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SOCR Parents' Briefing

This is a plan language explanation of the SEND system, the proposed changes, and what you can do.

In February 2026, the Government published its plans to improve schools and SEND provision in England.
A public consultation on these proposals runs until 18 May 2026.
Families MUST make their voice heard. You can respond to as much or as little of the consultation as you want.
You can also contact your MP, using the information in this document to help form your response.

What do we have now?

Current rights-based SEND legal framework

The current rights-based legal framework for children and young people with SEND dates back to the Education Act 1981, which ensured disabled children had a legal right to an education. In 2014, the Children and Families Act brought in Education, Health and Care Plans (EHCPs) that were designed to bring together education, health and care needs in one document.

'Rights-based' means Children and young people have the right to:

- an assessment of their individual needs
- the provision required to meet these needs
- to attend a suitable education placement where the necessary special educational provision can be made.

Why does this matter?

A 'rights-based' legal framework ensures that:

- children and young people have their needs individually assessed and decisions must be based on what a child needs, not on the resources immediately available.
- there is a clear way for families to get redress when rights are not upheld.

Why does the Government want to change SEND provision?

Councils and Government have lots of stories about why the current system hasn't worked as it should have. The truth is this: The 2014 reforms came in just as years of austerity and cuts began to bite.

Councils, schools and the NHS struggled for funding. This meant:

- In schools, that jobs like teaching assistants were cut. Funding for SEND was often used to pay for other things. This meant children did not get the support they needed.
- In councils, specialists like educational psychologists, speech and language and occupational therapists were cut, so they couldn't go into schools to support children.
- School nurses were also cut, and in the NHS, CAMHS services became overloaded. Social care support became even more difficult to get.

Unmet needs meant they just got worse

- This all led to more **parents** having to apply for EHC needs assessments to get their children support to stay in mainstream school or to find specialist provision.

- **Councils** are legally obligated to fund a child's EHCP provision or specialist school. Austerity and its knock-on effects meant councils did not get enough money from the government to pay for the provision needed, so they got into debt. To avoid paying, councils often simply refused EHC needs assessments unlawfully, or did not provide what was set out in a plan.

- Children who didn't get their needs met developed mental health problems, but cuts to NHS CAMHS and community services meant they couldn't get the help they needed. Many children ended up excluded or out of school with anxiety and other difficulties.

The law was there to help

- Because of the rights-based framework, parents could appeal to the SEND Tribunal.

In actuality, most parents do not appeal, because they either accept what they are told by the council or school, or because even if they know it's the wrong decision, they don't have the ability, time, or energy to appeal. This suited the council.
Those who *are* able, do appeal to the SEND Tribunal—and almost every time, they are proved right. This did not make the council happy.

Councils waste millions of pounds defending, and losing Tribunal cases. Then they have to pay for the provision anyway.
Parents may spend lots of money going to Tribunal—perhaps on reports, perhaps on legal help. It also costs in stress and lost work
It costs children the most, because they do not get the right support, or any education at all, until a case has finished.

And then came the Pandemic, which made everything many times worse.

But the fault is not the law

But remember, it wasn't the rights-based system that was at fault; it was austerity cuts, a resulting lack of funding and councils breaking the law to avoid spending money that caused the crisis.

There have been a number of national and parliamentary inquiries that have backed this finding up. But for councils, it has been easier to blame parents for taking up their rights, and to blame the Tribunal for simply applying the law.

Successive Governments have tried, and failed, to resolve the crisis because as time has gone on, more children need more help. But Government policies over the years have meant there are not enough services and not enough specialist schools as are needed. Schools have been forced to put results over inclusion, leaving many children with SEND with nowhere to go.

What is now being proposed?

Because the system hasn't worked as intended, the government wants to make changes.

- It wants to mainstream schools more inclusive, so more children with SEND can attend and thrive there.
- It wants to stop schools refusing to admit a child because of their SEND needs.

These are good things.

- It also wants every school to have what it's calling an "inclusion base"—what you may know as a unit or resource base. These can be good things.

The Government's proposals also include:

- New legal duties on inclusion for mainstream schools
- New 'layers' of support for children with SEND, including an Individual Support Plan (ISP) for every child with SEND.

So what's the problem?

The problem is that the Government also wants to limit the rights that support families to have their children's needs met.

The Government's proposals include:

- A legal right to have an ISP for a child with SEND— but no right to any particular provision in that plan, and no legal route of redress if things go wrong
- Instead of individualised provision in an EHCP, it wants children to be in one of seven "Specialist Provision Packages" (SPPs) determined nationally
- Only children who qualify for one of these packages would have an EHCP—this means the legal threshold effectively moves upwards.

- Parental preference of school/college would be restricted
- The SEND Tribunal wouldn't be able to order a specific school or college for a child with an EHCP. Instead, it would have to tell the council to make the decision again. This could result in repeated appeals over placements.
- Inclusion bases often do not have the right expert staff, the right funding, or opportunities to be part of the school as a whole. This creates barriers to being included and to the right provision. There can also be a mismatch between a child's actual needs and the specialist provision available in the base.

What does the Save Our Children's Rights campaign think?

We think:

1. **Individual needs must remain the foundation of support:**
   The current legal framework is built on support tailored to a child's assessed needs. Proposals to introduce nationally defined "Specialist Provision Packages" shift the system away from individual needs and towards standardised, resource-led models.

2. **A plan without enforceable provision is not protection:**
   A duty to produce an Individual Support Plan (ISP) is not enough without a clear, enforceable duty owed to the child or young person to deliver the provision within it. A document alone does not secure support.

3. **Fewer children will qualify for EHC plans:**
   Proposed changes limit EHC plans to children and young people with "the most complex needs" and a narrower scope of assessment. This would mean many children who currently qualify may no longer be eligible, and instead receive an unenforceable ISP and not be eligible to attend a specialist setting (depending on which SPP they receive).

4. **Fewer opportunities to appeal decisions for school-aged children:**
   Proposals move away from existing EHC plans, which must be reviewed by local authorities annually and carry a right to appeal, towards reviews only at the end of a key stage for school-age children.

5. **Placement rights will be weakened:**
   Proposals remove the Tribunal's power to name a specific school. The ability to challenge placement decisions through an independent Tribunal is a cornerstone of accountability and any weakening of that safeguard risks shifting power away from families and risks more children and young people being left without a school or college place that meets their individual needs.

6. **Reform must work for all children and young people:**
   The proposals raise serious unanswered questions for children educated otherwise than at school (EOTAS), young people post-16 in training, those in alternative provision and children in youth custody.

What does the Save Our Children's Rights campaign want?

We want:

- Reform must strengthen support without diluting individual, enforceable legal rights
- ISPs need to be legally binding and enforceable by a parent or young person
- Meaningful independent routes to challenge decisions, including robust SEND Tribunal powers, must be retained

In summary:

1. **Keep legal rights the same:**
   SEND legal rights must remain as a backstop, regardless of improvements in mainstream inclusion.
   The system for supporting children and young people with SEND is not working as it should. However, it is possible to improve the system without weakening legal rights.
2. **Don't make it harder to get the right support**
   Making it harder for children to secure an enforceable EHC plan, an appropriate school placement, or the statutory right to legally challenge decisions, risks leaving children and young people without the support they need. Legally enforceable protections cannot be replaced by reassurances that schools will provide what children need.

What should I tell my MP?

- Tell your MP why your child's legal rights have helped them get the right support — and what would have happened otherwise
- Ask them: How can families trust the proposals if rights to enforceable provision and appealable decisions are weakened or removed?
- Ask them: How would provision in *Individual Support Plans* would be enforced in law?
  Remember: *Families need rights, not reassurances.*
- Ask them: How will children's individual needs be met if they are too high for mainstream, but do not fit into one of the proposed Specialist Provision Packages? *If possible, give examples of how your child's needs do not fit into the Specialist Provision Packages.*
- Ask them: What the threshold would be for an EHC needs assessments and receiving an EHCP? *This is currently set out in section 36(8) of the Children and Families Act 2014*.
- Ask them: How will "the most complex needs" be defined?
- Ask them: How will the system ensure children are not left without a suitable school or college if the Tribunal is not allowed to name a placement?
- Ask them: How will provision be made for children with SEND who are not in school or college? EOTAS isn't mentioned AT ALL— and neither are children out of school..

Take action

- You can help raise awareness of these concerns by contacting your MP. Our campaign partners, IPSEA, have produced a template letter which is available here: Write to your MP: protect the legal rights of children and young people with SEND
- Special Needs Jungle has help for you to answer the consultation here
- Respond to the Government consultation, which closes on 18 May - SEND reform: putting children and young people first
- Join the national demonstration: Saturday 9 May 2026 in London, Liverpool, Birmingham, Leeds and Bristol. Please follow our social media pages for further details once announced.

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