



NEWS RELEASE

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Charity asks Education Secretary to order a SEND inspection of Hertfordshire over “placeholder” school placements

Justify Foundation says the council has been entering placements in children’s legal plans that no one had decided were suitable, in order to meet a statutory deadline — and that the practice may have flattered the very data on which government scrutiny of the council was lifted in April.

The charity Justify Foundation has written to the Secretary of State for Education and to His Majesty’s Chief Inspector asking them to examine how Hertfordshire County Council completes Section I of Education, Health and Care (EHC) plans — the part of the plan that records, in law, which school a child will attend.

Where a parent has asked for a specialist placement and the council’s internal Provision and Placement Panel has not yet considered the request, the charity says the council issues the final plan anyway, filling Section I with a placeholder — usually the child’s existing school, sometimes a bare category of school with no school named at all — in order to meet the statutory timescale. The real placement decision is then taken later, by the panel, outside the plan and outside the statutory process for amending it. The parent is left to appeal to the First-tier Tribunal against an entry that, on the council’s own account, was never a decision on the merits.

Justify says it holds officers’ own written communications to that effect in six unrelated families’ cases, involving five different officers across at least three teams, spanning April 2024 to June 2026. In one, an officer wrote that the authority was “unable to finalise with any thing other than mainstream” while the panel’s decision was awaited. In another: “regardless of the outcome of the Local Authorities panel decision we are still required to name a mainstream school”. In a third, the child’s current school “will remain named in Section I until a suitable placement is identified”.

In March 2026 the council’s chief executive wrote to a Member of Parliament accepting that “mainstream” had been entered in one child’s plan in order to meet the statutory deadline while the panel’s decision was awaited, that the officer concerned had not appreciated that Section I could be left blank, and apologising.

Why it matters beyond the individual families

A plan completed with a placeholder is still recorded as having been issued within the statutory 20-week period. Hertfordshire’s SEND services were found by Ofsted and the Care Quality Commission in

July 2023 to have “widespread and/or systemic failings” — the lowest of the three inspection outcomes — and a government Improvement Notice followed in January 2024. It was lifted on 15 April 2026, substantially on the strength of improved timeliness figures. However, if there are a material number of plans recorded as issued on time while the placement question remained undecided, then the headline figure does not measure what it appears to measure.

“A plan is not a form to be completed. It is a decision the law requires somebody to make about a particular child,” said Nick Whiteley, CEO of Justify Foundation. “What these officers describe, in their own words and across years and teams, is a plan being finalised because a deadline was approaching and the decision had not been taken. The child then goes to a school nobody decided was right, and the parent is sent off to a tribunal to argue about an entry that was never a judgement in the first place.

“This follows the Deny/Defer/Delay conduct complained of in R (W) v Hertfordshire County Council [2023] which Justify supported and which found that the Local Authority had acted unlawfully in failing to complete EHCP’s within the 20 week deadline.”

ENDS

NOTES TO EDITORS

- 1. Section I** of an EHC plan names the school or other institution the child will attend, or the type of institution. Under the Children and Families Act 2014 the local authority must make that determination; the duty is to decide, not merely to complete the box.
- 2. Inspection history.** Ofsted and the CQC inspect a local area SEND partnership at the request of the Secretary of State under section 20(1)(a) of the Children Act 2004. The July 2023 inspection of Hertfordshire reached the lowest of the three outcomes, which carries a full re-inspection at approximately three years. A monitoring inspection in October 2025 found effective action on both areas for priority action, and the Improvement Notice was lifted on 15 April 2026.
- 3. The letters** are dated 27 August 2026 and were sent to the Secretary of State for Education and to His Majesty’s Chief Inspector, copied to Chris Hinchliff MP. Copies are available to journalists on request.
- 4. Justify Foundation** is a charitable incorporated organisation, registered charity number 1188873, providing advocacy and casework support to families of children with special educational needs and disabilities.
- 5. R (W) v Hertfordshire County Council [2023] EWHC 3138 (Admin)**, (David Lock KC sitting as a Deputy Judge of the High Court, 8 December 2023, Administrative Court)
<https://caselaw.nationalarchives.gov.uk/ewhc/admin/2023/3138>
- 6. Media contact:** Nick Whiteley, Justify Foundation — pr@justifyfoundation.org