

# SEND support a major issue in education ahead of General Election, say school leaders in Browne Jacobson survey

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More than four in five (84%) school leaders in England are dissatisfied with the Government's support for special educational needs and disability (SEND) pupils, according to a survey by UK and Ireland law firm Browne Jacobson.

Some 94% are dissatisfied with SEND funding – including 72% being very dissatisfied – with just 5% and 2% reporting they are satisfied with SEND policy and funding respectively.

The data is from Browne Jacobson's [School Leaders Survey](#) for spring 2024 – which was completed by more than 200 leaders of academies and multi-academy trusts, representing an estimated\* 1,800 schools collectively responsible for nearly a million pupils across England.

[Government figures](#) show there was a 19% increase in the number of pupils receiving special educational needs support between 2016 and 2023, a period in which the total pupil population grew by 6%.

The number of pupils with an education, health and care plan (EHCP) – a legally-binding document that outlines a child or young person's special educational needs – has risen by 64% during the same period to almost 390,000.

Schools delivering creative SEND solutions

[Laura Thompson](#), Senior Associate specialising in SEND matters at Browne Jacobson, said: "With a General Election now fast approaching, Government policy on SEND support and funding jumps out as a key issue where the political parties should really take note in education and consider policies that will meet school leaders' and parents' concerns in both the short and long term.

"We are being asked by schools for advice regarding SEND funding on a daily basis. There continues to be a huge disparity between the level of funding that schools require to meet the needs of pupils with SEND and the level of funding they are actually given.

"We know the Government has committed £2.5bn towards improving SEND provision but this isn't a quick fix. There aren't enough special school places, while a national shortage of specialists, such as educational psychologists, has compounded the ability of mainstream schools to implement appropriate support.

"We would encourage schools to continue looking for creative ways to meet pupils' needs. Great examples we've seen include multi-academy trusts pooling specialist resources, special schools offering outreach and satellite provision, and mainstream schools establishing specialist 'hubs' or classrooms – which provide targeted support to pupils requiring a specialist placement but have been unable to obtain one."

Browne Jacobson's team of education lawyers advise schools and academies on a range of practical matters, policy advice and disputes relating to SEND provision.

Disputes often result in parents and guardians lodging complaints, with the School Leaders Survey showing 65% of respondents reporting a rise in complaints and SEND support the most common subject, followed by behaviour and discipline, and equality and discrimination issues.

The number of parents lodging tribunal appeals over local authority refusals to provide SEND support also increased annually by 23.5% to a record high of 13,658 appeals in the 2022-23 academic year, according to [Ministry of Justice data](#).

Laura added: "With SEND disputes rising, schools for their part need to remain mindful of their duties under the Equality Act and press for support from local authorities where it is needed and rightfully owed."

#### Other key educational policy concerns

The School Leaders Survey, which was carried out for three weeks in March 2024, also indicated 62% of respondents felt negative about the impact of Government educational policy compared to 12 months earlier.

Other specific policy issues where school leaders said they were dissatisfied included school and academy funding (87% dissatisfied or very dissatisfied), capital funding and estates (77%), Ofsted inspections (69%), parental complaints (68%), and academy pay and reward (65%).

There were higher levels of satisfaction or neutrality in areas such as governance, where only 27% were dissatisfied, curriculum (35%), academisation (38%), and academy and school regulation (43%).

[Nick MacKenzie](#), Head of Education at Browne Jacobson, said: "With widespread dissatisfaction across key policy areas, it's important to ensure the education sector's priorities are heard loud and clear by policymakers.

"The school system, with just under 11,000 academies in England, is more complex than it was in 2010, leading to a wide range of concerns among school leaders over issues such as SEND support, teacher pay, recruitment and retention, Ofsted inspections, parental complaints, and capital funding for maintaining and developing schools.

"While in theory the upcoming General Election may be an opportunity to substantively address some of those challenges, we would encourage schools and academies to consider what else they could be doing to address areas of concern because the current indications are that policy solutions may be slower in coming than leaders would like."

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