

**Debate Pack**

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By Nerys Roberts,  
Bruce Macdonald

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# Estimates Day: Spending of the Department for Education on SEND provision

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# 1 Background

On Thursday 14 March 2024, there will be an Estimates Day debate on the revised spending plans of the Department for Education (DfE) for 2023/24. Revised spending plans are set out in Supplementary Estimates, more information on which can be found in section two of this briefing paper.

The debate will focus on the spending of Department for Education on special educational needs and disabilities (SEND) provision.

## 1.1 Special educational needs provision in England

### What rights are there to special educational needs (SEND) provision?

The statutory [Special Educational Needs and Disability \(SEND\): Code of practice](#), first published in 2014, sets out detailed information on the support available for children and young people aged 0 to 25.

Broadly, there are two levels of support:

- SEN Support, provided to a child or young person in their mainstream pre-school, school, or college
- Education, Health, and Care (EHC) Plans which provide a formal basis for support for children and young people who need more support than is available through SEN Support. Those with EHC plans may be in either mainstream or specialist settings.

### Government's SEND reform programme

In September 2019, five years after the introduction of the current system of support for children and young people with SEND, [the Government announced a major review of its effectiveness](#).

Following delays to the review during the pandemic, the Government published a green paper consultation on reform to the system, [SEND Review: right support, right place, right time](#), in March 2022.

The Government published its [SEND and alternative provision improvement plan](#) in March 2023. This confirmed the Government's future plans following the green paper consultation.

Among other changes, the improvement plan proposes a unified system for SEND and alternative provision, driven by new national standards, as well as local SEND and alternative provision partnerships to commission provision.

A [SEND and alternative provision roadmap](#) was published alongside the plan, setting out timelines for key parts of the Government's proposals.

## How many children and young people with SEN are there?

### School pupils

In January 2007 there were around 1.6 million school pupils with identified SEN in England, the total increased gradually reaching a peak of around 1.7 million in 2010 before declining again and reaching its lowest level in 2016 (around 1.2 million). Since then, the number of pupils with SEN has increased in each year and reached around 1.6 million in January 2023.

Only a minority of school pupils with SEN have EHC plans, but the number and proportion has increased over time. In 2023, around 390,000 pupils had EHC plans (25% of pupils with identified SEN). This compared with around 233,000 pupils with statements in 2007 (15% of pupils with identified SEN).<sup>1</sup>

However, due to changes in overall pupil numbers over this period, the most meaningful way of making comparisons over time is to compare the proportion of pupils with SEN (known as the SEN incidence rate) or the proportion of pupils with statements or EHC plans.<sup>2</sup>

The SEN incidence rate was around 19% in 2007. It gradually increased reaching a peak of around 21% in 2010. The SEN incidence rate then declined and reached its lowest level in 2016 and 2017 (around 14%), before increasing again gradually to just above 17% in 2023.<sup>3</sup>

## Education, health and care (EHC) plans

Education, health, and care plans (EHC plans) are available to people aged 0-25 years old. The data in this section includes all people with EHC plans (unlike the previous section which only included school pupils).

In January 2023, there were around **517,000** children and young people of all ages with an EHC plan in England. Most of these were compulsory school age children. In January 2023, around 69% of those with EHC plans were aged

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<sup>1</sup> Department for Education, [Special Educational Needs in England: 2023](#), June 2023, main text

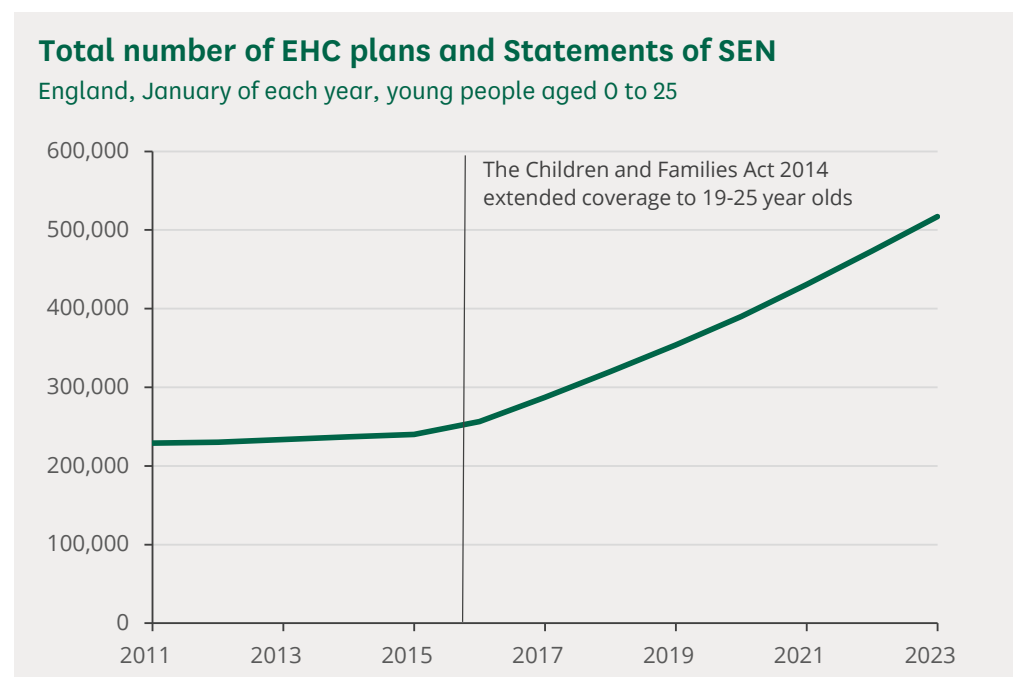
<sup>2</sup> The number of pupils with SEN (with and without statements or EHC plans) as a proportion of the number of pupils on roll in all schools

<sup>3</sup> Department for Education, [Special Educational Needs in England: 2023](#), June 2023, main text

between 5 and 15 years old, 20% were aged 16-19, 7% were aged 20-25, and 4% were aged under 5.<sup>4</sup>

The number of EHC plans (and earlier, statements of SEN) maintained by local authorities has increased in each year since 2010 (when there were around 228,200). This increase has accelerated since 2015 (when there were around 240,200). This increase occurred in a wider context of rising pupil numbers, as well as reforms that extended the age group covered, to 25 years old.<sup>5</sup>

The chart below shows the trend in the number of EHC plans and statements maintained by local authorities, since 2011. The DfE does not publish incidence rates of EHC plans across all age groups (as it does for school pupils).



Notes: Figures include Statements of SEN and EHC plans, 31 March 2018 was the deadline for transferring Statements to EHC plans. The Children and Families Act 2014 extended coverage to 19-25-year-olds. A very small number within this age group were recorded with EHC plans for the first time in 2015, and large increases were recorded in each year since

Sources: [Department for Education, Statements of SEN and EHC Plans: England 2019, table 1](#); Department for Education, [Education, health and care plans: 2023](#), June 2023, main text

## Funding for SEN provision

Funding for SEN in England is not allocated as a separate amount per child or young person with SEN. SEN funding is part of the overall Dedicated Schools Grant (DSG) allocated to each local authority to fund their schools budget. It

<sup>4</sup> Department for Education, [Education, health and care plans: 2023](#), June 2023, main text

<sup>5</sup> As above

is for local authorities, in consultation with their schools forums, to determine the individual allocation to schools.

The following PQ response provides information on SEN funding for maintained schools:

**Steve McCabe:** To ask the Secretary of State for Education whether special educational needs coordinators are able to request funds from his Department for extra assistance with SEN students in maintained schools. [201299]

**Mr Timpson:** The Department for Education does not give funds directly to local authority maintained schools. Funds for extra assistance with students with special educational needs (SEN) come from schools' budgets and, if the extra cost is more than £6,000 per year for an individual student, from local authorities in the form of top-up funding for the school. Local authorities can also give extra funding to schools with a disproportionate number of pupils with SEN. Special educational needs coordinators should therefore seek any additional funds required from the relevant local authority.<sup>6</sup>

Mainstream academies are in a similar position. When planning their budgets, academies should take into account that they must meet the costs of additional support for pupils with SEN up to £6,000 from their school budget share (including the notional SEN funding).<sup>7</sup>

For maintained or academy special schools, a similar system is in place, but they are funded at the higher level of £10,000 per SEN pupil, with any extra 'top-up' funding then provided by the local authority.<sup>8</sup>

## Funding levels

The chart below shows the total high needs block allocations over the last decade (2024-25 figures are taken from [published DSG allocations](#), which are slightly lower than the £10.5bn noted above and provisional, so subject to later updating). Some funding for SEN provision comes from other sources, including the core schools block of the DSG.

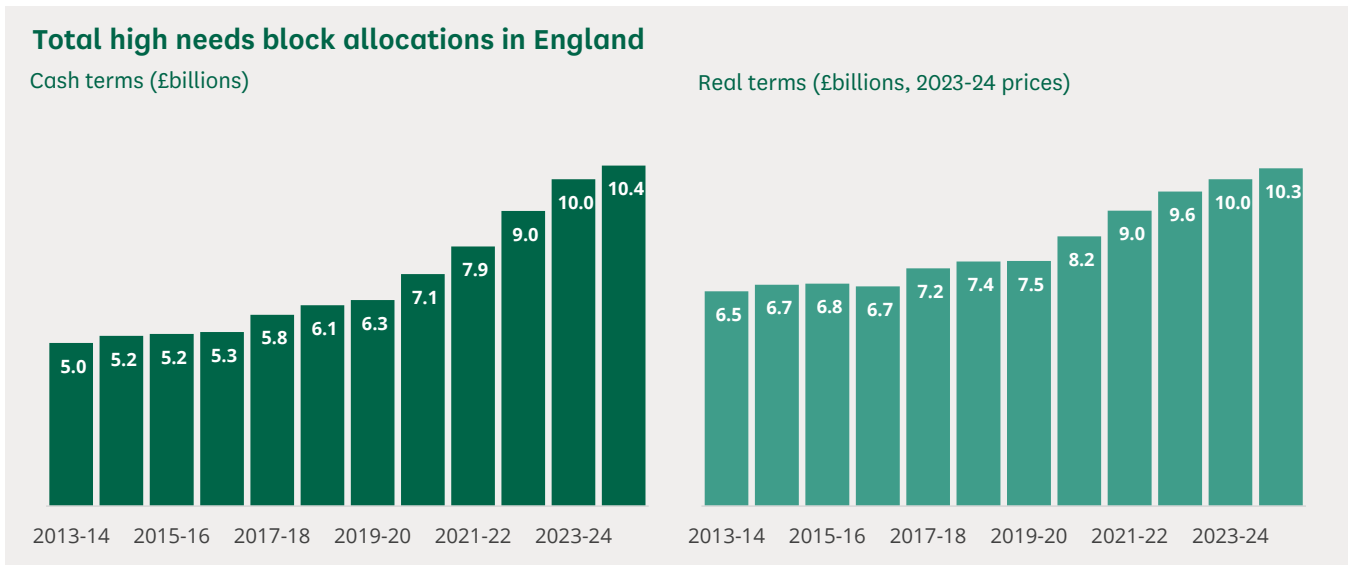
High needs block allocations have generally followed an upward trend, particularly in recent years. The most meaningful way of making comparisons over time is on a per pupil basis. Per pupil high needs block allocations cannot be estimated because the Department for Education does not publish the total number of children and young people that benefit from high needs block funding and, as mentioned above, some funding for SEN is provided outside the high needs block.

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<sup>6</sup> [HC Deb 23 Jun 2014 c83W](#)

<sup>7</sup> Department for Education, [Academy general annual grant allocation guide: 2023 to 2024 academic year](#), February 2023

<sup>8</sup> Department for Education, [High needs funding: 2022 to 2023 operational guidance](#), March 2023, provides an overview of relevant funding



Notes: When calculating real-terms figures, GDP deflator growth for 2020-21 and 2021-22 has been averaged across the two years to smooth the distortions caused by pandemic-related factors.

Figures for 2022-23 and 2023-24 include additional high needs funding for local authorities, made available in recognition of cost pressures.

Sources: Department for Education, [Dedicated Schools grant: Various years](#) (cash terms allocation), HM Treasury, [GDP deflators at market prices, and money GDP March 2024](#); [OBR, Economic and fiscal outlook, March 2024, \(table 1.7 of supplementary economy tables\)](#) (real terms calculations)

## Capital funding for new special free schools and alternative provision

In September 2021, the Department for Education (DfE) also [announced £2.6bn of SEND capital funding between 2022 and 2025](#), for new special free schools and alternative provision settings, and improvements to existing provision. At the Spring Budget 2024, [it announced a further £105 in initial capital funding](#) for 15 new special free schools.<sup>9</sup>

<sup>9</sup> HM Treasury policy paper, [Spring budget 2024](#), 6 March 2024

## 1.2

# Local authorities and schools facing financial challenges

## ‘Safety valve’ intervention programme

In the 2020-21 financial year, the DfE introduced a programme where a small number of local authorities facing the most significant financial challenges are given additional funding and support to address their DSG deficits. This is known as the safety valve intervention programme.

The original local authorities that signed safety valve agreements, committing them to addressing their budget deficits and managing overspends were Stoke-on-Trent, Bury, Hammersmith and Fulham, Richmond upon Thames, and Kingston upon Thames.

A further nine local authorities signed safety valve agreements with the DfE during 2021-22. 20 more agreements were signed in 2022-23, meaning a total of 34 local authorities are involved. A list of authorities involved in the safety valve programme [can be found on the DfE website](#). In March 2024, the Government also confirmed that six other councils are currently in negotiations with the DfE on entering safety valve agreements.<sup>10</sup> The DfE has [published guidance on sustainable high needs systems, and its intervention work with local authorities](#), last updated in October 2022.

In July 2023, the charity, IPSEA, [said it had written to all safety valve intervention local authorities](#) seeking assurance that they would meet their legal duties in relation to SEN provision, which it notes “remain unchanged in the context of both the Government’s SEND Change Programme and the safety valve intervention programme”. IPSEA Chief Executive, Ali Fiddy, said:

Individual safety valve agreements are explicit about containing numbers of EHC needs assessments, EHC plans and placements in non-mainstream settings, among other things. But it would not be lawful, for example, to introduce local policies on eligibility for EHC needs assessment that vary from the legal threshold, or blanket policies on access to particular services or placements.

While early intervention, effective multi-agency working and inclusive practices are all vitally important, there will always be children and young people who need additional statutory support. The Children and Families Act 2014 and the SEND Regulations 2014 set out clearly children and young people’s entitlement to provision that meets their individual needs. However, the steady rise in appeals to the SEND Tribunal, and the high volume of unlawful decision-making evidenced by the overwhelming number of appeals

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<sup>10</sup> [PQ 16447 \[on Special educational needs\]](#), 8 March 2024



upheld by the Tribunal, indicates that local authorities do not always prioritise compliance with SEND law.<sup>11</sup>

## Delivering better value in SEND

Alongside the safety valve programme, the DfE has also introduced the [Delivering better value \(DBV\) in SEND](#) programme. This is an optional programme, and works with 55 local authorities, which are able to apply for grants from the DfE, in connection with work to identify and address budget pressures. The authorities were chosen “based on those with the highest deficits as at 2020-21 (after those authorities that have already been invited to join the DfE’s safety valve programme).”<sup>12</sup> However, DBV “will not ‘write off’ any high needs budget deficits”.<sup>13</sup> A [list of participating local authorities](#) can be found on the DBV website.

There have been press reports suggesting participating DBV local authorities may face targets to reduce the number of EHC plans,<sup>14</sup> and concerns about the likely success of the programme in reducing local authority deficits.<sup>15</sup>

In response to a PQ on 23 October 2023, Minister David Johnston said:

The department’s Delivering Better Value (DBV) programme has no targets to reduce the number of new Education, Health and Care (EHC) plans. Decisions about individual children and young people and whether they require EHC plans must be made on an individual basis, following the processes set out in the Children and Families Act 2014. The department is protecting every parent and family’s existing legal right to an EHC plan when they need one, and that will not change.

The DBV programme is part of the wider reform work set out in detail in the Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan. DBV aims to put the SEND system on a more sustainable footing by funding system transformation in up to 55 local authorities with high dedicated schools grant deficits. It does so by providing diagnostic support to each local authority to engage with its stakeholders and identify opportunities to improve services and meet children’s needs at an early stage and with the right level of support.<sup>16</sup>

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<sup>11</sup> IPSEA, ‘[IPSEA writes to local authorities over concerns with safety valve agreements](#)’, July 2023

<sup>12</sup> Department for Education, [Guidance on our intervention work with local authorities](#), October 2022, p3

<sup>13</sup> Delivering better value in SEND, “[about](#)” [website article](#), undated

<sup>14</sup> See: Matt Keer and Tania Tirraoro, Special Needs Jungle, “[DBV Part 2: 20% EHCP cuts? After repeated denials, the Department for Education’s got some explaining to do...](#)”, 11 September 2023

<sup>15</sup> “[Government SEND savings plan will barely dent council deficits](#)”, Schools Week, 29 September 2023

<sup>16</sup> [PQ 203508 \[on Special Educational Needs\]. 25 October 2023](#)

## 1.3

# Levelling Up, Housing and Communities Committee report on local authority finances

In February 2024, the Levelling Up, Housing and Communities Committee published a report on [Financial distress in local authorities](#). Among other areas, the report addressed financial pressures resulting from SEND expenditure.

## The statutory override

As well as rising demand, the report highlighted the ‘statutory override’ introduced by the then-Ministry for Housing, Communities and Local Government in 2020. The override allows local authorities to exclude any deficits on their Dedicated Schools Grant (DSG) spending from their main revenue budgets, meaning that local authorities’ DSG deficits could be separated from their wider accounts.<sup>17</sup> The override ran initially until March 2023, but in December 2022 was extended to the end of March 2026.<sup>18</sup>

The Department for Levelling Up, Housing and Communities told the committee in oral evidence that a decision on whether the Government will fund, or expect local authorities to fund, deficits remaining when the statutory override ends is expected in the next Parliament.<sup>19</sup>

The committee raised concerns about the longer-term efficacy of the current support programmes in place for local authorities experiencing difficulties:

While we appreciate that some efficiencies may be achievable, it is not realistic to expect local authorities to manage down deficits of the scale of many billions of pounds over a period of two or three years. One-off ‘safety valve’ funding does not address the underlying mismatch between demand, costs, and annual DSG funding and it will not prevent local authorities from accumulating further deficits subsequently.<sup>20</sup>

Among the committee’s recommendations was for the Government to provide clarity to local authorities on its specific expectations for resolving existing DSG budget deficits, and agree with local authorities a set of “realistic and achievable steps, supplemented by sufficient additional funding,” for eliminating those deficits, by the end of March 2024.<sup>21</sup>

The Government has not yet responded to this report.

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<sup>17</sup> [PQ 98741 \[Special Educational Needs\], 7 December 2022](#)

<sup>18</sup> Levelling Up, Housing and Communities Committee, [Financial distress in local authorities](#), Third Report of Session 2023-24, HC 56, p30

<sup>19</sup> As above, p31

<sup>20</sup> As above, p31

<sup>21</sup> As above, p33



## 2 Supplementary Estimates 2023/24

### 2.1 What are Supplementary Estimates?

One of Parliament's longest standing functions is the consideration and authorisation of the government's spending plans, requiring the government to obtain parliamentary consent before spending public money. These are presented to Parliament in documents known as "Estimates".

Estimates typically take place twice per financial year:

- April to June: Main Estimates (initial departmental spending plans)
- February to March: Supplementary Estimates (revised final departmental spending plans)

The Library has published briefing papers setting out details of the government's [initial spending plans](#) (published in June 2023 for the Main Estimates 2023/24) and its [revised spending plans](#) (published in February 2024 for the Supplementary Estimates 2023/24).

Supplementary Estimates show the changes to this financial year's budgets which the government is seeking for each department. They are divided into separate limits for current, day-to-day spending (also known as Resource) – on staff and other running costs, on goods and services and grants; and capital (investment) spending – covering purchase and sale of assets, loans and capital grants.

Changes are further divided into spending subject to fixed limits, based broadly on the plans outlined for 2023/24 in the 2021 Spending Review, known as Departmental Expenditure Limits; and less predictable and more demanded spending, known as Annually Managed Expenditure (AME).

As is usual, all these changes these will be put to Parliament for approval in March and, if Parliament is content, will be given legal effect by a new Supply and Appropriation Act before the end of the financial year, allowing access to additional funds approved.

### 2.2 Department for Education Supplementary Estimate 2023/24

The Department for Education (DfE) proposes a Resource DEL (day-to-day spending) budget of £104,613.6 million, an increase of £18,620.3 million

(+21.7%) compared with its initial budget of £85,993.3 million. The main drivers of this increase are:

- £18,499.2 million to cover the annual revaluation of student loans receivable by DfE. The valuation of student loan assets is sensitive to wider economic variables and therefore the budget set at the Main Estimate is always reviewed at the Supplementary Estimate. The fair value of student loan assets has decreased, increasing the budget required to cover in-year fair value movements. £3,500 million of this is due to an increase in [the discount rate](#) HM Treasury requires departments to use to calculate the present value of long-term assets and liabilities, and £5,900 million of this is due to an increase in the forecast rate of RPI inflation in November 2023 compared with the previous forecasts.<sup>22</sup>
- £250 million switched from Capital DEL due to lower than planned capital spending.

The increase is offset by adjustments which include:

- £104 million of budget surrendered (given back to the Treasury), of which £60 million relates to apprenticeships and £14 million relates to the Multiply adult numeracy scheme; and
- £38.3 million of outgoing budget cover transfers (agreements between departments to transfer budget to cover costs of, for example, a shared programme or policy change) of which the key items include: £15.2 million to DHSC for the school fruit and vegetable scheme, and £8.4 million to DCMS for the diploma in sporting excellence.

DfE proposes a Capital DEL (investment spending) budget of £6,780.3 million for 2023/24, a decrease of £257.6 million (-3.7%) compared with its initial budget of £7,037.9 million. The main driver of this decrease is the switch to Resource DEL due to lower than planned capital spending, most of which relates to underspending on Further Education capital programmes including the Further Education Capital Loan scheme (£145 million) and the Further Education Capital Transformation fund (£105 million).

DfE proposes a Resource AME budget increase of £2,377.3 million (+53.7%) to its initial budget of -£4,431.6 million. The main driver of this increase is £2,302 million required to manage the department's exposure to changes in RPI inflation reducing the value of income the DfE can recognise relating to its student loan assets.

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<sup>22</sup> Increased budget is also sought, in line with usual practice, to cover changes between the estimate and financial year-end which are outside of the department's control, as the macroeconomic data used to value the student loan book at financial year-end is not available at the time of preparing supplementary estimates.

DfE proposes a Capital AME budget of £34,381.7 million for 2023/24, a decrease of £47 million compared with its initial budget of £34,428.7 million. The driver of this decrease is volatility in DfE's forecast for capitalised interest relating to student loan assets.

In November 2022 the Office for National Statistics (ONS) announced that it had reclassified English further education colleges, sixth form colleges and designated institutions to the central government sector. DfE continue to work with HM Treasury on the impact of this reclassification for their Estimates and have obtained a derogation for this Supplementary Estimate.

## 3

# Parliamentary material

## Written PQs

### [Childcare: Special Educational Needs](#)

11 March 2024 | UIN 16405

### [Special educational needs](#)

11 March 2024 | UIN 16337

### [Alternative education: Special educational needs](#)

6 March 2024 | UIN 15947

### [Mental Health Services and Special Educational Needs: Children](#)

21 February 2024 | UIN 14100

## Debates and oral PQs

### [SEND: Support](#)

11 March 2024 | Commons Chamber | 747 cc5-6

### [Support for Children with SEND](#)

1 January 2024 | Westminster Hall | 744 cc587-591WH

### [SEND: High-quality Childcare](#)

747, 11 March 2024 | Commons Chamber | 747 cc15-16

### [SEND Provision: Uxbridge and South Ruislip](#)

7 February 2024 | Westminster Hall | 745 cc121-126WH

### [SEND Provision and Funding](#)

11 January 2024 | Commons Chamber | 743 cc476-525

### [Special Educational Needs and Disabilities: Specialist Workforce](#)

22 March 2023 | Westminster Hall | 730 cc93-117WH

## Committee material

Levelling Up, Housing and Communities Committee, [Financial distress in local authorities](#), Third Report of Session 2023–24, HC 56, 1 February 2024

[Letter from David Johnston MP, Minister for Children, Families and Wellbeing to Robin Walker MP, Chair of Education Select Committee, on Delivering better value in SEND programme \[PDF\]](#), published 17 October 2023

Education Committee, [Persistent absence and support for disadvantaged pupils, Seventh Report of Session 2022–23 \[PDF\]](#), HC 970, 27 September 2023

[Letter from Robin Walker MP to David Johnston, on the SEND improvement plan \[PDF\]](#), 19 September 2023

Education Committee, Transcript of oral evidence: [Special Educational Needs and Disabilities \(SEND\)](#), HC 1248, 23 May 2023

Education Committee, Transcript of oral evidence: [Special Educational Needs and Disabilities \(SEND\), HC 1248](#), Tuesday 28 March 2023

Education Committee, [Special educational needs and disabilities, First Report of Session 2019 \[PDF\]](#), HC 20, 23 October 2019



## 4 Press material and other commentary

[Supporting those with Special Educational Needs and Disabilities](#)

Local Government Association

11 March 2024

[Labour: SEND challenge ‘enormous’ but plan will come post-election](#)

Schools Week

9 March 2024

[‘It’s an absolute mess’: building work seriously delayed on 33 new special schools in England’](#)

The Observer

9 March 2024

[Council faces legal action over controversial safety valve deal](#)

Schools Week

9 March 2024

[Budget 2024: £105m for 15 new special free schools](#)

TES

6 March 2024

[Trauma, expense and delays: Symptoms of a SEND system in ‘complete crisis’](#),  
Schools Week

6 March 2024

[Children’s services spending ‘biggest short-term pressure for councils’, say leaders](#)

Children and Young People Now

28 February 2024

[Budget deficits show SEND funding must change](#)

Benedicte Yue for the TES

22 February 2024

[Special needs responsibilities were heaped on councils as funding shrank](#)

The Guardian

18 February 2024

[Funding Fact Check 1: The DfE says SEND cash is up by 60%. Let's find out if that's true...](#),

Special Needs Jungle website

29 January 2024

[Local authority SEND transport costs could top £1bn by 2028, council leaders warn](#)

Children and Young People Now

29 November 2023

## 5

### Further reading

[Revised Government spending plans for 2023/24](#)

House of Commons Library

29 February, 2024

[Special educational needs: support in England](#)

House of Commons Library

9 February 2024

[The Special Educational Needs and Disabilities and Alternative Provision Improvement Plan](#)

House of Commons Library

23 March 2023

[SEND review: Right support, right place, right time \[PDF\]](#)

HM Government

March 2022

[Support for pupils with special educational needs and disabilities in England](#)

National Audit Office

11 September 2019

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