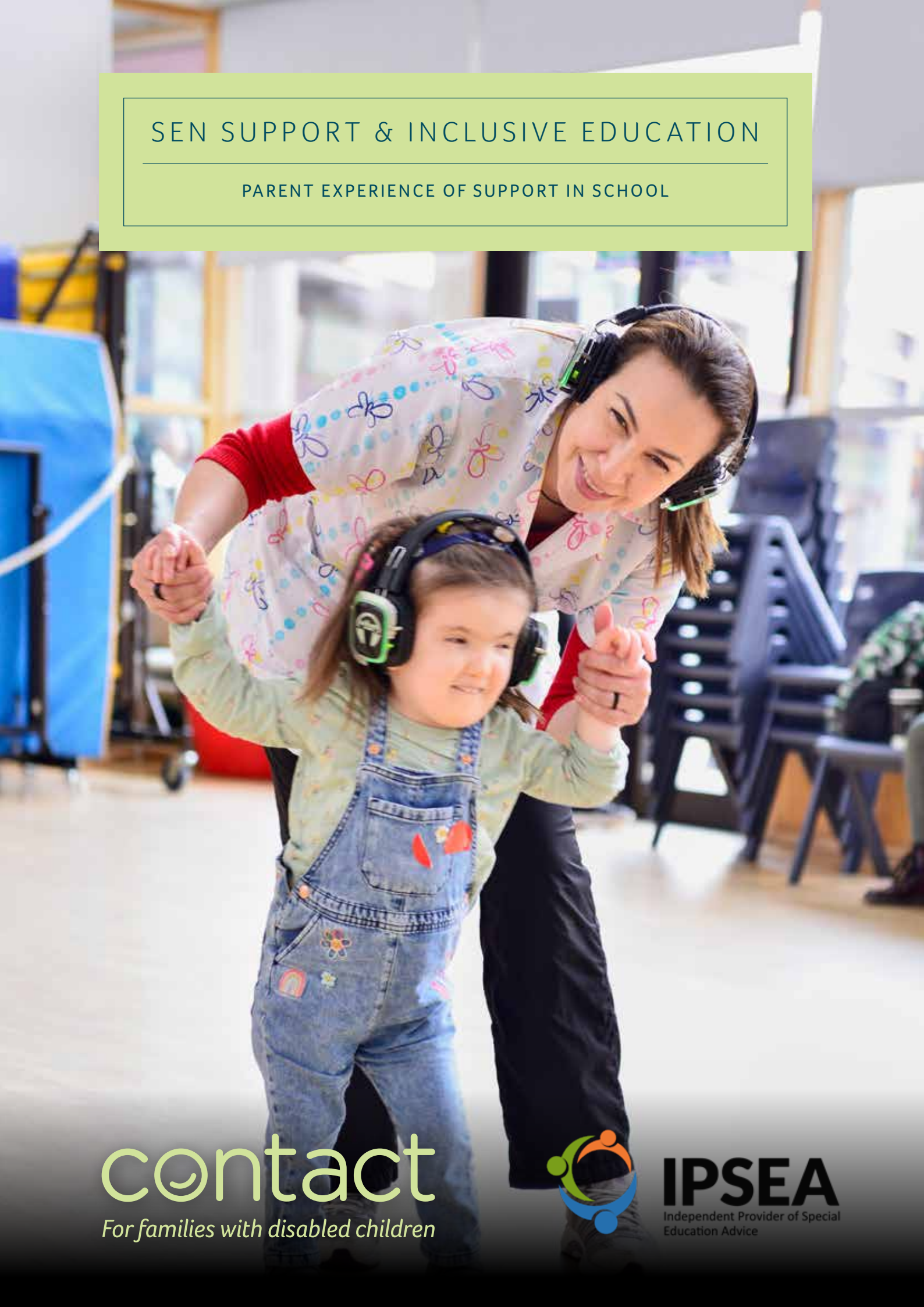
SEN SUPPORT & INCLUSIVE EDUCATION

PARENT EXPERIENCE OF SUPPORT IN SCHOOL



contact
For families with disabled children

IPSEA
Independent Provider of Special Education Advice

This briefing was prepared by Contact and IPSEA

Contact is the charity for families with disabled children.
We support families, bring families together and
help families take action for others.

IPSEA is the leading charity in the field of SEND law in England.
We help children and young people with special educational needs
and disabilities (SEND) get the educational support they are legally
entitled to by providing free and independent legal advice
and casework support to families, undertaking policy work,
and delivering training on the SEND legal framework.

IPSEA
Independent Provider of Special Education Advice

contact
For families with disabled children

Contents

Introduction

WHAT IS SEN SUPPORT?

SEN support is the name given for extra help children and young people need to access education, for example at nursery, school or further education. Children who need extra help for any reason are said to have special educational needs (SEN). This help is additional to, or different from, the help normally given in class to children of the same age. Some, but not all children with SEN will have a diagnosis, and some may also be disabled.

This extra help uses an educational setting's existing resources.

Children with more complex needs

Some children or young people will need an Education, Health and Care plan (EHC plan). This is usually if they need more support than is available. An EHC plan is a legal document drawn up by the local authority which describes a child or young person's special educational, health, and social care needs, the help that will be given to meet those needs, and what the young person will be able to achieve as a result of the support. There will always be a requirement for EHC plans and there must not be any erosion of children's legal rights and entitlements to these plans.

Help in an EHC plan usually uses funding that is additional to the education setting's existing resources.

Most children and young people with SEN don't have an EHC plan and instead should be receiving SEN Support to meet their needs. However, this is currently not happening for every child who needs it.

WHAT DOES THE CURRENT LEGAL FRAMEWORK SAY ABOUT SEN SUPPORT?

EHC plans are firmly grounded in legal duties set out in the Children and Families Act 2014. However, SEN Support derives almost entirely from statutory guidance, not primary legislation. Chapter 6 of the SEND Code of Practice 2015 (the Code) sets out how SEN Support should work and what schools are expected to do. Specifically, schools should identify and assess a pupil's needs, plan what provision is needed, put the educational support required in place and review whether this is meeting the pupil's needs.

This is known as the graduated approach:

- ***Assess***
- ***Plan***
- ***Do***
- ***Review.***

The Code also suggests the stage at which schools should seek additional assessments and advice from professionals, so that individual pupils can receive the support they need and make progress with their education.

The only legal duty placed on certain education settings to support pupils who have SEN but don't have an EHC plan, is found in section 66 of the Children and Families Act 2014, which requires a school to *'use its best endeavours'* to secure the special educational provision needed.

What's the issue?

Much of the guidance in the Code is framed using language such as *'should'* rather than *'must'*. These words have very different legal meanings:

- ***'Must' refers to a legal obligation - failure to adhere to a legal duty is serious and could lead to a parent or young person being able to take certain types of action.***
- ***'Should' refers to guidance and not a specific legal duty. Certain settings have a legal duty to "have regard" to what the Code says, which means they should be doing what the Code says, but they can depart from it with good reason.***

This gives schools considerable discretion in applying the guidance, which results in inconsistent levels of support for children and young people.

Additionally, there is a lack of clarity around what good SEN Support looks like.

The flimsy legal status of SEN Support makes it very difficult to establish if an education setting has failed in its duty to use its *'best endeavours'* to provide support.

Ultimately the lack of enforceability of SEN Support enables non-inclusive practices in mainstream schools.

Consequences of the current legal framework

As a result of the current legislation, it can be all too easy for education settings to reduce what they offer at SEN Support in times of financial and staffing pressures. Contact and IPSEA's helplines regularly hear from parents who say their children's schools have told them they don't have funding for SEN support.

This has led many nurseries, schools, and further education settings - as well as parents – to view an EHC plan as the only way for a child to access support from speech and language therapists (SALT), educational psychologists or other support they need in school. Therefore, it is entirely unsurprising that the issuing of EHC plans has increased.

How the system works in practice

In February 2025, charities Contact and IPSEA (Independent Provider of Special Education Advice) surveyed 2,000 families with children and young people who have SEN but do not have an EHC plan. We wanted to see how SEN Support - how the majority of children with SEN are supported - is working for children, young people and their families.

SURVEY RESULTS

The survey found that there is not enough SEN Support in schools, leading many families to seek an EHC plan to secure the support their child needs.

As a result of mainstream schools being unable to meet a pupil's needs through SEN Support:

- 21% of schools had asked for an EHC Needs Assessment.
- 35% of parents had asked for an EHC Needs Assessment

The survey also showed that as a result of pupils not getting any or enough SEN support:

- 60% of children experienced school avoidance
- 47% were absent from school
- 22% were put on part-time timetables, and
- 14% were excluded.

Other key findings include:

- 9% only of pupils currently get speech, language and communication support. This was the least commonly available support, despite government research showing that speech and language is one of the highest areas of need.
- 35% (over a third) of respondents said that funding was the reason given by schools for not providing adequate SEN support.
- 20% of children with special educational needs are not getting any SEN Support.

Parent voice - Wendy's story

Wendy, a supply teacher with 19 years of experience, has a 12-year-old daughter diagnosed with dyslexia.

Despite early struggles with writing letters and numbers and spelling, her concerns were dismissed as 'developmental'. The school would not do a dyslexia screener till age 8 (Year 3) and as it was only borderline she had to wait a further year for a second test. In the end, Wendy paid for a private assessment which showed her daughter has 'Single-Deficit Phonological Dyslexia' which meant she specifically struggled with phonological awareness or recalling and manipulating sounds as part of syllables, words and sentences. This finally gave Wendy some understanding of her daughter's difficulties and how she was feeling.

Wendy's daughter is now in Year 7. Before starting secondary school Wendy attended open days and met with the school to ask about the support available. Wendy believes the system fails many children due to underfunding and minimal teacher training. Late interventions, lack of inclusive testing, and overburdened SENCOs mean that despite promises of support in secondary school, nothing has materialised, and she continues to fight for her daughter's needs. Wendy would like to see earlier screening (from age 6), dedicated SENCO roles, and comprehensive training for all teachers to better support pupils with hidden disabilities like dyslexia.

Consequences of no support

Delays in screening and lack of school support severely impacted her daughter's mental health due to the level of anxiety, frustration, low self-esteem and not understanding why she was different to her peers. Support has been inconsistent, with her daughter removed from a dyslexia group for not being 'dyslexic enough'. This led to her daughter self-harming and an eventual referral to CAMHS (Child and Adolescent Mental Health Services).

Getting the diagnosis finally gave her daughter some understanding of her difficulties and normalised how she was feeling. This is something Wendy feels that school could have been working on with her and would have greatly reduced the impact on her mental health, avoiding the need for a CAMHS referral.

What needs to change and why

Contact and IPSEA are calling for the Government to put the graduated approach of Assess, Plan, Do, Review - which acts as the cornerstone of SEN Support - on a statutory footing.

This can be achieved by amending the Children and Families Act 2014 so that education settings have a primary legal duty to provide SEN Support.

The legal duties would be to:

- ***Identify a child or young person's special educational needs and what special educational provision is required to meet those needs.***
- ***Issue a special educational needs (SEN) support record to the child or young person, and***
- ***Secure the provision in the record.***

It is important to note that these duties only apply to the use of resources and expertise directly available to education settings.

It is proposed that if the school or other institution cannot identify needs or provide support, then the education setting would have a duty to inform the local authority.

Contact has worked with IPSEA on strengthening SEN Support. IPSEA have drafted a proposed amendment to section 66 of the Children and Families Act 2014 which is intended to replace the current "best endeavours" duty with the robust duties outlined above.

While proposing this one amendment that would strengthen the law, Contact and IPSEA agree that the rights and entitlements set out for children and young people with SEN in the Children and Families Act 2014 **must remain undiluted**, to ensure that every child and young person with SEN can receive an education that meets their needs.

WHY IS THIS AMENDMENT NEEDED?

Placing robust legal duties across early years, mainstream schools and further education settings to provide SEN Support will mean that education settings must, instead of should, carry out the graduated approach and provide SEN Support.

Consequently, the needs of more children and young people will be met in their settings. This will help to advance inclusion in mainstream schools, an aim which the Government has been vocal about achieving.

Fewer families caught in legal system

As a result of stronger SEN support, it is anticipated that fewer families will need to go through the legal process of obtaining an EHC plan simply to get the right support for their children.

Less pressure on SEND Tribunal

It is anticipated that the amendment, if adopted, may reduce the pressure on the SEND Tribunal, if more children being properly supported without an EHC plan was to result in fewer EHC needs assessment requests.

Education settings would have a legal duty to provide SEN Support.

EXTEND LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN POWERS

To ensure that educational settings abide by the law, we are calling for an extension of the powers of the Local Government and Social Care Ombudsman (LGSCO) to investigate complaints about schools, a responsibility which the LGSCO itself has continuously asked for.

Making SEN Support a legal requirement will strengthen the rights of children with SEN and help to create a more inclusive education system.

PRACTICAL IMPLICATIONS OF THIS CHANGE

More funding will need to be put into SEN Support to ensure that all schools can provide certain special educational provision and are able to call on specialist professionals when needed.

This investment will also need to include an increase in funding for schools in terms of resources and workforce. While this will cause an increase in expenditure in the short term, it should reduce the expenditure in the long term.

There has been concern that the statutory status of SEN Support will increase bureaucracy and pressure on educational settings. However, the elevation of SEN Support to the Children and Families Act would place no new additional demands on most education settings, who should already be complying with their section 66 “best endeavours” duty, along with the guidance set out in the Code.

Parent voices

PIPPA WILSON

Pippa's 17-year-old son was diagnosed with dyspraxia when he was at primary school. He had a support plan in Years 5 and 6 but this did not continue into secondary school. His secondary school didn't have a SENCO in place for three years and despite repeated assurances, her son was never assigned a key worker to help him navigate school life. Throughout secondary school Pippa's son recieved no additional support. Pippa went through an Education Health and Care needs ssessment but this was refused. A few months before his GCSEs, the school offered the use of a laptop but that didn't give him enough time to get used to typing.

The day before her son's GCSEs was the first time she was able to speak to the SENCO.

Consequences of no support

Due to the lack of support and his unmet needs, her son was placed on a part-time timetable, and Pippa and her husband were threatened with fines for his reduced attendance.

There was no support to help him transition to sixth form and in the end her son had to leave. He now studies maths, psychology and economics independently at home as that is easier for him than an unsupported formal environment.

All that Pippa's son needed for him to be supported in school was a designated person he could approach to help him liaise with teachers and to give him prompts about the school day.

LIZ MEACHIN

Liz is a parent of two boys who have ADHD and Pathological Demand Avoidance. Liz is a teacher in further education. She knows what support should be in place for those with additional needs and says that this support isn't available. Both of her sons avoid going to school. This started when they transitioned to secondary. Liz says that both her sons mask extremely well. The school refuse to acknowledge that her sons have additional needs. Liz had to pay for EP reports.

The EP said that her youngest son needs 1:1 support and a safe, quiet place to go to. The school has refused to do this as it doesn't have the staffing, resources or the facility to provide a quiet space.

Consequences of no support

The support the school have put in place is inappropriate and her youngest son has been put on a part time timetable. He is currently not attending school. The school have asked Liz if he would like to go to another school or be home-schooled. The family has been referred to the family liaison officer.

Her oldest son is now in sixth form and achieved 5 GCSEs but without any support.

Parent voices

LAUREN BRYAN

Lauren is a single parent of two autistic children.

Lauren's oldest son, now 14, thrived in primary school but has struggled in secondary school. He did not receive any support from the school as no one believed there were issues until he stopped attending school. He was put on a part-time timetable and the school created a one-page profile detailing extra support they could provide him, which wasn't adequate or delivered. They allowed for no differentiation and no reasonable adjustments and Lauren believes the goal was to exclude him.

Lauren's youngest son has not been in school since May 24. Lauren asked the school to carry out an ASD assessment but they refused.

Consequences of no support

Lauren's oldest son now attends a specialist school after she managed to get him an EHC plan.

Lauren's youngest son has been referred to CAHMS. The school only agreed to refer him when his attendance went below 7%. Lauren is now in the process of applying for an EHC plan for him.

Lauren has had to stop working to care for her sons as her youngest is not in school and the specialist provision her eldest attends is oversubscribed and cannot met his needs.

KRISTA KING

Krista's 16-year-old son has atypical autism and dyslexia. He managed middle school but his attendance dropped in upper school. He struggled due to the size of the school lack of consistency in teachers. In Year 9 Kirsta asked for an Indivisual Program Plan (IPP) but this hasn't been updated since. His IPP includes provision for dyslexia such as using blue paper, plus use of time-out cards and safe spaces but she says that teachers did not read or use the IPP and did not always allow him to use these provisions. In Year 9 an EHC plan was requested but refused.

Good alternative provision was found in Year 10 but was discontinued due to a lack of funding. Her son went back into mainstream in Year 11.

Consequences of no support

In November her son had a crisis and stopped attending school. He is now slowly returning to school, but the school still hasn't put any support in place for him.

Krista was fined for her son's non-attendance.

Parent voices

MELISSA BOLAM

Melissa, who was studying to become a lawyer, now home-educates her autistic son, Aston, after a series of failed school placements.

Despite her repeated requests, Aston received no SEN Support.

The local authority ignored professional recommendations and has failed to provide Aston with full-time education in alternative provision since September 2024. He still has no EHC plan, even though his report recommends specialist support. Melissa believes early, appropriate in-school support could have prevented this outcome.

Consequences of no support

Aston's behaviour — linked to undiagnosed autism — was repeatedly labelled as 'naughty,' resulting in multiple exclusions. A managed move was arranged, but the school failed to follow the SEND Code of Practice or support assessment efforts. Melissa and her husband paid privately for an autism diagnosis, but the school did not cooperate, and Aston was excluded the day after his assessment.

NIKKI COLES

Nikki has three daughters aged 15, 13 and 8 who are neurodivergent. Her 13-year-old has an autism diagnosis and an SEN Support plan in place which is regularly reviewed. Nikki has met with the school's SENCO to discuss her daughter's plan, which contains strategies to support her.

Nikki's 15-year-old is in the same school as her 13-year-old sister, who has only just been accepted on to the waiting list for a neurodevelopmental (ND) assessment. Since she's been at secondary school Nikki has been trying to get her support as she has been struggling in many ways. Because she does not have a diagnosis her school has not provided her with a support plan.

Her youngest daughter is also on the ND pathway but is yet to be accepted onto the waiting list for diagnosis – and it's a two year wait once a child gets on to assessment waiting list. The school have acknowledged that she has additional needs and Nikki has been asked by the school to provide noise cancelling earphones and a fidget toys. There is however a lack of communication with what support is provided.

Consequences of no support

Nikki says that a lack of understanding from the school means her 13-year-old daughter constantly receives punishments and detentions instead of the support she needs.

Parent voices

LAURA BANCROFT

Laura is the mother of an 8-year-old boy who was diagnosed with autism in June last year. Since then, he has also been diagnosed with sensory modulation disorder and selective mutism.

Despite his diagnosis, Laura is struggling to get him much support at school. Academically able and well-behaved in class, teachers often describe him as an 'angel child.' But at home, he displays high levels of anxiety, emotional distress, and stimming behaviours such as finger-clicking. He has also recently started experiencing panic attacks.

Support he is supposed to have at school includes being able to leave class without asking to use the toilet (with access to a disabled toilet), 5-minute sensory breaks, smaller group activities and being able to sit at the end of the row during assembly. Laura suspects that these are inconsistently implemented, if at all. The school say it's because they don't always have the staff available to do it.

Her son's recent SEN Support plan review was held during a parents' evening. She felt this was an inappropriate setting for such an important conversation and would have preferred a separate, dedicated meeting. She is now considering applying for an EHC plan to ensure more formal support is in place as her son progresses through school.

Consequences of no support

Following panic attacks, her son was referred to CAMHS. However, CAMHS stated they could only assess him if he had already been seen by the school nurse. There is currently no nurse at the school. Laura feels frustrated and let down, as she is being passed from one service to another.

We are Contact, the charity for families with disabled children.

We support families, bring families together and help families take action for others.

GET IN CONTACT

Visit our website to find out about help in the early years, diagnosis, benefits, education and local support.
We also have a:

- ***benefits calculator***
- ***grants finder***
- ***Live Chat service***

contact.org.uk

If you can't find what you need on our website you can call our free helpline.

0808 808 3555