



29 January 2025

Written evidence from f40 for the Education Select Committee inquiry:

Solving the Crisis in SEND

About f40

This evidence is provided by f40, which is a local authority membership group that campaigns for a solution to the crisis in SEND, along with fairer and increased education funding, on behalf of its 43 members from across England.

f40 members range from large 'shire' county councils to smaller unitary authorities. The majority of f40's members are among the lowest funded local authorities for education in the country.

When f40 began more than 25 years ago, its sole purpose was to campaign for the levelling up of education funding to ensure all local authorities (and schools) were given fair funding to ensure children had the same access to opportunities, regardless of where they lived. In 2025, the unfairness continues.

However, as time has moved on, f40 has increasingly become concerned about insufficient funding, and latterly about the crisis in Special Educational Needs and Disabilities (SEND), which is a huge challenge for children, parents, schools and local authorities. We now campaign on all three of these points.

Without exception, all of our member local authorities are struggling to meet the rising demand for SEND support, and all have substantial SEND deficits. Some of our members have SEND deficits well over £100m, which are projected to double during the next 24 months. Many local authorities fear these deficits will lead them to bankruptcy if they are not dealt with by the time the statutory override is removed in April 2026.

Reform or money alone will not solve the crisis. We need bold, strong, strategic reform that cuts to the heart of many of the causes of the crisis, along with additional funding to ensure schools and local authorities can meet the rising demand of SEND support and can target resources where they are most needed. The changes must come now before the crisis worsens.

Factors of the SEND crisis

1 Increasing demand and complexity of need

The number of children with SEND has gradually increased due to a growth in population, better identification and assessment of conditions, and longer life expectancy for those with very complex health needs. The number with an Education, Health and Care Plan (EHCP) has doubled, which includes a rise in social, emotional and mental health and speech and language issues, especially since COVID, along with a steep increase in the number of children with an autism or ADHD diagnosis. The increasing complexity of need also means the support required is more expensive and longer-term. The need for longer-term support comes at significantly increased cost, due to the extension of the age range for support through an EHCP to the age of 25.

2 Insufficient funding to match the rise in demand and expectation

The Code of Practice 2014 was well intentioned and designed to improve SEND support. However, while it expanded the level of support and choice available to children and young people, including those up to age 25, it has been insufficiently funded to take account of the significant increase in children and young people being identified as needing support.

3 Lack of support and funding for mainstream inclusion

The current mainstream school system is insufficiently funded or equipped to deal with the increased demand for SEND support. Staffing issues, stretched budgets, and lack of training and resources, along with an inspection process focusing primarily on academic success, means some schools are not as inclusive as they think they are or need to be. SEND support can vary from one school to another, causing parents to lack confidence in mainstream schools. Too often, SEND pupils leave to be home-schooled or are transferred into costly specialist provision when a mainstream place with additional support should meet their needs.

4 Insufficient State SEND provision

There is insufficient specialist State SEND provision to meet the current, growing need. We appreciate that mainstream school is not the answer for all children and those with the most complex needs require a specialist environment. However, the lack of State specialist provision means children are placed in expensive independent SEND schools, which often cost more than twice as much and are located out of the area. This puts huge financial pressure on local authority SEND budgets, and their school transport costs.

Below is a breakdown of the issues and how f40 believes they can be tackled to help solve the SEND crisis and improve education for all children, including those with SEND

- 1 Supporting inclusion at mainstream schools
- 2 Accountability/curriculum and their impact on inclusion
- 3 Insufficient funding
- 4 Unfair funding
- 5 Funding for children with Education, Health and Care Plans (EHCPs)
- 6 Prevention and early intervention
- 7 Specialist placements and Alternative Provision
- 8 Tribunals and school admissions
- 9 SEND deficits

1 Supporting inclusion at mainstream schools

Before we can talk about inclusion in mainstream schools, we need to define what we (the nation) mean by inclusion? Currently, the term inclusion is open to interpretation and whilst all schools will claim to be inclusive, there are clearly differences in how schools view inclusion and integrate it into their lesson plans, curriculum, pastoral support and culture.

The application of ordinarily available SEND provision in mainstream schools varies greatly - this is the extra support that should be available for children as routine in their local mainstream school.

Whilst some schools offer extensive support to pupils with SEND – often meaning they attract a greater number of SEND pupils in need of support – others are noticeably less supportive and therefore have fewer SEND pupils on their rolls. Too often, an ‘inclusion’

base is located at the edge of the school and becomes a place where students are effectively excluded.

Parents of children with SEND will naturally choose the schools they feel to be more inclusive.

There is little guidance on what ordinarily available SEND support is and what schools should be offering, along with insufficient resources for schools and training for teachers.

Recognised, agreed benchmarks for the level of ordinary SEND support that mainstream schools should be providing need to be in place to guide schools and level the playing field, and to provide parents with confidence that their child's needs will be met by any school.

Suggested solutions for mainstream inclusion

- Improved clarity around expected ordinarily available SEND provision and support.
- Improved clarity of what 'inclusion' means – and what it does not mean.
- Improved SEND resources, guidance, and teacher training in every school towards consistent positive relationships with all children.

2 Accountability/curriculum and their impact on inclusion

The Ofsted system of accountability is focused on standards, with a lot of focus on academic achievement and GCSE grades. Whilst clearly this covers pupil outcomes, the notion of standards needs to also focus on:

- inclusive support
- progress in a variety of routes to being a successful adult
- pupil-wellbeing

Schools in areas of high deprivation are less likely to achieve a positive Ofsted outcome because they have a larger cohort of children with SEND who, for many reasons, cannot access the academic curriculum as easily or cannot achieve the higher grades. This has been recognised by the government as needing consideration.

We are pleased that a review of the curriculum is to be carried out to ensure it is accessible, varied, inclusive of practical skills, and better aligned to meet the long-term needs of all children, including those with SEND.

Ofsted must also widen the scope of inspections to include a school's inclusive practice and its SEND support, so schools can be held to account.

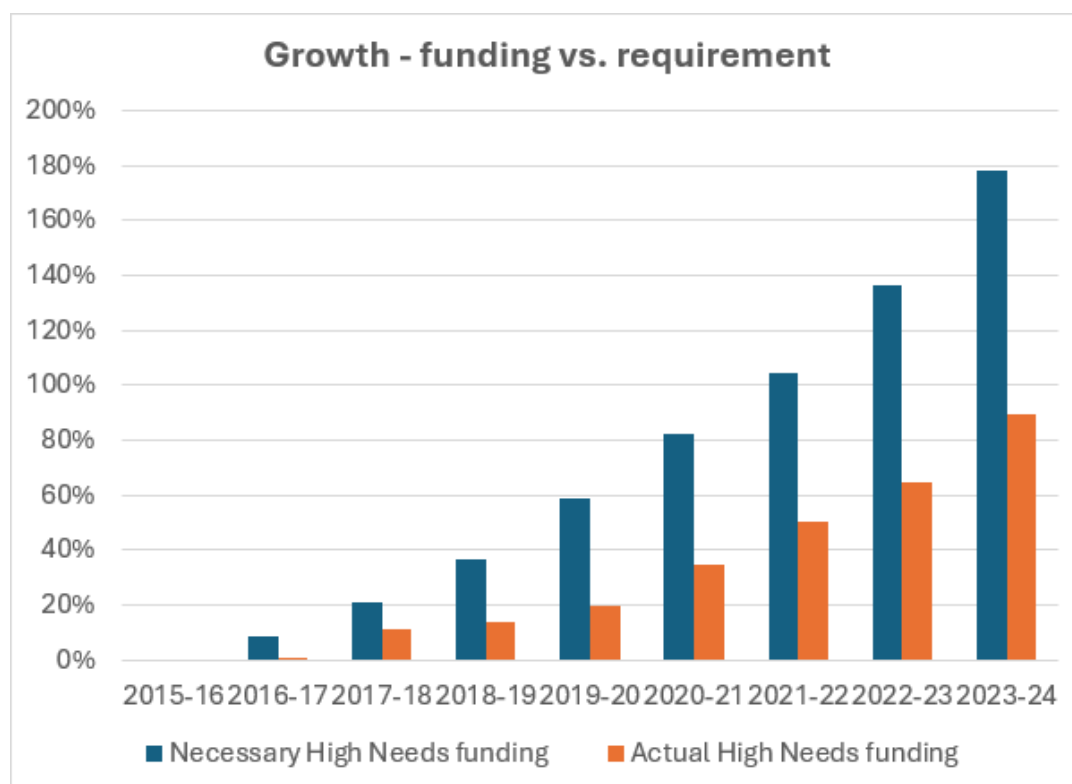
Suggested solutions for accountability/curriculum and their impact on inclusion

- Greater accountability for inclusion in mainstream schools, along with a greater focus on inclusion during school inspections.
- Review of curriculum to ensure mainstream schools provide sufficient variation and choice of academic and practical subjects to meet the needs of all pupils, including those with SEND.

3 Insufficient funding

Insufficient quantum of funding is a major issue for all schools and local authorities. Whilst High Needs Block funding has grown significantly, increased demand, complexity of need, inflation and more recently the impact of falling pupil numbers has meant funding has not kept pace, impacting on schools and the wider SEND system.

During 2023, f40 and other educational organisations calculated that £4.6bn additional funding was required simply to account for inflation and the increased demand for EHCPs since 2015. That figure was purely to meet need at that point – it did not allow for growth in demand or for deficits to be paid off. We can confidently say, therefore, that more revenue would be required to meet the current need in 2025.



Suggested solutions to insufficient SEND funding

- A SEND funding strategy linked to the SEND and AP Improvement Plan, focusing on early intervention and inclusion in mainstream education.
- Substantial investment in mainstream to help schools better support SEND pupils with pastoral care and early intervention programmes.

4 Unfair funding

School and SEND funding continue to be unfair, with many local authorities and schools receiving thousands of pounds less per pupil than others. The difference is as much as £5,000 per pupil for school funding. So, whilst all schools and local authorities are struggling with the demand for SEND support, it is exacerbated for those that are among the lowest funded.

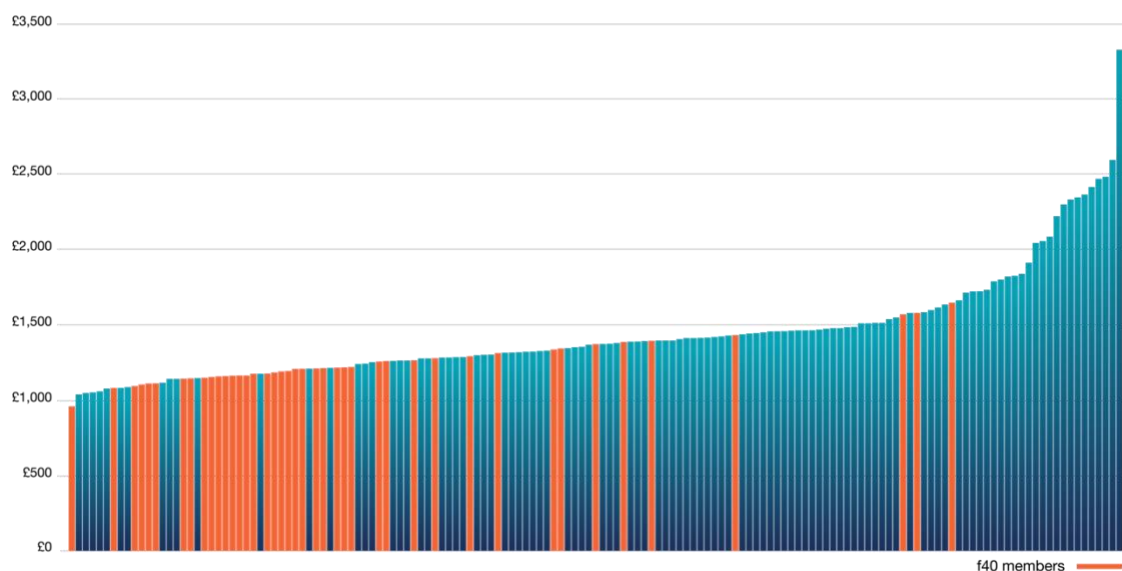
Unfair funding means similar neighbouring authorities with comparable pupils and needs can receive wildly different funding. Moreover, a local authority with more SEND children can receive less funding than their neighbouring authority with fewer SEND pupils.

There continues to be too many factors locking in significant gains for some schools or capping others from receiving more. Currently, the lowest funded authority for SEND receives £960 per pupil, while the highest receives £3,330. We do not wish to see funding taken away from the highest funded areas, and we appreciate there will always be some differences due to area living costs and school and pupil-need, however, the current differential is far too wide.

The High Needs National Funding Formula (NFF) should reflect the current needs of pupils. Over £3bn of the £10.5bn High Needs budget for 2024-25 is purely funding historic spend based on SEND data that bears no resemblance to today's needs, along with a funding floor that protects some local authorities against losses.

The disparity of High Needs funding across local authorities in England is clear from the graph below. You can view and download a more detailed version, which identifies each local authority, [here](#).

Variation of High Needs Block funding per pupil allocations 2024-25 by local authority



Suggested solution for unfair funding

- The funding formulae for both schools and High Needs (SEND) should be improved so they are fairer, based on current need profiles, and the lowest funded areas lifted-up to ensure all pupils receive equal opportunities and funding.

5 Funding for children with Education, Health and Care Plans (EHCPs)

For every child with an EHCP, there is a notional £6,000 that a school contributes towards their support from their core budget. This means the more children with EHCPs a school has, the higher the financial contribution it needs to make. This causes significant pressure on the budgets of those schools that take more children with EHCPs. It also disproportionately impacts on disadvantaged areas with more children in need of support.

This rule in the SEND funding system creates a perverse incentive for schools **not** to take children with EHCPs and is reflected in often-seen situations where two schools in one area can have very different numbers of children with EHCPs.

The NFF also includes a minimum per pupil funding level (MPPFL) factor, which acts as a disincentive to inclusion. Due to the methodology used, schools with low levels of additional need can receive the same level of funding as those with a greater number of pupils with SEND. It also means that those in receipt of this protection funding will not receive any additional funding if they admit a pupil with additional needs as the funding this would attract is offset by a reduction in the protection funding. f40 believes the funding formula should include a basic entitlement that is sufficient to meet the educational needs of all pupils, with additional funding provided where necessary to meet additional need.

Also, when the EHCP system was set up, it was intended to bring together Education, Health and Care to ensure the needs of the child were joined up, resulting in better outcomes. However, in practice, it has largely fallen on Education to ensure deliverables in EHCPs are met and regularly reviewed. Health and Care professionals often have little involvement in EHCPs and make little contribution to the costs.

If the SEND crisis is to be resolved, Health and Care must play a more integral role in EHCPs and must contribute financially to supporting children and young people.

Suggested solutions for funding EHC Plans

- A review of core SEND funding in mainstream schools, with the removal of notional funding. SEND funding in mainstream to be ringfenced to ensure schools meet the needs of more pupils and better support inclusion, without the need for children to have an EHCP.
- Review of SEND funding for specialist provision - £10,000 Place Funding has not increased for over ten years. This funding was intended to provide sufficient funding to meet the underlying fixed costs of delivery, along with providing certainty to a large proportion of income. A benefit that has been eroded over time.
- Health and Care to play a more integral role in the support provided to children with SEND with equal accountability alongside Education, including the provision of ring-fenced funding for EHCPs. This should form part of providing greater clarity around what is expected to be provided by each partner, striking a balance between effectiveness and the best use of limited public funding.

6 Prevention and early intervention

The current cohort of children requiring additional SEND support has changed from those previously, with children having more complex needs today. This means the approaches used previously may be less impactful, and more funding, resources and expertise is required.

The number of children diagnosed with autism or ADHD has also grown exponentially since 2015, with some mainstream schools ill-equipped to support them. Therefore, the number of children with an autism diagnoses leaving mainstream school to be home-schooled or to attend specialist provision has increased enormously, putting huge pressure on the system.

Since 2010, funding for support services and early intervention has declined. Long waiting lists for speech therapists and mental health experts have resulted in schools having to do

more to support pupils, without the right funding, expertise or resources. Frequently, children do not receive the right support, in the right environment, as quickly as they should.

Targeted funding in both prevention and early intervention will ensure children are given help when issues first arise, without the need for an EHCP, enabling them to close the gap on their peers and preventing the problems from becoming more complex and expensive later on. Targeted funding in early intervention will reduce the number of children requiring an EHCP and will lead more children to stay in their mainstream school.

Suggested solutions for prevention and early intervention

- Targeted funding in every school for early intervention support.
- Targeted funding and additional expertise in support services, such as CAMHS and speech and language therapy.

7 Specialist placements and Alternative Provision (AP)

Rising demand for specialist placements has led to a lack of spaces within local authority State provision. Where a specialist place is deemed appropriate for a child, local authorities often have no choice but to place children in independent or non-maintained special schools and unregistered Alternative Provision, which is not regulated, if there are no State spaces available locally.

There is no mechanism, currently, for creating additional/new State special school places or schools in a timely way. The current system is bureaucratic and takes many years to deliver a new State special school, which results in LAs using expensive, out of area provision.

The current tribunal system gives parents greater power to request independent specialist provision or AP placements.

Independent special placements can be a cost-effective solution for some pupils. However, many are high cost and there are some large provider companies that own multiple placements and make large profits that ultimately go to shareholders.

The average cost of an independent specialist placement is around £70,000 for a child, compared to £25,000 in a State special school. Unless there is investment in State provision, and a tightening up of the use of independent special schools, the crisis in SEND will not be resolved.

Suggested solutions for specialist placements and Alternative Provision

- Substantial one-off capital funding to expand State SEND provision, fairly distributed to every local authority, which know best how to match provision with local needs.
- Greater regulation and scrutiny of the independent SEND sector, including around value-for-money and required support.

8 Tribunals and school admissions

The volume of appeals from parents requesting specialist placements continues to rise at a rate exceeding local authorities' ability to develop provision.

Local authorities are facing growing tribunal costs each year – with the majority of cases being won by parents under the current Code of Practice legislation. It is, however, worth noting that whilst a tribunal may be recorded as being won by parents, local authorities still need to pursue these cases as, whilst the overall judgement may be in favour of the parent, the extent of the provision and associated costs may have been amended to something that better aligns to the professionals' judgement of meeting need.

There are national pressures on the Tribunal Service, causing significant delays in hearings. As a result of the prolonged timeframe, local authorities are subsequently required to manage additional processes, such as additional paperwork in the form of supplementary bundles, case review documentation, and additional pre-hearing meetings or dispute resolutions.

There is inequity in the tribunal system caused by the complexity of the process and parents' varied knowledge and access to legal support. This means that often the most affluent areas have the highest number of tribunals, and the most deprived areas have the fewest, despite having greater numbers of SEND children.

The current legislation remains centred around parental choice, rather than well-informed opinions of professionals. There is also a lack of focus on ensuring that provision is proportionate to the level of need and is not greater than required.

With greater clarity around ordinarily available provision for SEND pupils in mainstream schools, along with greater accountability on schools, parents will be given more confidence that the needs of their child can be met in their local school, thus reducing the number of appeals going to tribunal. It will also assist tribunal judges in understanding what support is available in mainstream schools and which children require the extra support of specialist provision, and which children can have their needs met locally.

Also, if local authorities were given responsibility for school admissions of children with SEND, as they are with non-SEND pupils, where parents list a preferred choice of three local schools for their child to attend, it would immediately relieve pressure on mainstream and special school places and would reduce expenditure on independent provision and school transport.

Suggested solutions around tribunals and school admissions

- Make legislative changes in the Code of Practice, making clear what ordinarily available provision mainstream schools should provide to children with SEND.
- Make legislative changes in the Code of Practice so that it focuses more on ensuring provision is proportionate to need.
- Place the responsibility of school admissions for SEND pupils with local authorities.

9 SEND deficits

Increasing local authority SEND deficits are threatening to bankrupt 43% of councils in England as the demand and expectation set out in government policy exceeds funding.

The statutory override allowing councils to carry forward the deficit ends on 31 March 2026, and at this stage there is no national solution to deal with the debt. Councils are already suffering financially due to the loss of interest in their reserves and high interest on their borrowing.

The wide-spread deficits are evidence that this is a system-wide issue and not due to mismanagement.

The crisis in SEND cannot be resolved whilst local authorities have these deficits hanging over them. The system needs reform and more funding, and local authorities need the deficits paying off by Government so they can begin to support children with a clean slate.

Suggested solution for SEND deficits

- A Government commitment to resolve the SEND crisis and pay off accumulated SEND deficits.

Ends

Produced by f40

For more information, contact: Secretary Karen Westcott at karen@dtw.co.uk or on 07545 210067.

For more information about f40, go to <https://www.f40.org.uk/>

f40 members as follows:

Bath & North East Somerset Council
Buckinghamshire County Council
Cambridgeshire County Council
Central Bedfordshire
Cheshire East Council
Cheshire West and Chester Council
Cornwall County Council
Cumberland Council
Derbyshire County Council
Devon County Council
Dorset Council
East Riding of Yorkshire Council
East Sussex County Council
Gloucestershire County Council
Hampshire County Council
Herefordshire Council
Hertfordshire County Council
Lincolnshire County Council
North Lincolnshire Council
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