Stripes - The West Yorkshire ADHD Charity

Formal Consultation Response

SEND Reform: Putting Children and Young People First (2026)

Organisation: Stripes -The West Yorkshire ADHD Charity
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Geographical area: West Yorkshire (Bradford, Calderdale, Kirklees, Leeds, Wakefield)
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1. Introduction

Stripes supports neurodivergent children, young people and families across West Yorkshire with weekly groups, one-to-one support, training, and navigation of education/health processes. We welcome the intent to improve outcomes, but many proposals re-state existing legal duties under The Children and Families Act 2014 (CAFA) and the SEND Code of Practice 2015 (SEND CoP) that are not complied with in practice. The core issues are compliance, enforcement and accountability.

We also urge extreme caution about unintended harm. Delayed or inappropriate support can entrench difficulties, leading to poorer long-term outcomes for children and families and substantial, avoidable costs to the public purse across education, health and social care, alongside increased reliance on benefits and long-term disengagement from employment.

For clarity, references to ‘children’ in this response should be read as including children and young people, unless otherwise stated.

2. Inclusion in mainstream education

We support inclusion when it is safe, appropriate and suitably resourced. Many mainstream settings lack specialist capacity, trained staff, therapeutic input, suitable spaces and realistic ratios. Pushing more children into mainstream without first ensuring capacity risks harm and breakdowns. The legal definition of SEN remains needs-based, not diagnosis-based. Any narrowing of eligibility will not remove needs; it will leave them unmet.

3. Early support without diagnosis

The White Paper proposes that support should be provided without waiting for a diagnosis. The law already provides for needs-led support and a graduated approach in schools and the legal threshold to assess for an EHCP is intentionally low. Families routinely experience delay and gatekeeping. Re-stating duties without enforcement will not improve outcomes.

4. Multi-agency working and timely assessments

The current framework already requires joint working and timely professional advice for EHCPs. During an EHC needs assessment, the LA must seek specified education, health and social care advice, and such advice should be provided within 6 weeks. In practice, these timelines are often not adhered to. Re-announcing joint working adds nothing without accountability for failure to comply with statutory time limits.

5. National Inclusion Standards

While national consistency is welcome, new standards must not dilute or displace existing statutory protections. The SEND CoP and CAFA already set out clear duties; the priority is implementation and enforcement, not replacement.

6. Individual Support Plans (ISPs)

The White Paper proposes a statutory duty for nurseries, schools and colleges to record and monitor SEN and provision through an Individual Support Plan (ISP). However, the key issue is not whether an ISP exists on paper, but whether children and families will have enforceable rights and effective redress if the support recorded in an ISP is inadequate or not delivered. Without clear, binding accountability mechanisms equivalent to EHCP protections, there is a risk that many children are moved from enforceable entitlements to support that is variable and difficult to secure in practice.

7. Predetermined Specialist Provision Packages

We are concerned that predetermined Specialist Provision Packages risk prioritising standardisation over individual need. Support should be child-centred and needs-led, not based on fitting a child into pre-defined categories. Many children, particularly those with neurodevelopmental conditions, have complex and overlapping needs that do not align neatly with a single package. The proposals do not clarify how children who fall outside or between packages will be supported, creating a risk of unmet need and inappropriate provision.

8. Training for all staff

The SEND CoP already embeds that teaching is the first response and that class teachers are responsible and accountable for the progress of pupils with SEN. New training must therefore be mandatory, funded, practical and specific (ADHD, executive function, sensory regulation, trauma-informed practice, behaviour as communication) to improve classroom practice beyond the CoP's existing expectations.

9. Access to experts

The reforms promise faster access to health professionals. However, the current law already sets clear timescales for advice during an EHC needs assessment, and these are routinely not met. When parents ask schools for an Educational Psychologist to get involved, they are frequently told 'there are no EP hours left'. Reform must end quota-based rationing by setting minimum service levels, monitoring waits, and enforcing compliance.

10. EBSA and authorising mental-health-related absences

Emotionally Based School Avoidance (EBSA) is rising, particularly for neurodivergent pupils. Any national approach must:

- Recognise EBSA as a needs-led response requiring adjustments and support, not punitive measures;
- Provide flexible timetables, safe spaces and targeted mental-health support;
- Enforce consistency in how mental health-related absences are authorised. The DfE already has guidance that confirms that absence due to poor mental health should be recorded as Code I, but in practice this is not consistently followed. Families repeatedly tell us their child's anxiety or distress is not recognised as a legitimate reason for authorised absence. Families should not be penalised for safeguarding a child in genuine mental health crisis.

11. Children unable to attend school (including EOTIS) and children in custody

A significant omission in the White Paper is the lack of recognition for children who are unable to attend school, including those receiving Education Otherwise Than In School (EOTIS). The proposals are also silent on children who are in custody. These pupils are among the most vulnerable. Without explicit duties and clear accountability, it is unclear how their provision will be secured, how Individual Support Plans (ISPs) would apply when school attendance is not possible, or who will be responsible for ensuring appropriate alternative education. Any reform must include

defined protections and obligations for this group to ensure that they are not further marginalised or left without suitable education.

12. Recourse if parents disagree with the provision in an ISP

Under the proposals, ISPs are not appealable. Parents would not have the right to challenge the content of an ISP through the SEND Tribunal.

Recourse is limited to:

1. The school's internal complaints process
2. An independent redress panel, which does not have enforceable powers

This represents a significant reduction in parental rights and, in practice, is likely to push disputes into schools, increasing conflict, damaging home–school relationships and removing an essential safeguard against inadequate provision.

13. Duty to secure provision in an ISP

While schools would be legally required to produce an ISP, the White Paper and consultation do not provide sufficient clarity on any corresponding duty to secure or deliver the support listed within it. This creates obligations on paper only. Without a clear, statutory and enforceable duty to secure provision, and in the absence of appeal rights, children's and young people's support risks becoming discretionary, inconsistent and easily withdrawn. This represents a significant regression from the current EHCP system.

14. Narrative around children's rights

We are concerned by a narrative that frames children's legal rights as the cause of cost pressures. In practice, costs rise when early support is not provided, leading to crisis and litigation. The answer is earlier compliance with the existing legal framework, not the erosion of rights or enforceability.

15. What must change

1. Protect and strengthen statutory rights ensuring that any new system maintains or exceeds the current legal entitlements.
2. Introduce real accountability for non-compliance with statutory timescales, unlawful decision-making, and failures to deliver provision.

3. Ensure all forms of support remain enforceable, including establishing a legal duty to secure provision in any ISP and clear routes of challenge where parents disagree with provision.

4. Retain meaningful recourse for families, including access to the SEND Tribunal, rather than pushing disputes into school-level complaints processes or non-binding redress panels, which risks weakening enforceable rights and damaging home–school relationships.

5. Invest in specialist capacity and early help so that legal duties under current and future systems can be met without rationing or gatekeeping.

6. Recognise EBSA and provide national clarity and accountability on authorising mental health-related absence.

7. Ensure that children unable to attend school (including those who currently have an EOTIS package and children in custody) are explicitly included in statutory duties, with guaranteed access to suitable, enforceable education.

8. Keep enforceability at the core of SEND support, retaining EHCP legal guarantees and avoiding non-statutory substitutes that diminish rights.

Closing statement

Stripes will continue to share lived experience from West Yorkshire and to work constructively on reforms that deliver early, lawful, enforceable support so every child can thrive.

Submitted by:
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