SEND Law Autumn Update for Professionals

There have been a number of developments in the world of Special Educational Needs and Disabilities (SEND) Law recently. Highlights include but are not limited to the following.

SEND Tribunal National Trial Extended

What is the National Trial?

Plans have been announced to extend the current SEND Tribunal National Trial which gives powers to the First Tier Tribunal to make non-binding recommendations relating to health and social care provision in appeals relating to special educational needs, special educational needs provision and the proposed placement (i.e. Sections B, F and I).

As a result of the extension, the Trial will continue to run until 31 August 2020.

Why the extension?

The reason is to allow further time for the results of the Trial to be evaluated before a decision is made as to whether the Tribunal should continue to have the power to make recommendations relating to health and social care provision when dealing with appeals relating to Sections B, F and I.

Are the powers effective?

The National Trial sounds great in theory. The problem, however, is that the Tribunal's power is limited to making non-binding recommendations only. If health and social care bodies do not comply, children, young people and families are left with no choice but to challenge these failings through mechanisms such as a complaint or in some cases, judicial review.

The power to issue mandatory recommendations would strengthen the effectiveness of the Tribunal's role. It remains to be seen whether this issue will be addressed as part of the review.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge

Education Committee: SEND Inquiry

The SEND Inquiry highlights that while the reforms contained within the Children and Families Act 2014 were well intentioned, implementation has been hampered by poor administration, accountability and a lack of resources. All of this has resulted in a system which is really struggling to deliver.

The idea behind an Education, Health and Social Care Plan (EHCP) is to pull together and co-ordinate all of a child or young person's education, health and social care needs in a holistic manner.

As education solicitors at Lester Aldridge, we see that all too frequently the opportunity to achieve a holistic and comprehensive EHCP is missed. In a number of cases, EHCPs appear to focus on the education aspect of the plan. The findings of the SEND Inquiry are sadly not surprising and it will be interesting to see what steps are taken to address the issues identified.

Ombudsman Statistics

In its latest report about the EHCP process, the Ombudsman has revealed it is now upholding complaints made regarding the EHCP process in nearly 9 out of 10 cases. The Ombudsman has seen a big increase in the number of complaints it receives relating to EHCPs.

Serious issues include:

- Severe delays of up to 90 weeks, and regularly, more than 1 year, when issuing an EHCP.
- Communication throughout the process.
- Preparation for meetings.
- A lack of oversight by senior staff.

The entire EHC needs assessment process should take no longer than 20 weeks unless there are 'exceptional circumstances'. In our experience as SEN solicitors at Lester Aldridge, the process takes significantly longer than 20 weeks for the majority of children, young people and families we support.

In many cases, disputes relating to the content of an EHCP arise because input into the drafting of the EHCP from education, health and social care professionals can be poor, resulting in a plan which simply does not reflect a child or young person's needs.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge

Get in touch with our education solicitors for more information.

New NHS Task Force

NHS Chief Simon Stevens has announced that a new taskforce will be set up to improve current specialist children and young people's inpatient mental health, autism and learning disability services in England.

At a time when accessing these vital services is increasingly difficult, we welcome reform to make it easier for children and young people to access the help they need.

Do you have a question about SEND law?

If you have any questions about the content of this article or need to discuss matters relating to SEND law, please contact our special educational needs solicitors, based in our Southampton and Bournemouth offices.

Email: communitycare@la-law.com

Telephone: 02380 827483.

Tel: 0344 967 0793 | Email: info@LA-Law.com | www.lesteraldridge.com

Lester Aldridge LLP is authorised and regulated by the Solicitors Regulation Authority (SRA ID: 463177). It is a limited liability partnership registered in England and Wales under number OC321318. Managing Partner: Tom Alder; Compliance Officer for Finance and Administration: Dan Baker-Mist (Financial Controller); Compliance Officer for Legal Practice: Joanne Clarke (Partner) - See more on the Lester Aldridge Privacy Policy

© 2026 Lester Aldridge