



Scrutiny committees gather evidence on issues affecting local people and can make recommendations based on their findings.

Children and Young People Scrutiny Committee – 13 March 2025

National SEND Reforms and MK Preparations

Report author **Marie Denny**
Assistant Director, Education, Learning and Inclusion

Reason for report	Requested for work programme by planning group	<input checked="" type="checkbox"/>
	To inform executive policy development	<input type="checkbox"/>
	Pre-decision scrutiny	<input type="checkbox"/>
	Item referred by other body	<input type="checkbox"/>
	Other (see summary)	<input type="checkbox"/>

Summary

To update on the demand for supporting children with SEND and provide information about our local response and the drive for national reform.

1. Recommendation

1.1 The Committee is invited to note the report and offer any recommendations either to the Cabinet or Officers.

2. Background and overview

2.1 In September 2014 the biggest education reforms in a generation for children and young people with special educational needs became law under the 2010-2015 Conservative and Liberal Democrat coalition government. The new “Children and Families Act” was billed as offering “simpler, improved and consistent help for children and young people with special educational needs and disabilities (SEND)”. It stated that “as well as protecting the schools’ budget, it will extend provision from birth to 25 years of age and promised that “the new system will extend rights and protection to young people by introducing new education, health and care plans”, (EHCPs), which would set out the level of statutory support individuals are eligible to receive.

2.2 However, an independent report commissioned by the County Councils Network and the Local Government Association and published by the ISOS Partnership in July 2024 found that:

2.2.1 The number of children and young people with EHCPs had risen from 240k in 2015 to 576k in 2023/24, an increase of 140% over 10 years. A further 1.2m children in schools

- were identified as requiring “SEN Support” below the level of a statutory EHCP, up from 990k in 2015.
- 2.2.2 There had been an increase of 60% in the numbers of children and young people in state-funded special schools and a rise of 132% in the number placed in independent special schools.
 - 2.2.3 185k pupils with an EHCP were in special schools in 2024, up from 109k in 2015. For local authorities, the cost to the High Needs Block of a local specialist school placement are £25k per year, with an independent placement costing £59k. This is compared to £8k for placing a child with an EHCP in a mainstream school.
 - 2.2.4 Outcomes for children with EHCPs had flatlined, or declined, across key educational milestones. At the end of primary school in 2022/23, only 8% of children and young people with EHCPs achieved the expected level in reading, writing and mathematics. At the other end of the age spectrum, only 30% of young people with EHCPs achieved Level 2 by age 19 compared with nearly 37% who achieved this level in 2014/15.
 - 2.2.5 Council SEND related expenditure is forecast to reach £12bn by 2026, when it was £4bn in 2014.
 - 2.2.6 Despite bespoke ‘Safety Valve’ financial support for some councils, transfers from mainstream school budgets and use of councils’ reserves, new analysis shows cumulative deficits currently stand £3.2bn this year and are projected to rise to £5bn by 2026.
 - 2.2.7 Whilst these deficits are currently held off councils’ budgets due to a temporary ‘statutory override’, councils face a financial cliff edge when this ends in March 2026. If the statutory override came to an end tomorrow, 1 in 4 councils surveyed for the report said that they would cease to be solvent within a year or less, with half stating they would cease to be solvent in three years or less.

3. The original reforms proposed

- 3.1 In 2022, the last government published its ‘SEND Improvement Plan’, designed to reform services and curtail costs. However, 8 in 10 research participants surveyed as part of the ISOS report stated they disagreed or strongly disagreed that the improvement plan would address the fundamental challenges in the system. Instead, the report argues there is a ‘strong consensus’ for a more radical programme of reform, one focused on meeting the needs of more SEND children in mainstream education. It argues that currently many mainstream schools, early years settings and colleges lack the capacity, resources, and in some cases, the expertise to meet the needs of many SEND children, resulting in more parents seeking EHCPs and an over reliance on special school placements.
- 3.2 The report recommends the new government invests in building capacity in mainstream schools to meet children’s needs, such as therapists, educational psychologists, and wider inclusion support, helping to reduce the reliance on specialist school places. It also recommends resetting the vision and guiding principles of the SEND system towards inclusion, prevention and earlier support which would cater for young people who do not have a statutory plan, *with such plans reserved for the most complex cases*.
- 3.3 These reports, and continued lobbying by councils across the country, have led to the cross-party Education Committee (which scrutinises the work of the Department for Education) launching an inquiry on 20 December 2024 entitled ‘Solving the SEND crisis’. The aim of the inquiry is to focus on how to achieve both short term stability and long-term sustainability for the SEND system to improve experiences and outcomes for

children and young people, (presumably in a more affordable way, although this isn't stated). The deadline for the call for evidence was 6 February 2025 and Milton Keynes' views were submitted via our Head of SEND (see below for detail).

4. Our local response

- 4.1 In Milton Keynes we have already been attempting to get ahead of the curve with this challenge and could not afford to wait for national reforms. We are one of few councils whose High Needs Block is not in deficit, however, demand is now such that, dependent on the increase in government funding that can be expected over the next few years, we are headed in that direction, and so we need a plan to avoid that.
- 4.2 Things we have achieved to date as a Local Area Partnership, through the SEND Strategy Working Groups, are:
 - 4.2.1 In order to raise expectations of mainstream schools to enable children with SEND to belong and thrive we have produced an "Ordinarily Available Provision" document which sets out what is expected as a consistent universal offer and schools are being trained in its application.
 - 4.2.2 Support and guidance for Emotionally Based School Avoidance (EBSA) has been produced and published, and training has been delivered in schools. We'll be monitoring the impacts on attendance and emotional resilience. This is important, not only because of the benefits to children, but also because the council has responsibility to deliver education for children who are "unable" to attend school, often very expensive tuition packages.
 - 4.2.3 We have commissioned out the educational psychologist input into assessment for EHCPs, to enable this to be addressed externally whilst our own psychologists work on skilling up the workforce on addressing inclusion and avoiding the need for plans.
 - 4.2.4 Last year we ran a process for schools to submit an expression of interest to open new "unit" provision, particularly in mainstream schools. This led to the development of 4 units at Bradwell Village School, Priory Common School, Germander Park School and Southwood School and a specific secondary pathway for children with autism at Romans Field School. This added 40 places into the local system, and commitment to increase to 78 in 2026/27.
 - 4.2.5 We have opened a 24 place local high complex needs provision at a Woodlands School site at Galley Hill to reduce reliance on high cost out of area placements.
 - 4.2.6 We have integrated SEND Place Planning into the team that has the track record of delivery for school place planning to ensure that we have a long term and sustainable strategy to offer high quality, local placements that are value for money and have less reliance on school travel support.
- 4.3 The first round of units has been very successful, and the model is proving to be more cost effective than special school placements with the average cost of a unit placement being £20k compared to the average cost of a special school placement at £30k. The new unit placements have also reduced the need for Independent Special School Placements and consequently 4 fewer places have been built into the 2025/26 budget when compared to the 2024/25 budget. The average cost of an independent school placement is currently £73k. This in turn has had an impact on the school travel support budget which is forecasting a £800k underspend at year end.
- 4.4 Things we also plan to do are:

- 4.4.1 Embed the Ordinarily Available Provision approach across all of our schools to support high quality inclusion, which will also support continued good management of the High Needs Block.
- 4.4.2 Continue to implement a partnership-wide programme of activity to improve the quality of EHC plans to ensure that the support required by this most complex group of children and young people is very clear and avoid placement breakdown which drives up cost.
- 4.4.3 We have invited more expressions of interest to open more mainstream unit provision. 24 schools have applied and these will now be evaluated to enable more capacity and expertise to be driven into the mainstream system.
- 4.4.4 Updating our SEND Strategy (due September 2025) to continue to drive collaborative approaches to SEND across education, health and care that prevents needs escalating.
- 4.4.5 A significant dive into the current commitments in the High Needs Block to ensure that all expenditure is appropriate, consistent, fair, impactful and ensures affordability for the future.

5. The possible national reforms

- 5.1 But these local interventions alone are not enough, as we are operating in a system where there is national and political acknowledgement that there must be significant fundamental change. The inquiry will therefore drive national reforms. Some of what is being suggested must change, and that we have reported back to the inquiry, is:
 - 5.1.1 Creation of a national Ordinarily Available Provision document that sets out the standard of what is expected in mainstream schools and provides consistency of expectation/inclusion, irrespective of postcode or type of school.
 - 5.1.2 Creation of a standardised SEND Support plans that must be used across the country (this is the plan to support children ahead of/instead of the need for an EHCP, but there is no statutory requirement for one and no standardised template).
 - 5.1.3 Creation of a standardised EHCP document that must be used across the country. At Year 9 consider changing the format so it is based on preparation for adulthood with all outcomes and provision supporting ability and aspiration of the young person.
 - 5.1.4 Removal of the 20 week timeframe for EHCPs, or if it stays, enabling teacher-led assessments involving wider professionals. Potential for educational psychologists to quality assure instead??
 - 5.1.5 Progressive movement towards specialist units attached to mainstream provisions (government announced £740m capital to be available to support this on 4 December 2024). This is in line with what we are already doing.
 - 5.1.6 Consideration of a reduction of the age for the requirement of EHCPs *below* the age of 25.
 - 5.1.7 Funding reforms that recognise growth (current model based on demand from 2017/18).
- 5.2 We will await the government's response to the call for change with interest, but in the meantime will continue with our own local plans to drive change, improve outcomes and ensure that funding is sustainable, minimising the risk to the council's General Fund.

List of annexes

Annex A – SEND call for evidence