

SEND capacity issues leading to non-compliance

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The Office of the Schools Adjudicator (OSA) has recently highlighted a growing trend of schools refusing to comply when they are named on a child's Education Health and Care Plan (EHCP).

It's important to examine schools' reasons for non-compliance more closely, in the context of what has been described as a special educational needs 'capacity crisis'.

A legal obligation

Educational provision is a crucial element of an EHCP, and the named school is responsible for admitting and supporting that pupil. Schools can object to being named on a plan during consultation, but once named, they have a legal obligation to admit that child.

Local authorities are expected to provide additional resources to schools where a pupil requires a particularly high level of support. However, with a significant increase in children being assessed as having special educational needs, schools and local authorities often face a shortfall in financial support or specialist resources.

A last resort

A lack of support is a significant concern for schools when failing to meet a child's needs may result in that child, other children, or staff being unsafe in school. Non-compliance with an EHCP, therefore, is often a last resort for schools that cannot educate a pupil safely without additional resources.

Although the OSA's comments reveal one side of the picture, we must consider the interconnected issues at play and examine how the system as a whole can expand its capacity to support every pupil in accessing education.

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