

Brighton & Hove City Council

People Overview & Scrutiny

Agenda Item 12

Subject: Scrutiny of SEND Sufficiency

Date of meeting: 14th July 2026

Report of: Chair of People Overview & Scrutiny Committee

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Ward(s) affected: All

Key Decision: No

For general release

1. Purpose of the report and policy context

- 1.1 The Special Educational Needs and Disabilities (SEND) Sufficiency Plan 2026-2029 report to cabinet at Appendix 1 sets out Brighton & Hove City Council's planning for the provision of SEND educational places across the city.
- 1.2 The report is presented to People Overview & Scrutiny Committee ahead of a cabinet decision on 16th July 2026.

2. Recommendations

- 2.1 People Overview & Scrutiny Committee notes the Special Educational Needs and Disabilities (SEND) Sufficiency Plan 2026-2029 Report.
- 2.2 People Overview & Scrutiny to provide comments to cabinet on the Special Educational Needs and Disabilities (SEND) Sufficiency Plan 2026-2029 Report to cabinet.

3. Context and background information

- 3.1 Brighton & Hove City Council has a statutory duty to ensure there are enough of the right educational places to appropriately meet the needs of children and young people with Special Educational Needs and Disabilities (SEND).
- 3.2 Brighton & Hove City Council has therefore developed the Special Educational Needs and Disabilities (SEND) Sufficiency Plan 2026-2029 to ensure that children and young people with SEND have access to the right provision, in the right place, at the right time. This includes estimating future needs, identifying gaps, and setting out plans to create more specialist and inclusive provision across the city.

- 3.3 The Special Educational Needs and Disabilities (SEND) Sufficiency Plan 2026-2029 is due at cabinet on 16th July 2026 and members of People Overview & Scrutiny may wish to provide comments on the plan to cabinet.
- 3.4 Draft minutes of the meeting will be shared with cabinet members ahead of the cabinet meeting.

4. Analysis and consideration of alternative options

- 4.1 None for this scrutiny report.
- 4.2 An option of not bringing forward a SEND Sufficiency Plan has been considered and rejected. SEND sufficiency was identified as one of six key priorities in the SEND Strategy 2021–2026, and a dedicated plan is now required to guide the next three years of development and delivery. Without a published Plan, the Council would be unable to demonstrate a coherent strategic approach to discharging its statutory duty, and the prioritisation and sequencing of individual provision proposals would not be transparent to families, schools or partners.
- 4.3 An option of relying on placements in independent and non-maintained special schools, and in other local authority-maintained provision, to meet projected demand has been considered and rejected. The total cost of out-of-city placements has risen by approximately £1 million over the last three years, and the Council's High Needs Block (HNB) cannot sustain a continued shift towards higher-cost provision. The provision set out in the draft Plan is intended to enable more children and young people to be educated as close to home as possible, in line with the SEND Code of Practice and the Principles of Belonging, while making more effective use of the HNB.
- 4.4 An option of pausing the development of the draft Plan until there is greater certainty over the outcome of the Schools White Paper and the SEND Reform consultation has been considered and rejected. The direction of national policy is clear and consistent; the local demand pressures are immediate and continuing to grow, and the lead times for new resource bases and specialist provision are significant. A pause would risk the city falling behind the national reform trajectory and continuing to rely on higher-cost out-of-area placements. The draft Plan has been designed to align with the direction of reform without pre-empting its detail, and to remain sufficiently flexible to be refined as the national picture develops.

5. Community engagement and consultation

- 5.1 None for this scrutiny report.
- 5.2 The draft Plan has been developed through the SEN Sufficiency Workstream, which was revised in January 2025 in line with the Education and Learning Directorate's workstream agreements with schools. The workstream comprises school and provision leaders, Council officers and a

representative from the Parent Carer Forum, and has supported the development of the draft Plan throughout.

- 5.3 A data refresh was commissioned in January 2025 and further detail has been added from the January 2026 SEN2 DfE data return to ensure that proposed developments are informed by the most recent picture of need, and that the Council is neither under-providing nor over-providing for any type of SEND need.

6. Financial implications

- 6.1 The revenue funding of the proposals is from the high needs block of the council's Dedicated Schools Grant and capital funding will be provided by the high needs capital budget.
- 6.2 Full financial implications are included in the cabinet report at Appendix 1.

Name of finance officer consulted: Steve Williams Date consulted: 24/06/26

7. Legal implications

- 7.1 Under the Children and Families Act 2014, Local Authorities have a statutory duty to identify, assess, and ensure sufficient provision for children with Special Educational Needs and Disabilities ("SEND"). As detailed in paragraph 3.25 of this report, the draft SEND Sufficiency Plan is not itself a statutory document, but it sets out the Council's proposed approach to discharging this statutory duty. The Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, require a number of statutory steps to be taken for some of the proposed individual provisions that underpin the draft plan, including formal public consultation, statutory notice and decision-making by the relevant body. Per paragraph 3.26 of the report to Cabinet the draft Plan is a strategic document that does not, of itself, authorise any alteration to or new provision within existing schools; relevant reports seeking those decisions following the applicable statutory steps will need to be presented separately.

Name of lawyer consulted: Sandra O'Brien Date consulted: 25/06/26

8. Risk implications

- 8.1 None for this scrutiny report.

9. Equalities implications

- 9.1 None for this scrutiny report. Please see Cabinet Report EIA at Appendix 3.
- 9.2 The draft Plan is expected to have a positive equalities impact overall, by enabling more children and young people with SEND to access appropriate provision close to home, by reducing reliance special school and out-of-area placements, and by making explicit the Council's commitments under the Principles of Belonging and the OAIP guidance.

10. Sustainability implications

10.1 None for this scrutiny report.

10.2 By increasing the availability of local specialist base provision, the draft plan is expected to reduce the number of children and young people travelling significant distances to access education, and so to support the Council's wider commitments under the Local Transport Plan and the city's climate change strategy.

10.3 The Council's Home to School Transport Policy prioritises sustainable travel through walking, cycling and public transport where journeys are reasonable and will continue to apply in respect of provision delivered through the draft Plan.

11. Health and Wellbeing Implications:

11.1 None for this scrutiny report.

12. Conclusion

12.1 Members are asked to note the SEND Sufficiency Report and make comments ahead of the report going to cabinet on 16th July 2026.

Supporting Documentation

1. Appendices

1. Special Educational Needs and Disabilities (SEND) Sufficiency Plan 2026-2029 report to cabinet 16th July 2026
2. Draft SEND Sufficiency Plan 2026-2026
3. Equality Impact Assessment
4. SEND Glossary of Acronyms