alone will not make schools more inclusive and risks becoming another compliance exercise unless schools and boards are supported to implement it.

Most governors and trustees serve only on one board and have limited opportunities to benchmark what strong inclusive practice looks like. Expectations around inclusion can vary significantly between settings, and governors, who do not have education backgrounds, cannot reasonably be expected to navigate increasingly complex SEND expectations without dedicated support. Therefore, the DfE should consider requiring SEND governance training (fully funded by the Department) that is embedded within routine board induction and ongoing CPD – similar to current safeguarding approaches.

Boards should also have access to support materials covering areas where governance responsibilities intersect with SEND (eg complaints). If boards are expected to drive ambitious leadership on inclusion, then they must be equipped to do so effectively.

### **Question 4. How can we ensure that children in the Targeted layer are best supported?**

ISPs are arguably the most significant proposal in the targeted layer, which means the systems underpinning them must be viable in practice. Governing boards will act as the first line of accountability, and NGA supports this principle – but how it is exercised requires careful thought.

Expectations that boards sample individual ISPs risk drawing governance into operational matters and assume a level of SEND-specific expertise that boards cannot reasonably be expected to hold. A more effective approach is for leaders/SENCOs to demonstrate impact through wider evidence: plans produced within a specified timeframe from needs being identified; the proportion of plans where parents and carers were actively engaged in development; trends in SEND-related complaints; and in-year transfers driven by unmet need. This gives boards meaningful strategic oversight rather than a false sense of assurance from reviewing a handful of documents stripped of context.

The link with complaints must also be considered. SEND concerns already make up a significant share of complaints to schools, and this will likely be the main route for parents to challenge ISPs. We have made suggestions for improving the process, some reflected in the white paper. The DfE should also consider additional support for governors hearing SEND complaints. Where external

experts are proposed, their role must be advisory only - decision-making capacity, workload and delay implications for boards are already significant.

### **Question 5. How can we ensure that children in the Targeted Plus layer are best supported?**

While the universal and targeted layers focus largely on internal school capacity and systems, targeted plus relies on effective collaboration with external stakeholders through mechanisms such as experts at hand, Alternative Provision placements and future local SEND partnerships.

Little is currently known about how these arrangements will operate in practice. However, previous weaknesses in relationships between schools, health services and local agencies have often contributed to fragmented support and deteriorating trust with families. Children must be able to access additional specialist support quickly and consistently without poor inter-agency working or a lack of services in a particular area becoming a barrier to provision.

Therefore, external capacity will be critical. There are already well-documented shortages in key specialist areas, eg educational psychology, and so without sufficient workforce capacity, there is a risk that the ambitions of the Targeted Plus layer become difficult to deliver.

Further, clear joint accountability and ownership across local partners will also be essential. Responsibilities, decision-making powers and escalation routes must be clearly defined so that partners understand what they are accountable for delivering and how concerns should be raised where support is not working effectively.

### **Question 6. How can we ensure that children in the Specialist layer are best supported?**

A key consideration is ensuring EHCPs, Specialist Provision Packages and ISPs align clearly and consistently, so that every child experiences what they are entitled to day to day. For school-level governance, the focus will be on alignment between EHCPs and ISPs, which must remain coherent and mutually reinforcing. This only works if there is clarity across the system about where responsibility sits when provision is not working as intended.

Even where LA accountability is more pronounced, schools and governing boards will remain responsible for ensuring ISPs accurately reflect the support set out in EHCPs and that there is no contradiction between what is legally agreed and what is delivered. Where these diverge, children experience gaps or inconsistency in support, while accountability becomes blurred across settings.

A related and persistent risk is that EHCPs specify provision that available resources, at school or local authority level, cannot realistically deliver. Without honest reckoning with this gap, the new framework will reproduce the problem it seeks to solve – plans that set out entitlements on paper while children experience something different in practice. Governing boards cannot be expected to assure delivery against EHCPs where the resources to meet them have not been secured. Government must address resourcing alongside structural reform and be transparent with families about where the system can and cannot currently deliver what is legally agreed.

**Question 7. How do you think early years settings, schools, and colleges can best support the mental health and wellbeing of children and young people?**

Since the pandemic, boards have consistently voiced that needs have become more visible, with NGA's data showing schools providing support far beyond their core role, often without additional resource. Early identification and prevention are essential, and governance is the lever that determines whether this occurs consistently. Policy must explicitly recognise that governing boards set the strategic conditions for wellbeing. They decide how priorities are weighted, how resources are allocated and how leaders are held to account for inclusion. DfE should be clear that boards are expected to scrutinise data on persistent absence, disengagement and behaviour change as early indicators of unmet need, particularly for pupils with SEND or experiencing disadvantage; monitor emerging patterns for vulnerable groups; ensure pupil voice shapes decision-making, not just informs it; and assure themselves that behaviour, SEND, attendance and safeguarding policies enable early intervention.

Boards also need to assure themselves that schools have the capacity to work in partnership with families, local services and community organisations. Children's mental health is shaped by context beyond the school gate, and this relational work is currently sustained by goodwill rather than design. Without explicit governance expectations and the resources to meet them, wellbeing remains a cumulative outcome of decisions made elsewhere, rather than a strategic priority boards are equipped to drive.

**Question 8. Do you agree that the refreshed 'areas of development' will support educators to understand and address barriers to learning and participation?**

Not Answered

**Question 9. What arrangements would best support effective joint working between early years providers, Best Start Family Hubs, health, local authorities, and parents for children with SEND in the early years?**

Not Answered

**Question 10. How can the early years foundation stage (EYFS) two-year old progress check and the Healthy Child Programme development review be improved so that children's needs are identified and supported more quickly? Please share examples.**

Not Answered

**Question 11. What should the top three priority areas be for building and sharing evidence within the National Inclusion Standards?**

Not Answered

**Question 12. What are the most important issues for national training to cover, to help support children and young people with SEND?**

National training must reach governance as well as the workforce. Boards carry statutory responsibility for SEND, yet there is no funded national training offer for governors and trustees on SEND specifically – a significant gap given the scale and complexity of the reforms proposed.

NGA welcomes the white paper's recognition of governance and calls on government to fund a national SEND training entitlement for governing boards, with content appropriate to both the SEND link governor or trustee role and the wider board. For the SEND link governor or trustee, training should cover: the statutory framework, including the SEND Code of Practice, EHCPs, ISPs and Specialist Provision Packages; how to scrutinise data and evidence on identification, provision and outcomes; effective engagement with SENCOs, families and pupils; and the interface between SEND, safeguarding, attendance and exclusions.

For the wider board, training should ensure every governor and trustee understands: their collective accountability for the education of every child, including those with SEND; how to interpret strategic data on inclusion; how to assure themselves that policies and resourcing reflect SEND need; and how to hear SEND-related complaints fairly and effectively.

Without funded, consistent training, accountability for SEND will remain dependent on the prior knowledge of volunteers, which is neither equitable for children nor sustainable for the system the reforms are seeking to build.

**Question 13. What practical actions can help teachers, educators and leaders manage workload whilst implementing these changes?**

A key consideration is the redistribution of administrative tasks currently associated with the SENCO's role, ensuring they have protected time to lead on inclusion without being overwhelmed by operational workload. Schools will need to develop internal capacity so routine coordination duties can be delegated appropriately, based on staff skills and expertise, but this must be supported by government investment, given the already stretched school budgets.

The government should also consider how the changes to SEND interact with other changes which will also have workload implications, for example, the new national curriculum. Workload burdens are cumulative and must be considered in the round. What is possible in isolation might not be possible alongside other new expectations.

**Question 14. How should the Special Educational Needs Coordinator (SENCO) role evolve to better meet the needs of children and young people with SEND?**

The SENCO role should evolve towards a more strategic leadership function, with a stronger focus on whole-school SEND practice and a clear relationship with governing boards (as mentioned in Q13, this could be better supported if they were better assisted with the administrative duties currently associated with the role).

Boards, and in particular the SEND link governor, already work closely with the SENCO, and NGA would welcome seeing this relationship strengthened further. Currently, we recommend that the SENCO attends at least one full governing board meeting annually to report on SEND provision. However, given the emphasis on inclusion by design, there is a case for more regular engagement

with the full board, recognising that responsibility for SEND sits collectively with governors and trustees. The link governor would continue to play a key role in ongoing liaison, enabling more detailed conversations and scrutiny than is possible within a board meeting with various agenda items, but the SENCO's relationship with the wider board should be more visible and less siloed.

We would also welcome supporting government in developing practical guidance or resources to further strengthen the relationship between SENCOs and governing boards, ensuring clearer expectations and more consistent collaboration between the two.

## **Part two: new Targeted and Targeted Plus support that is written into law**

### **Question 15. What would provide assurance for families that an Individual Support Plan (ISP) is high quality and contains the essential information?**

We welcome the consultation's proposal for standardised ISP content through alignment with the national inclusion standards. Accompanying guidance should make clear what else families can reasonably expect to see in every ISP, eg intended outcomes, review arrangements and named accountability. The inclusion standards should also be publicly available and accessibly written.

Families also require assurance that the content of the plans is being delivered consistently and effectively. In MATs, the local tier plays a key role in ensuring the lived experience of SEND provision in each school is visible to the trust board. It reflects NGA's [Governing in 4D](#) model and is central to community-minded accountability. With this in mind, the DfE should recognise and encourage a meaningful role for the local tier in SEND oversight within MAT governance structures.

The consultation places initial responsibility on a school's formal complaints process, however, this will only work if expectations are abundantly clear. Parents need to know what is in scope at each stage and how responsibilities sit between settings and external bodies. Without this clarity, there is a risk of increased friction, reflecting pressures already seen in the rising volume and complexity of complaints received by schools. See Q38 for our view on developments to the complaints process, but crucially, this is a significant area of reform and NGA would welcome further discussion with DfE on its design.

### **Questions 16. How can we ensure Individual Support Plans are clear, concise and practical for professionals to use?**

Not Answered

### **Questions 17. How can we best support transition for young people with SEND, so that they are well supported into post-16 provision and further education, training or employment?**

Not Answered

### **Question 18. How can we make sure that every area can meet the full range of the needs of children and young people through Inclusion Bases?**

Not Answered

**Question 19. How can we make sure that Inclusion Bases help children and young people succeed in mainstream settings?**

With significant pressures already on school finances, and one third of boards reporting infrastructure costs as a barrier to balancing budgets in 2025, the expectation that every secondary school (and eventually primary school) will host inclusion bases raises questions about affordability and long-term sustainability. This is particularly acute given the wider condition of the school estate, with the NAO reporting 700,000 pupils currently in buildings requiring major refurbishment. The government should consider a joined up SEND estates strategy that aligns capital investment and inclusion infrastructure.

Staffing capacity is also critical. Inclusion bases will rely on high adult to pupil ratios and specialist expertise, meaning recruitment and retention challenges will directly affect delivery. Without sustained investment in workforce capacity, there is a risk that provision is inconsistent or under-resourced, limiting its impact on mainstream inclusion.

Governance will also need clarity on how the impact of bases is evidenced, particularly whether they are improving outcomes and inclusion in mainstream settings over time, without them operating as parallel provision. Fundamentally, inclusion bases must be understood as part of a single, integrated system and so expectations on monitoring and accountability should reflect how each component contributes the overall effectiveness of inclusive education in a school or trust.

**Question 20. Through the Experts at Hand offer, we want to ensure that mainstream settings can get quick specialist support for children and young people. What arrangements are needed between local area partners (education, health, social care) to deliver this Experts at Hand offer effectively?**

Currently, education providers are often held accountable for factors outside their direct control, such as wider constraints in health and social care capacity. Therefore, clear accountability and coordinated ownership across education, health and social care are essential to ensure the effective delivery of the offer. This requires agreed multi-agency arrangements that clearly set out roles and responsibilities, referral pathways and thresholds for accessing support. Schools and trusts should also have a straightforward route to specialist advice, without needing to navigate multiple systems or agencies independently, for example, a single point of access that receives all referrals and directs requests to the most appropriate specialist support.

Just as importantly, all decisions should come with a clear explanation. Schools and trusts need to understand why support has or has not been agreed. It comes as no surprise that confidence in the system is often low, with decisions sometimes viewed as opaque or adversarial in a context of constrained resources and competing pressures. If the government is serious about a shift in culture toward shared ownership, this must be underpinned by transparent and consistently applied decision-making that is clearly communicated and open to scrutiny.

## **Part three: specialist support for those with complex needs**

**Question 21. What needs to be in place so that children and young people with low incidence, highly complex needs can always access the right specialist placement?**

Not Answered

**Question 22. How can Specialist Provision Packages be designed to effectively support the main types of need we currently recognise?**

Not Answered

**Question 23. We propose that EHCPs will guarantee educational provision set out in a Specialist Provision Package, with day-to-day provision captured in Individual Support Plans. What is needed to make these proposals work effectively?**

Not Answered

**Question 24. We propose creating a more direct route to Specialist Provision Packages and EHCP assessments for children under 5 with complex needs. How can we make sure this works in practice?**

Not Answered

**Question 25. What would you expect to be considered as part of the needs assessment, for example evidence and expert or professional input?**

Not Answered

**Question 26. What factors should LAs take into account in proposing to parents and young people a list of potential settings to name on a plan?**

Not Answered

**Question 27. What information and support do parents need to make a decision about which setting will be best for their child?**

Not Answered

**Question 28. What do you think is the right maximum length of time for a temporary placement in Alternative Provision (AP) schools? Please explain your rationale.**

Not Answered

**Question 29. We have set out our plans to regulate Independent Special Schools (ISS) sector. Do you agree that these proposed changes will lead to suitable placements being available at a fair cost? Please explain why.**

Not Answered

## Part four: reforming the system to reward inclusion

### **Question 30 How should settings be held accountable for how they spend their Inclusive Mainstream funding?**

NGA supports governing boards acting as the day-to-day accountability mechanism for how the inclusive mainstream fund is used, consistent with their wider role in setting and overseeing school budgets and financial stewardship. This provides the most direct and contextually sensitive oversight of whether funding is being used effectively to support inclusion in practice.

However, we will need to ensure clarity on the respective roles of governance and external scrutiny. Governing boards are best placed to understand how funding decisions interact with wider school priorities, staffing and local need, and therefore to assess whether resources are driving meaningful improvements in inclusion. However, caution is needed around the role of Ofsted in assessing the use of the fund. Unlike the Pupil Premium, where inspectors consider implementation of a defined strategy, direct assessment of a specific funding stream risks being more limited, particularly if viewed in isolation from wider financial and operational pressures. There is a risk of judgements being made without the full picture of how schools are balancing competing demands across their overall budget.

As such, it will be important for the government to define the scope of external scrutiny clearly, ensuring it complements governance functions, and does not inadvertently narrow inspection judgements away from the broader financial and contextual realities schools are operating within.

### **Question 31. Do you agree that more SEND funding should sit directly within mainstream budgets? Please explain why.**

Our recent SEND policy paper sets out several reasons why greater funding should sit within mainstream budgets, provided it is accompanied by clear safeguards on overall investment and accountability. A key reason is that the current system creates perverse incentives – with mainstream core budgets stretched, schools often feel driven to pursue EHCPs as the only viable route to secure sufficient resources. This creates a reactive system, compromising efforts to provide immediate support. Therefore, shifting funding into mainstream budgets would help reduce this pressure and enable more proactive support. Moving away from reliance on local authority top-ups could also reduce the administrative delays we have been seeing over the years, and allow for a more responsive, school-led decision-making focused on need.

In addition, it better reflects how needs present themselves in practice. Many barriers to learning are shared across cohorts, such as speech and language delays or social and emotional needs – this is true even across different diagnoses. Funding within mainstream budgets allows schools to design coordinated and cohort-based interventions that are often more efficient and inclusive than individualised statutory approaches alone.

However, this shift will only be effective if it is properly funded. The notional SEN budget must be protected and updated to reflect real costs, and overall school funding must also increase.

**Question 32. In relation to pooled funding, we propose that every school becomes part of a local SEND group. Do you agree that this proposal aligns with our aim for all schools to be part of high-quality, community-based trusts?**

Beyond the alignment on local collaboration, it is unclear how the two proposals will operate alongside each other. Ultimately, MATs are legal structures that hold accountability for financial and resource management across their schools, while local SEND partnerships introduce a shared decision-making layer that may sit outside those established lines of accountability.

In a recent NGA survey, trustees have highlighted a risk that this creates “split loyalties”, where strategic priorities set at trust level could be diluted if they do not align with those of the local SEND partnership. In practice, this raises questions about how executive leaders are held to account if decision-making is shared across overlapping structures.

There are also practical concerns, particularly for MATs operating across multiple local authorities. Different approaches to pooling and allocating funding could create fragmentation, making it difficult for central teams to maintain a coherent or equitable SEND offer across all its academies. Some respondents also question whether additional partnership structures risk adding bureaucracy without improving outcomes for pupils. For these reasons, while the principle of collaboration is supported, a clearer definition is needed on how accountability, funding decisions and strategic alignment will be maintained between MAT-level governance and local SEND partnerships, to avoid confusion or weakened oversight.

**Question 33. How should disagreements about membership, provision, or funding in groups of schools for SEND be resolved?**

Currently, it is not possible to set out a meaningful approach to resolving disagreements without first establishing a clear national set of terms of reference for the proposed local SEND groups. At present, there is insufficient clarity on who holds decision-making power, what decisions sit at group level, and what remains with individual schools/trusts or local authorities.

In the first instance, the government will need to define the scope of decisions these groups can take alongside clear escalation and appeal routes. Existing local authority cluster funding models may offer useful learning, particularly in relation to shared resourcing, but even these operate within more established boundaries than those currently being proposed.

For governing boards, the priority is clarity in understanding where their decision-making power begins and ends, and how this interacts with wider system structures so that accountability remains coherent.

## **Part four: reforming the system to reward inclusion**

**Question 34. How can we ensure the most effective use of these local partnership groups?**

The consultation proposes that the schools within local partnership groups pool a minimum level of funding. When asked about some of the challenges boards foresee with this proposal in a

recent survey, the top three included implications on the wider school budget, unequal access to shared resources and making sure funding is impactful.

Open text responses in the survey reflected scepticism towards pooled funding arrangements, with many respondents feeling the proposal risks redistributing pressure without resolving the underlying issue of insufficient SEND funding across the system. A common concern was that pooling limited resources does not increase capacity and may instead create competition over access to support. Some respondents also raised concerns about equity, particularly whether schools contributing funding would receive fair and transparent access to support. Smaller schools were seen as especially vulnerable to unequal benefits within pooled arrangements.

With these concerns in mind, there will need to be clear safeguards to ensure schools pooling funding are able to access support equitably and transparently. To do so, local SEND groups will need to be supported in developing clear criteria for accessing pooled funding and guidance on how the impact is robustly overseen – all while addressing the question of lines of accountability in Q33.

**Question 35. Which stakeholders are important for the success of local partnership groups, and why?**

School and trust leaders, alongside governing bodies and trust boards, will be central to the success of local partnership groups as they bring both the operational and strategic perspectives required to make shared approaches workable in practice. Leaders understand the day-to-day realities of delivering SEND provision, while boards provide oversight and strategic accountability of resources.

Local authorities will also remain important stakeholders given their existing statutory responsibilities within the SEND system. However, if these groups are intended to strengthen school-led inclusion, there is a strong argument that they should remain primarily owned and driven by schools and trusts.

The government will also need to consider how faith bodies, such as dioceses, are reflected within these arrangements, recognising the distinct legal and governance responsibilities they hold across a significant proportion of schools and trusts.

Parents and local communities will also be critical to the success of partnership groups. This is important from two perspectives. Firstly, families are the recipients of the support and provision that these structures are intended to improve. Secondly, schools and trusts already hold responsibilities around stakeholder engagement, and so, in the interests of transparency, parents should understand local arrangements and how the decisions affecting them are made.

**Question 36. How can we build stronger collaboration and a culture of improvement through local SEND strategic plans?**

Stronger collaboration and a meaningful culture of improvement will largely depend on whether stakeholders have confidence that local SEND strategic plans are transparent and coherent in

practice. For this reason, the foundations underpinning local partnership arrangements will be critical and should include:

- a clear terms of reference and/or memorandum of understanding
- defined decision-making responsibilities
- transparent funding arrangements
- agreed accountability mechanisms

Buy-in from stakeholders will also be essential. Schools and trusts are more likely to engage meaningfully where there is confidence that partnership structures are improving outcomes for their young people in a way that avoids additional bureaucracy or redistributing existing pressures.

Ultimately, collaboration is most effective when the relevant parties understand both their responsibilities and their influence within the system. This means that strong architecture and clear governance arrangements are essential preconditions for creating the intended culture of improvement.

**Question 37. What information, advice and guidance can best support children, young people and their families to ensure greater fairness across the system?**

In our recent paper, we identified the serious inequity families experience when the SEND system privileges families with the resources to navigate complex legal processes. Therefore, a key priority is establishing clear national standards so families understand what support they should reasonably expect, regardless of where they live.

Communication also needs to be simplified significantly. Too often, families are expected to navigate technical language and fragmented processes across agencies. Guidance should clearly explain rights, responsibilities and routes of support in plain language so that access to help does not depend on a family's ability to advocate or secure legal advice. Similarly, greater transparency around how SEND funding and support decisions are made could help build confidence that resources are being directed towards improving outcomes for young people with SEND.

Finally, there must be a stronger focus on rebuilding relationships between families and schools. Guidance and training should support professionals to handle concerns collaboratively and reduce unnecessary escalation. This is particularly important given the close connection between SEND challenges and rising complaints across the sector, which we addressed in a recent report.

**Question 38. Do you agree that a SEND specialist (e.g. a SENCO) should sit on the school complaint panel, when the complaint relates to SEND support and provision? Please explain why.**

We have significant reservations about the proposed mandatory SEND specialist. While the intention of strengthening expertise within the process is understandable, there are substantial practical and governance concerns that would need resolving first. SEND-related complaints already form a significant proportion of school complaints. Immediately, there are questions

around workforce capacity, given these SEND experts will already hold demanding school-based roles. There are also equity issues to address. Smaller, rural or less connected schools and trusts may face particular difficulty sourcing suitably independent specialists, in turn risking delays to complaint resolution, which could further strain parent-school relationships.

There are also important questions around the remit of the specialist. It is currently unclear what their remit is within the process. Complaints panels are fundamentally a governance function, intended to assess whether the school or trust followed its policies and procedures appropriately. If the remit of the specialist is unclear, there is a risk that complaints handling in-house begins to resemble overly legalistic/tribunal-style decision-making or leads to an overreliance on this individual, with boards deferring decision-making to the SEND expert without making their own informed judgement as a collective.

For this reason, we also suggest the DfE develop guidance and/or training on handling SEND-related complaints for governors and trustees.

## **Part four: reforming the system to reward inclusion**

**Question 39. This consultation outlines a series of measures intended to reform the SEND system. Some of these measures have already been finalised, and this is clearly indicated within the document. With this in mind, is there anything further you would like to contribute to help inform the remaining proposals that are still under consideration?**

Not Answered