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# **SEND Reforms Consultation 2026**

## **Specialist Provision Packages: their potential impact on special schools**

### **Introduction**

This paper forms part of NASS’s formal response to the consultation ‘SEND Reform: Putting Children and Young People First. It covers our in-depth responses to questions 6, 21, and 22, and should be considered alongside our overall response and accompanying issue-specific papers.

The National Association of Special Schools is a membership organisation for all types of special schools in England and Wales. NASS has almost 500 member schools and organisations.

### **640,000 children and young people with EHCPs – 7 Specialist Provision Packages (SPPs)**

NASS understands the Government’s concerns about the very variable levels and quality of support that is made available to children with EHCPs. Support for children with SEND is currently too influenced by where a child lives, who has written their EHCP and where they receive their education, rather than their types and levels of need. Whilst we accept that moving to SSPs might increase the consistency of provision nationally, we do not believe that categorising all children and young people with an EHCP into 7 SPPs will result in needs being met more effectively.

NASS believes that one of the strengths of the current SEND system is that each EHCP is tailored to the specific needs of each child or young person. Responding services can be tailored in quantity and type to provide bespoke packages of support. The EHCP document has significant statutory protections, allowing parents a meaningful choice of where their child is educated and in ensuring that the services needed to meet their needs are delivered.

We are concerned about the proposal to reduce this rich, bespoke framework for support to only seven categories of SPP. We are unclear about the Government's rationale for limiting SPPs to seven categories, nor for how those categories were conceptualised and chosen. We note that the initial indicative SPPs were put together by the DfE's SEND Expert Advisory Group, with an explicit stated aim of encouraging greater inclusion of SEND learners in mainstream settings. Initially, this group had no representation from special schools. This was resolved later in the group's operation, but special school involvement remained limited and not-representative of the wide range of special schools. We do not believe that the current seven proposed categories of SPP should be taken as given until after this consultation has closed and meaningful special school engagement has been secured, to ensure that the concept and content of SPPs works for all learners with complex needs and all specialist settings.

We are concerned to note that there is already an open recruitment for panel that will oversee the development and maintenance of SPPs before the consultation closes. We were also disappointed to see the appointment of an 'Independent Chair' who is already a DfE advisor and who has a mainstream focus.

We believe that the current concept of SPPs is under-developed and confused. It focuses heavily on children with enduring needs, without reference to children who may have acute specific needs for a given period in their lives.

We understand that SPPs are intended to introduce a degree of standardisation across all specialist provision. However, we note in the consultation document that it is anticipated that some children will require support drawn from *several* packages. Once this becomes necessary, it is unclear how the potential value of a standardised approach can be maintained, nor how the resultant package could be used to generate a tailored list of schools from which parents/carers may choose. Government appears to be hinting at the retention of very bespoke packages of support, however, the tools available to create those packages – the SPPs – will be considerably more limited than the current, individual needs-driven, approach. There is a significant risk that this results in a hybrid outcome – partially standardised and partially bespoke – which neither meets the individual needs of each child, nor offers the standardisation Government is seeking.

## **A new framework for support and a new language to learn**

The draft indicative SPPs launched with the consultation, introduce new language and terminology. This is a significant change, which has been given very little attention by Government.

The indicative packages contain language which is unclear and confusing. For example, the category for children with severe learning disabilities is named as ‘Significant Executive Function’. Read literally, this would suggest that children in this category have significant skills in executive function and, consequently, relative mild learning disabilities. We are unclear why this has not been framed as ‘Significant Executive Function’ difficulties or needs. This needs to be addressed ahead of these packages being further developed as it risks widespread confusion across the sector.

We are not convinced that the suggested SPPs are sufficiently distinct and we believe that there will be significant overlap between categories in how children and young people’s needs present. Rather than introducing standardisation, this risks exacerbating the existing ‘post code lottery’ with learners being more likely to receive a particular SPP in some areas, based on local interpretation of presentation of needs.

It is of note, that the SPPs are all heavily focused on teaching and learning. Whilst this might be appropriate, given we are talking about provision in schools, it is a significant conceptual shift away from school-delivery of integrated, multi-agency services. This is a role that special schools have developed significantly since the introduction of EHCPs in 2014. To date, we have seen no explanation from Government for why this change was felt to be needed, nor what this means for special schools specifically, who could be looking at a very significant re-framing of their provision. We were disappointed to note a heavily medicalised SPP for children with sensory impairments. In particular, we believe that there must be full recognition in the SPPs of deafness as a culture and identity, rather than just a sensory deficit. We fully support the response of our deaf school members.

Whilst we welcome the mention made of therapies being included within SPPs, this is an area that requires significant further development and clarification. Speech and language therapy is mentioned but the method of delivery, quantity and tasks are not specified. There is a big difference between speech and language therapy being delivered by support staff under the supervision of a qualified therapist and a qualified speech and

language therapist who works alongside teachers in every classroom. Such possibilities must be reflected in the SPPs.

There is no mention in the indicative SPPs of other therapies commonly employed in special schools, such as physiotherapy, occupational therapy and creative arts therapists. Many of these therapists are directly employed by special schools and we know therapists in our member schools are anxious that they do not see their work or roles reflected in the current SPPs.

There is no mention in the indicative SPPs of social care. This is a concern for the more than 150 special schools that currently offer residential provision and who cannot see this work reflected in the draft SPPs. This must be addressed in the future development of SPPs.

### **Is Mental Health no longer an educational need?**

It is notable that the ‘refreshed’ SEND Code of Practice removes the category of Social, Emotional and Mental Health (SEMH) Needs introduced in the 2014 reforms. This is a very significant change and Government has given no rationale for making it, nor a steer on what this will mean in practice for special schools currently designated as supporting children with SEMH.

Over 350000 learners are currently identified as having a mental health-related educational need. Since 2014, schools have had to work hard to define mental health as an educational need and to develop responses that use school-based mental health therapists to integrate therapeutic and trauma-informed responses in the classroom. The proposed reforms leave the future of this work uncertain.

Within the draft SPPs, mental health needs are mentioned but are qualified as requiring assessment by ‘health’. How ‘health’ will be defined for these purposes is unclear, i.e. does it need to be someone employed by the local ICB or someone with a health professionals’ registration?

The conceptual uncertainties around mental health are evident in the draft ‘internalising’ and ‘externalising’ SPPs. It is unclear why trauma-informed responses would be mentioned in the ‘internalising’ SPP but not the ‘externalising’. Counselling is mentioned in both packages but is unlikely to be a viable option for children with acute needs or chronic attachment disorders who would struggle to be in a relationship with a counsellor.

We call for Government to fully set out its plans and rationale for removing the SEMH category in its consultation response and to set out its understanding of what this will mean in practice for special schools currently designated as SEMH.

### **The Implications of SPPs – banded funding**

We hope that we have demonstrated the potential confusions and weaknesses of both the concept and content of SPPs. These have major implications for the funding that Government has indicated will follow SPPs.

The consultation frames banded funding as if it follows SPPs in a clear and straightforward manner. It is difficult to see how this can be the case, based on the following variables that would need to be taken into account:

- How the SPP is specified within an individual ISP and EHCP – children allocated to the same SPP might still, in theory, require quite different levels and types of service provision.
- Which type of school the child will be attending – will central Government grant funding be factored in and adjusted for where placements are in Independent Special Schools to reflect their inability to access it?
- Children who are accessing support from more than one SPP – how will funding be calculated? Is it proposed that each possible element of a SPP will have an attendant unit costing, i.e. an hour of speech and language therapy?

Calculating funding will be an extremely complex and nuanced task. Whilst a panel of nominal experts will be recruited to define and develop SPPs, Government has not yet set out how this specialist accountancy task will be managed, nor by whom.

Government has stated its intent to review SPPs ‘regularly’ but no timeframe has been attached to this. Similarly, there is no detail on the frequency of review of banded funding and the mechanism by which this will be undertaken. We believe it must be reviewed and amended annually to reflect changes in the cost of delivery, e.g. staff pay increases. Without this, there is a risk that schools will be unable to afford to deliver SPPs and children’s needs will go unmet.

We note that this is not the first time that banded funding has been used to meet High Needs. Until 2013, the Learning and Skills Council, and its

successor the Young People's Learning agency, used a 'matrix' to fund post-16 SEND learners. Whilst this mechanism worked well for some learners with lower-level needs, it did not work well for any learner who required a multi-agency, intensive service response. Over time, the number of learners who were placed on bespoke funding packages outside the matrix increased to a point where the matrix was deemed no longer viable. We would like to see evidence that DfE has taken on board learning from this approach and will not repeat the mistakes that were made.

### **The Implications of SPPs – tailored lists**

The stated intent is that SPPs will be used by local authorities to generate lists of schools that would be able to meet the child's needs. The local authority will hold all the decision-making power, choosing which schools to propose to parents and knowing that the SEND Tribunal will no longer be able to name a different school on appeal.

We believe that this approach is open to misuse by local authorities. There needs to be clear, transparent and statutory guidance issued to local authorities that sets out the approach they must take when compiling lists of schools. We are concerned that Government will directly or indirectly pressurise local authorities to first name Support Bases, even if these might not be the best option for the child. Beyond this, we do not have confidence that the full range of special school options will be named in lists, for example, without a clear steer to do so, we do not believe that appropriate Independent or Non-maintained Special Schools will be named. If the intent is for all types of placements to be funded from within nationally agreed bands, this would be inequitable and unreasonable.

### **Dispersed and weakened accountability**

Whilst EHCPs are maintained under the proposed reforms, they are a very different entity. We believe that the relationship between SPPs, EHCPs and Individual Support Plans creates a confusing model for accountability within the system. We do not support a move from individualised support driven by legally enforceable EHCPs to a category-based system of support where actual delivery of services relies on the school's ability to deliver within the given funding and parents have weakened routes to legal redress.

## **The ‘most complex’ of the ‘most complex’ – who sits outside the seven SPPs?**

A footnote on page 80 of the consultation document suggests that learners who attend Non-Maintained Special Schools (NMSS) will require additional SPPs beyond the seven set out for other specialist placements. The given rationale for this suggests that this is because NMSS meet particularly low-incidence needs and support young people who require a very complex service response. NASS fully supports this view of the NMSS sector but notes that these characteristics are not exclusively held by NMSS. It does not make sense to opt out a whole group of special schools from existing SPPs only on the basis of their registration category and this could be seen as direct discrimination against other categories of special school.

It makes more sense to define which needs require a particular intensive or specialist support package, which is likely to require a higher level of funding. Based on our knowledge and experience of special school, this is likely to include specialist resources in the state-maintained, academy and independent special school sectors.

We are confused by Government’s assertion on page 70 that local authorities will be asked to consider the impact of making a high-cost placement on overall budget, for example, at an Independent Special School (ISS). This appears to contradict the proposal (backed up repeatedly in Ministerial media appearances) that Independent Schools will be funded under exactly the same banded funding system as other specialist settings. If this is the case, a placement in an ISS could not have a distorting impact on a local authority budget, *unless* Government is entertaining the likely possibility of some placements in ISS requiring a level of service response complexity beyond that set out in the seven SPPs. We ask Government to clarify its position in its response to this consultation.