

**Response to HM**  
**Government's**  
**SEND Reform Consultation**

***Reflecting views of young people,  
parents, carers, education  
and healthcare professionals  
in Mid Derbyshire***

**Response coordinated by:**  
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*Submitted to the Department for Education in May 2026*

# 1. Introduction from Jonathan Davies MP

I welcome the opportunity to respond to the government's consultation on [SEND reform: putting children and young people first](#).<sup>1</sup>

I am grateful to every Mid Derbyshire resident that has engaged me regarding this – especially parents who have suffered under a system that has failed them and whose children have either exceeded the statutory provision they have received to differing levels of success by virtue of their age, or will have done so before any reforms take effect. These parents are motivated by contributing to building a better system than the one they and their children experienced.

Ensuring that the next generation has every opportunity to fulfil their potential must be central to any progressive government's ambition.

However, that progress has not been adequately realised in recent years – whether it be in the provision of educational opportunities, wider public services, work and economic opportunities.

Despite huge financial constraints and a range of costly challenges – including geopolitical threats, climate change, and rapidly evolving technologies which governments must simultaneously harness and moderate – our government must address shortfalls in what Britain's young people are offered to give the UK the best chance of being a world leader for generations to come.

The government recognises this in its fourth mission:

*Breaking down barriers to opportunity by reforming our childcare and education systems, to make sure there is no class ceiling on the ambitions of young people in Britain.*

We must deliver on that mission, but a huge amount of work is needed to ensure it is met.

This submission is informed directly by a Mid Derbyshire SEND roundtable held on 17 April 2026 with parents, carers, professionals, and advocates.

It is also informed by hundreds of interactions with parents, local authorities and education professionals undertaken since my election as Mid Derbyshire's member of parliament in July 2024.

The views expressed here reflect lived experience across a wide range of needs, ages, and educational settings.

In November 2024, a joint inspection by Ofsted and the Care Quality Commission (CQC) found:

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<sup>1</sup> Link to consultation: <https://www.gov.uk/government/consultations/send-reform-putting-children-and-young-people-first/send-reform-putting-children-and-young-people-first-html-version#executive-summary>

*Widespread and/or systemic failings leading to significant concerns about the experiences and outcomes of children and young people with special educational needs and/or disabilities (SEND), which the local area partnership must address urgently.<sup>2</sup>*

These findings reflected the experience of local parents and professionals which were expressed to me long before the inspection report was published.

But these issues were not addressed or seemingly acted upon in a timely way when I, parents and professionals raised them with the council and regulators about the local situation. Often, requests for issues to be addressed were not acknowledged by the council, even when raised by a local MP.

Parents share the government's ambition for a system that is earlier, fairer, more inclusive, and less adversarial. There is broad support in principle for improved early intervention, better-trained mainstream provision, and clearer national consistency.

However, parents are deeply concerned that some proposals risk reducing legal protections, accountability, and individualisation – which could unintentionally increase harm to children and families if unaddressed.

This response therefore aims to be constructive: supporting the direction of travel while identifying conditions that parents believe are essential for reform to succeed.

**Jonathan Davies MP**

Member of Parliament for Mid Derbyshire

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<sup>2</sup> Area SEND inspection report: Derbyshire Local Area Partnership 23 September 2024 to 27 September 2024: <https://files.ofsted.gov.uk/v1/file/50261625>

## 2. Areas of support for the government's proposals

### 2.1 Early intervention and whole-school inclusion

Parents and stakeholders strongly support the emphasis on earlier identification of children's specific needs where special provision or intervention may be required.

Unmet need – especially when protracted over long periods – escalates distress, exclusion, and mental ill-health in children. This affects their homelife and that of parents and carers.

Many families described positive experiences in early primary settings, where smaller classes and relational support helped children to thrive. This is reflected by the fact some parents choose smaller schools, often in rural communities some distance from their homes, as the best place for their child.

There is also broad support for the principle of 'inclusive by design'. Parents agree that schools should be environments in which difference is expected and planned for, rather than treated as exceptional.

However, parents caution against the assumption that early intervention fixes need.

Many SEND conditions are lifelong. They fluctuate or emerge differently at different stages, notably on transition to secondary school.

Early help must therefore be ongoing, adaptive, and sustained, rather than front-loaded and withdrawn prematurely.

Parents have also expressed that, for some children with more significant needs, specialist provision within mainstream educational settings can never adequately meet those children's needs.

In some cases, parents fear pushing children into separate provision within mainstream schools could create a climate of segregation and lead to children being more distressed by the wider school setting.

Therefore, it is essential government assures these parents that adequate schools solely focussed on children with SEND will continue to be available to those that need them without undue barriers.

### 2.2 Workforce Development and Expertise

Families welcome increased investment in teacher development and the recognition that SEND is a whole-workforce issue, not limited to SENCOs.

Parents particularly support:

- Mandatory, high-quality training for *all* school staff (teachers, teaching assistants (TAs), pastoral and ancillary staff)
- An increase in the number of TAs
- Ongoing training for school staff that is grounded in neurodiversity, trauma, and mental health
- Greater use of staff with lived experience of neurodivergence and disability.

However, parents are concerned that headline investment figures may not translate into meaningful change at school level – especially given staff shortages, high attrition rates, and rising classroom complexity.

This is reflected in a scepticism that the proposed Experts at Hand service can truly deliver for children and young people.

### 3. Key concerns raised by parents

#### 3.1 Legal rights and EHCP protections

The strongest and most consistent recurring message from parents is the importance of retaining Education, Health and Care Plans (EHCPs) and the associated legal safeguards.

While parents agree that the current system is stressful and adversarial, they do not believe this is because the law is flawed. Rather, they report systemic failure by local authorities to comply with existing duties, often with no consequence.

Some also express concerns that local authorities have a perverse incentive to prevaricate on assessing whether a child needs an EHCP, or reject one when there is a clear need, to reduce their exposure to long-term financial commitments. They cite the number of decisions to not issue an EHCP that are overturned on appeal or at tribunal – and some parents cite that the number would be higher as some parents lack the support, time or advocacy skills to engage in the legal process.

Concerns expressed include:

- Removal or dilution of EHCPs would disproportionately harm families with lower incomes, parents with disabilities or neurodivergence and those unable to navigate legal appeals
- Without enforceable plans, accountability would rely on goodwill rather than duty
- Tribunal access, while imperfect, is currently the only meaningful backstop
- Parents fear that reforms intended to reduce conflict could instead silence challenge and embed inequality of access.

#### 3.2 Accountability and governance

Parents who feel the principles of the EHCP are good but cite poor application by local authorities, consistently feel there is a local of accountability and collaboration across the system behind this.

This has led to a sense that local authorities delay or deny provision – or do not collaborate with the full range of professionals that should be involved in determining what support a child needs – to save money.

Parents believe stretched councils want to limit their financial exposure that would occur through funding additional provision, which – in some cases – would last many years for some children and young people.

This obfuscation is felt to be manifest in repeated breaches of statutory timescales and tribunal decisions not being implemented.

A 2024 joint inspection by Ofsted and the Care Quality Commission (CQC)<sup>3</sup> into SEND provision of the Derbyshire Local Area Partnership, gives credence to this position. Inspectors found:

*Significant delays in the processes for education, health and care (EHC) plans and annual reviews mean that, frequently, needs are identified too late. EHC plans are not completed in a timely manner. The accuracy of the plans is poor. Some plans are finalised without contributions from health or social care professionals. This leads to parents being left not knowing how to best help their children and has led to an increase in complaints as parents are frustrated about the suitability of the support being offered.*

In Derbyshire's experience, the difficulty managing the crisis in the SEND system had led to churn in the leadership of the local authority's SEND team.

This likely meant it was hard to embed and sustain priorities and was likely worsened by the fact there are few corporate or personal consequences for non-compliance, meaning leaders were not adequately held accountable for the quality of service they were charged with providing.

Worsening this situation is a seeming lack of oversight of curiosity by inspectors and regulators. It is notable that the previous Ofsted and CQC inspection of these services was undertaken in 2016, eight years before the latest inspection.

Given the concerns that were being reported by stakeholders and local MPs, it is perplexing that the latest inspection was not brought forward.

This lengthy gap between inspections also fuels the real perception that there is inadequate accountability regarding how SEND provision is provided and monitored.

This is why parents feel that fixing accountability is more pressing than wholesale change.

### 3.3 Mainstream provision: capacity and limitations

Parents agree that mainstream schools must be better supported to include SEND pupils.

However, there is equal consensus that mainstream cannot meet the needs of all children, regardless of training or resources.

Key concerns about placing more SEND children and young people in mainstream schools include:

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<sup>3</sup> Ofsted and CQC joint Area SEND inspection of Derbyshire Local Area Partnership, undertaken in September 2024, report published on 14 November 2024.

- A risk of sensory overload, particularly due to social density in secondary schools
- Rigid academic expectations (e.g. blanket GCSE requirements) that are simply unmeetable for some children and reflected in the fact some young people never meet GCSE English and mathematics requirement in further education – holding them back in securing vocational qualifications and entering work.
  - Some young people have also experienced delays and challenges securing places at examination centres when they are educated through EOTAS (education other than at school)
- Behaviour policies that penalise unmet need, particularly around absence
- A sense that placement in specialist provision within mainstream settings could lead to increased exclusions, mental health issues and school trauma for some children and young people.

This is why parents have emphasised that specialist provision must remain available, local, and adequately funded – and that inclusion should never mean forcing children into environments that cause harm.

Similarly, parents feel the proposed Experts at Hand service may have a role in supporting children to remain in mainstream schools when that is a feasible or positive outcome for a child or young person. But it cannot be a vehicle to find a way of justifying rejecting a place in a specialist school when that is clearly the right course of action.

### 3.4 Mental health and CAMHS

Mental health support is identified as a critical pressure point – both in terms of a factor behind a child or young person’s special educational needs and/or disability, and an aspect of their health that is worsened by a failure to adequately meet that need in a timely way.

Parents reported:

- Years-long waits for CAMHS assessments
- Support only being offered at crisis point
- Children harmed by inappropriate or delayed interventions
- Schools and families carrying risk without clinical support.

This situation has undoubtedly been worsened by the fact the NHS has been preoccupied by the crisis in primary and secondary care – which has often meant

preventative measures or the wider determinants of children and young people's health have not been adequately addressed.

Within integrated care partnerships and systems, it is regularly the NHS acute leaders – as often the most powerful stakeholders in decision making – that have set priorities to address the challenges in the aforementioned areas. But the inadequacy of engaging local authorities around SEND and social care is perpetuating the challenges they are seeking to address.

Government should be mindful that further reorganisation of the NHS, including to form larger integrated care boards, while also reorganising local government may also present risks.

This is contributing to parents' concerns that reforms may place increased expectation on schools without addressing the fragility of children and young people's mental health services.

To address this, there needs to be more integration between mental health professionals and schools. The proposed Experts at Hand service may have a role in facilitating this, but it will have to quickly evidence how it is making a difference if it is to win the trust of those relying on it.

### 3.5 Transitions and lifelong learning

Ensuring education is appropriately tailored to each child or young person's needs from the earliest stage is key to setting them up to achieve their potential throughout their lives.

The number of young people who do not swiftly enter work after leaving education is a significant moral and economic failing – but we now have an opportunity to address this, which stakeholders welcome.

As the government progress the ideas it has put forward to improve the outcomes for children and young people with SEND, stakeholders are anxious there is consideration of the following:

- Transition from primary to secondary
- Post-16, FE, HE, and adulthood
- Abrupt ending (cliff edge) of support at age 25

There is strong support for a lifelong learning model, recognising that many SEND young people thrive later, in flexible or vocational pathways – and that success cannot be predicted at age 16.

## 4. Risks identified by stakeholders

Parents request clarity on whether the government has undertaken a formal risk assessment of the proposed reforms, particularly regarding:

- Mental health and suicide risk
- Increased exclusion or elective home education
- Inequality of access based on income or advocacy capacity
- Impact on children educated otherwise than at school (EOTAS)
- Safeguarding risks where attendance is enforced in harmful environments.

Parents feel these risks must be explicitly acknowledged and mitigated.

## 5. Key recommendations

To support the government's ambitions, stakeholders in Mid Derbyshire recommend:

- Retaining the policy goals of EHCPs and tribunal access, while improving quality and reducing need for appeal through better compliance
- Strengthening accountability, with enforceable consequences for statutory breaches. This can be supported by more agile, timely regulation and clearer performance measures for public bodies
- Guaranteeing that funding follows need, to prevent schools being disincentivised from admitting high-needs pupils.
- Investing in bodies on the ground, including TAs and pastoral staff, not only consultants.
- Expanding specialist provision locally, alongside improved mainstream capacity.
- Embedding mental health services within SEND reform, with realistic workforce planning and better integration and collaboration between all relevant professionals. This must be managed carefully while extensive reorganisation of the NHS and local authorities is simultaneously being undertaken.
- Mandating high-quality SEND training for all school staff, co-designed with families and neurodivergent people.
- Adopting a needs-led not package-led, model, preserving individuality and flexibility
- Aligning SEND reform with FE, HE and adult learning – to avoid artificial cliff edges.
- Improving national narrative and messaging, recognising SEND parents as partners, not adversaries.

## 6. Conclusion

Parents are not resisting change; they are asking that reform be done with them, not to them.

There is genuine willingness to engage, collaborate, and support the government's objectives – provided reforms do not erode trust, protections, or child wellbeing.

SEND reform will succeed only if it is rights preserving, accountable, properly resourced, grounded in lived experience.

We urge the government to work closely with parents, carers, disabled people and those with experience of navigating EHCPs and SEND provision to ensure these reforms deliver better outcomes, not just lower conflict.