

Proposed Changes to the SEND System in England

What the Government's White Paper "Every Child Achieving and Thriving" means for you



On 23 February 2026 the Government published proposals to change the Special Educational Needs (SEN) system. **Nothing is final yet** — new laws must be passed first, and a public consultation is open until **18 May 2026**. Your views matter.

This leaflet is produced by Liverpool Law Clinic in conjunction with National SEND Crisis Liverpool. We are seeking to collect the views of people across Merseyside. At the end of this document there is a link and QR code to a short survey. Please tick the box if you are happy for your answers to inform our response to the consultation and letters to MPs.

WHAT IS THE AIM?

The Government says it wants to help more children get support earlier, reduce the 'postcode lottery' in provision and invest in mainstream schools so that families need to fight less for support.

PROPOSED IMPROVEMENTS

INVESTMENT	NEW SUPPORT STRUCTURES
£ 1.6bn over three years to make mainstream schools more inclusive	More specialist support bases in mainstream schools. The aim is for every secondary school to have an inclusion base, with an equivalent number of places in local primary schools
£ 1.8bn to create an Expert at Hand service of speech therapists, educational psychologists and wider professionals to support mainstream schools by working with school staff and groups of children	Support available earlier, without waiting for an EHCP. Schools will be required to develop Individual Support Plans for children that need extra support
£ 3.7bn from now until 2030 for accessible buildings and new special school places	Support for children with more complex needs will be based on Specialist Provision Packages. These packages will be developed and reviewed by an independent expert panel
£ 200m to train staff in SEND. <i>To put the figure in context: investments works out at approximately £142 per teacher per year¹</i>	Children with the most complex needs will still get an EHCP. The Individual Support Plan will describe the day to day provision delivered in schools

KEY CONCERNS — CHANGES TO PARENTAL RIGHTS

Alongside the investment, the proposals, in the current form proposed, could significantly reduce parents' legal rights to challenge decisions. Here is what is changing:

CHANGES THAT MAY AFFECT YOUR RIGHTS

! Tribunal can no longer name a school. Currently, if you disagree with your child's school placement you can appeal to the SEND Tribunal and it can order the local authority (LA) to name a specific school. Under the new proposals, the Tribunal would only be able to say whether the LA's decision was "reasonable" and require the LA to think about it again. This means you could win at Tribunal but still end up with the same placement. The only further challenge would be through Judicial Review — a complex and often costly legal process.

¹ based on the latest data of the amount of teachers working in England as set out in [Release home - School workforce in England - Explore education statistics - GOV.UK](#)

! Complaints go to school, not the LA. The expectation is that in time more children will be able to have their needs met through an Independent Support Plan (ISP) in mainstream. Unlike an EHCP, if you disagree with what is in an ISP you would have to complain to the school — not go to the Tribunal. This places a much greater burden on parents and could put pressure on the day-to-day relationship with your child’s school.

! No confirmed legal duty to deliver ISP support. EHCPs carry a legal obligation for the LA to provide the support listed. The Government has not yet confirmed that schools will have an equivalent legal duty to deliver what is in an ISP. This could make it harder for parents to take legal action if support is not provided. Parents may have to bring legal claims against the school (such as Judicial Review or Disability Discrimination claims) – both of which are legally complex and could impact the day to day relationship with the school.

! Tribunal powers over EHCPs narrowed. Currently, the Tribunal can make decisions about how much support a child needs (for example, how many hours of teaching assistant support a child needs each week). However, the new proposed system appears to restrict the Tribunal to deciding which Specialist Provision Package a child should be allocated – rather than the current system which enables the Tribunal to consider the specific support your child needs in detail.

Note: If your child is in a special school, their placement is not automatically affected by these changes. School placements would only be reviewed when a child moves between phases of education (e.g. primary to secondary school).

IN PLAIN TERMS — WHAT IS CHANGING?

NOW	PROPOSED
EHCP: LA is legally required to deliver the support set out in the plan	Many children will receive support through ISPs instead: no confirmed legal duty on schools to deliver support in an ISP
Tribunal can direct the LA to name a specific school	Tribunal can only review if the school named in an EHCP was ‘reasonable’ and order the LA to reconsider. This means a parent could win at Tribunal but result in the LA making the same decision again
Tribunal can decide exactly what support a child needs	Tribunal appears to be limited to checking the package type, instead of looking at what specific support the particular child needs
LAs decide what goes in an EHCP and parents can appeal to a specialist Tribunal	Disputes with the support set out in ISPs will be handled through school complaints process

WHAT YOU CAN DO

- ▶ Fill in our short survey here <https://forms.office.com/e/2QjNhWRKaX> or here >>>>>>>>>
- ▶ Respond directly to the Government consultation <https://consult.education.gov.uk/send-strategy-division/send-reform-putting-children-and-young-people-firs/> (closes 18 May 2026)
- ▶ Join our online information event - 6pm Thursday 30 April 2026 – sign up <https://SENmerseyside.eventbrite.co.uk>.
- ▶ Attend the demonstration organised by National SEND Crisis Liverpool at Williamson Square, Liverpool, L1 1PW on Saturday 9 May 11:30am to 1:30pm
- ▶ Share this leaflet with other families who may be affected



Produced by Liverpool Law Clinic with National SEND Crisis Liverpool

This leaflet is produced by Liverpool Law Clinic, University of Liverpool, School of Law and Social Justice, Chatham Street, L69 7ZR - Clinic@Liverpool.ac.uk. The leaflet provides a summary of proposals outlined in the Department for Education’s SEND and Alternative Provision White Paper, “Every Child Achieving and Thriving.” It reflects our current understanding based on the published document and public statements made by Department for Education and Government representatives. The content is intended for general information only. As these proposals are subject to consultation, further development, and potential legislative change, details may be amended over time. This summary should not be relied upon as definitive guidance, policy or legal advice.