

READING BOROUGH COUNCIL

ADULT SOCIAL CARE, CHILDREN'S SERVICES AND EDUCATION COMMITTEE

8 JULY 2026

QUESTION 1 in accordance with Standing Order No.36

Councillor Cresswell to ask the Chair of the Committee:

Use of tribunals in commissioning education provision and transport for children with SEND

There is a widespread view among professionals working in education that I would like to investigate. The narrative is that families of children with EHCPs applying to their council for educational provision and associated transport routinely have their initial requests denied, with those who appeal routinely winning at tribunal, as the EHCP enshrined the provision as a statutory right. Councils are accused of delaying tactics to reduce budgets at the expense of children's education, and a feeling is expressed that provision is disproportionately awarded to children whose parents have the resources to kick up a fuss.

To get an idea of how representative this narrative is I would like to invite comment, and also ask the following specific questions:

What proportion of requests for SEND provision are referred to tribunal? And what proportion of appeals to tribunal are upheld?

What is a typical and a maximum timescale for the tribunal process?

Are socio-economic and demographic data collected that could inform a view on whether SEND provision ends up preferentially granted to some? And are you aware of that analysis being done here or elsewhere? Have we got the statistical evidence to show whether the state funded education provided to children with SEND from disadvantaged backgrounds is equivalent to that provided to children with SEND from advantaged backgrounds??

REPLY by the Chair of the Adult Social Care, Children's Services and Education Committee:

I invite Councillor Eden, the Lead Councillor for Education and Public Health to make the response on my behalf.

REPLY by Councillor Eden, Lead Councillor for Education and Public Health:

Thank you for your question and your continued interest and advocacy for children.

I can understand the perspective that you are representing in your question today. The national system for children with SEND has been recognised as having needed significant reform for many years.

In response to these decades of decay, this Government has launched the most ambitious SEND reforms programme in twenty years. These reforms will seek to rebuild the trust and confidence of parents in their local system and we are committed in Reading to building the strongest possible relationships with parents to ensure that all of our children with send receive the education care and support they deserve.

Our local Reading area partnership plan for children with SEND was endorsed by Reading Borough Council Policy Committee on 15th June. This plan sets out the actions we will take to build ever stronger relationships with parents and to secure the right education for every Reading child. This plan has now been submitted to Government for review and I will update ACE committee on its progress through the Government approval stages in the autumn term.

Regarding your specific questions, we have not had an appeal lodged at tribunal this academic year requesting an assessment or an Education Health and Care Plan which has been upheld. In the current academic year (since September 2025), 34 appeals on the grounds of refusal to grant an Education Health and Care Needs Assessment (EHCNA) or an Education Health and Care Plan following an assessment have been lodged from 407 EHC needs assessment applications, which is approximately 8.3% of applications. 32 of those appeals have been withdrawn and agreement reached with parents, following collaborative work with families via our recently establish SEND Resolutions function. Two cases are currently ongoing.

Other tribunal appeals have also been received during this academic year (2025/26), but these have mainly concerned the content of provision or a specific school placement for a child with an established Education Health and Care Plan. In the current academic year, we have received 59 appeals related in some way to current education provision. We have 2152 children with an Education Health and Care Plan, so appeals are less than 1% of current Education Health and Care Plans. Of these, we have worked with parents and reached resolution in 26 cases, with 33 cases ongoing.

A tribunal remains an important independent point of assurance and legal backstop for many parents, but it can be a lengthy process, which can be distressing for families. Families usually need to consider mediation before appealing, and an appeal must normally be lodged within two months of the Council's decision letter, or within one month of a mediation certificate where that is later. Once an appeal is lodged, timescales vary depending on the type of appeal, the evidence needed, whether a hearing is required and tribunal availability. There is not a single maximum timescale that applies; straightforward matters may conclude more quickly, while complex provision or placement cases can take many months. In Reading, the experience since September is that a resolutions focused approach can shorten this considerably where agreement can be reached without the need for tribunal. We are receiving positive feedback from many Reading families about this way of working, and we are expanding how more concerns can be considered earlier, collaboratively and proportionately.

The SEND resolutions function was launched in September 2025 to deal with the concerns outlined in the question and work more directly with families, before avoidable disagreement moves into a formal tribunal route. The team

works as part of an integrated SEND service with Reading's SEND Advisory Service, SEND Case Officers and the independent Information, Advice and Support Service. This helps families understand what support can be provided through ordinarily available provision in schools, what may be available through an EHCP where the legal threshold is met, and how concerns can be discussed before positions become fixed.

I agree with you that it is important that we continue to work to identify and address inequalities, and we believe the work of our integrated SEND service (including resolutions and our SEND advisory support to schools), alongside wider approaches through our Family Hubs and as set out in our Best Start in Life strategy presented to Committee this evening, will help make support earlier, more accessible and more equitable.

Regarding your query regarding whether SEND provision is preferentially granted to some parents based on relative advantage. I hope you will see the importance and focus we are placing as a Council on the achievement for children with SEND and the impact of disadvantage in the Annual School Standards and Attainment report we are discussing this evening. Our Council led reviews of the quality and impact of SEND provision evidence that in Reading we are prioritising resources to areas of need and disadvantage and providing an equitable education for children with SEND.