MIMS DAVIES MP

HOUSE OF COMMONS

LONDON SW1A 0AA

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To whom it may concern

On behalf of my constituents in East Grinstead, Uckfield and the Villages, I am therefore submitting this response to the Government's consultation on proposals to reform the special educational needs and disabilities (SEND) system in my capacity as their MP.

It's clear we all want the very best experiences and outcomes for our children, young people and families across the country. Therefore, I do welcome the aspirations for the earlier identification of SEND needs, earlier interventions and wider support across schools, including investment for more speech and language therapists.

The last large reform we had in the UK was the co-produced legislation in the 2014 Children's and Families Act which introduced three major and longer term, significant changes to SEND provision; it extended the age range for support to 25 years, included a new focus on children's mental health and introduced Education, Health and Care Plans (ECHPs). These changes rightly brought much needed support to a great many more children and young people in a rapidly changing world which has seen the reach of social media explode, a global pandemic and a war in Europe amidst increased fears and foment around climate change, culture wars, the poison of identity politics and sectarianism.

Much of the current increase in demand since 2014 has been driven by a rise in autism spectrum disorder (ASD) diagnoses it is believed. There have also been big rises in ADHD needs, social, emotional and mental health needs, and since the pandemic, urgent demand for speech, language and communication support.

These were, undoubtedly, a timely set of reforms and met a very real need, but we have seen a serious, year on year increase in demand for SEND services in the last decade, leading to the situation we are now in – unprecedented numbers of pupils with ECHPs, 1 in 5 pupils receiving SEND support and a very significant rise in SEND spending by local authorities, including on special schools and transport costs. Eight in ten councils were facing effective bankruptcy by 2028 over mounting SEND costs which have also, noticeably, impacted their ability to deliver other much-needed local services. The ECHP system itself has become overloaded, adversarial and, increasingly, undeliverable. Most worryingly, parents of those with higher needs and more vulnerabilities are feeling less supported within the process to get help for their children's health and wellbeing needs.

Families of children in my constituency know the system is under real strain and they are living with it. Twelve years on from the 2014 reforms, the world is, again, a very different place and it is

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right we look once more at the whole system – so that we have the ability to ensure we are meeting the needs of children and young people as they are today, and it is fit for the future and for growing needs.

I have read the Government's White Paper and it sounds marvellous – *'schools equipped and funded to support children with SEND to achieve and thrive in inclusive mainstream settings' 'an inclusive education system' , 'needs met by highly trained teachers, leaders and support staff', 'Specialist Provision Packages to set out nationally defined, evidence-based support'*, billions to *'make buildings accessible, create new special school places and tens of thousands of new places in inclusion bases in mainstream settings', 'multi-agency support in mainstream'* from the *'Experts at Hand service of speech and language therapists, educational psychologists and wider professionals'* among many other proposals and promises.

However, many of my impacted constituents have wide ranging and deep concerns about what these proposals will look like on contact with the real world and what they will mean for individual children and their specific needs. Key terms like' complex needs' were, disappointingly, not defined and there was very little clarity about who qualifies for which tier or package of support, what support will be provided, what outcomes are expected, whether funding will follow the child or, indeed, and this is worrying a great many parents, will their children's hard-fought for support be removed or reduced? This needs dealing with quickly.

One local parent told me, *'The system for supporting children and young people with SEND isn't working as it should. I know this from my own experience of fighting for adequate support for my children within their mainstream schools. They both have SEN support plans, but these are frequently not followed due to lack of staff and resources. We plan to apply for an EHCP to ensure the support they need is itemised and enforceable, enabling them to access the full time, appropriate education that is their right, and that their peers take for granted.'*

This is a huge concern for my constituents – will changing the right to legally enforceable provision and protections, including a reduction in tribunal powers be consistent with Government rhetoric of these reforms being 'a radical expansion of rights'? Or will it, in reality, be an erosion of individual children's rights leaving parents *'really worried that these new proposals will leave parents having to battle directly with schools to get help for their child'.*

Another concerned constituent wrote that *'young people with SEND don not fit neatly into categories... provision must be capable of adapting to the young person as opposed to requiring the young person to fit within it. Reading the proposed packages, there is no clear fit for one of my children.'*

A parent, worried for her son, wrote, *'Under a new system that shifts most children onto Individual Support Plans (ISPs), his education would be placed at serious risk. An ISP, as currently proposed, does not carry the same legal enforceability. For children whose needs sit in that "middle ground,"*

the distinction between statutory protection and school-led provision is not administrative — it is the difference between guaranteed support and uncertainty.'
Concern was roundly expressed by all those who wrote to me that schools will be expected to absorb greater responsibility without ring-fenced, guaranteed funding or sufficient specialist workforce expansion and about whether the promised increases in EP, SALT and OT capacity are realistically achievable in the short to medium term. And what about those 6,500 extra teachers?

In our area at least, parents are unhappy about schools having to lose valued support staff, notably teaching assistants, and *'fail to see how already overstretched teachers can simply offer more than they already are'.* Without more properly trained staff and access to the required number of specialists, simply placing more children with ADHD, ASD and other special educational needs into mainstream settings just risks letting them down rather than helping them succeed. Choosing your reforms to rely so heavily on our mainstream schools delivering significantly enhanced SEND provision, it beggars belief that the workforce plan contains no mention of specialist teachers. This is clearly not fair to our hardworking, dedicated mainstream teaching staff.

Regarding the proposal to 'include' children with SEND in mainstream setting, a constituent wrote compellingly of how her daughter has been out of school since September, missing almost all of Year 3, in complete autistic burnout. While the school has been supportive, it raises the question of whether mainstream settings which can require prolonged masking, can have unrealistic expectations and can reduce tolerance to stimulus are the best place for *'SEND 'betweeners' – children whose needs are too great for mainstream but not considered great enough for specialist settings'.*

I appreciate the proposal for the provision of inclusion hubs or specialist bases in mainstream schools but as another local parent pointed out, *'Schools, particularly secondary schools are huge, loud, busy and overwhelming environments; for some pupils this causes dysregulation, distress and sometimes trauma ... It's not inclusion if the whole school environment is inaccessible... and they are stuck in the inclusion room, it leads these spaces to become 'exclusion' bases!'*

As you know, the Government announced in November last year it would bring the cost of SEND provision into central government spending from 2028-29. The Office for Budget Responsibility (OBR) said at the time that the Government had not set out any specific plans on how this additional cost, which it estimates at £6 billion, would be covered. Since the Chancellor's Spring Statement, the OBR has been clear there is still no detail to the Government's SEND reforms and huge uncertainty persists. All we know is a £2bn black hole for 2028-29 still remains and cuts are coming to mainstream schools.

I must also share my real dismay that the Government has halted shovel-ready, worked-up special schools, and replaced them with a smaller pot of money and no plan. In total, 18 special and AP (alternative provision) free school projects have been cancelled, and a further 59 have been left

in significant uncertainty. Together, these schools would have delivered around 10,000 much needed specialist places.

In addition, the Government's misguided decision to impose VAT on independent school fees risks placing further, significant pressure on the state sector, particularly for children with SEND. While ministers claim that pupils with council-funded EHCPs are exempt, the reality is that fewer than 8,000 of the 100,000 SEND pupils in independent schools have an EHCP. That leaves around 92,000 children exposed to this punitive tax raid. If families are forced to withdraw from specialist provision, already overstretched state schools could be overwhelmed, without the necessary resources in place. This raises serious questions about whether the Government's SEND funding is sufficient to meet growing demand and ensure children get the education they need. Proper answers are needed in this, not just more ideological nonsense and divisive rhetoric affecting parents' choice and their children's education and outcomes.

A final thought for the 4 in 5 children who are not receiving SEND provision in our mainstream schools. With the focus and funding clearly set out for 'Inclusive Education' and rewards for schools who support 'the progress of students who face the highest barriers to learning', what will be the impact on the classroom experiences, the attention from teachers, the educational standards and outcomes for the majority of pupils in this new system?

These are just some of the many concerns shared with me by my constituents who have been through or are going through the fire of getting SEND provision for their children. I greatly believe there is a general acceptance the current system is no longer functioning and I am aware it is not financially sustainable. The question remains, is this White Paper on SEND Reform the solution or is it, like so many of this Labour Government's policies thus far, long on rhetoric and short on reality?

Please be assured, I will engage constructively with the Government on SEND reform where I believe the intentions are right; however, I will always press strongly for clarity on EHCP protections, for credible plans to deal with the funding gap, for reforms that are properly costed and funded, for reforms that genuinely deliver early support and stronger provision for children, and for families to feel their needs and challenges have been properly understood. This is no less than my constituents and all their families deserve. I thank all the families who have given me their insights and their trust in this matter. We cannot let them down.

Yours faithfully

Neil Daniel MP