



The Rt Hon Bridget Phillipson MP
Secretary of State for Education

By email:

4th March 2026

Re: Surrey SEND deep dive

Dear Secretary of State for Education,

Thank you for your 17th February letter sharing the summary findings of the Surrey SEND deep dive and confirming the Minister for School Standards' visit to hear from headteachers and parents about their experience of Surrey's SEND services.

You state that the deep dive demonstrates Surrey is "continuing to make progress" and shows a "clear determination to bring about change", including stronger governance, better use of data and improved communication with families. How do you reconcile this with the evidence broadcast on BBC South East today of ongoing serious breaches of the law by Surrey County Council in its treatment of SEND children?

Surrey County Council is routinely breaking the law, ignoring court directions 38 times in legal proceedings concerning vulnerable children between February and June 2025. This data comes from the FOI response issued by the Council on 19 January 2026. In several of these cases the Tribunal went further and issued barring orders against the Council. These are among the most serious case-management sanctions available to the Tribunal and are used only where a party's conduct has seriously obstructed proceedings, for example through repeated failure to comply with court directions. It is extremely unusual for such orders to be made against a public authority responsible for safeguarding vulnerable children. The use of barring orders in multiple cases therefore substantiates the concerns I have repeatedly raised regarding governance, legal oversight and compliance with the rule of law within Surrey's SEND services.

Helyn Clack, the council's Cabinet Member for Children, Families and Lifelong Learning, said that "immediate action" had been taken in response to the deep dive, which was prompted by Fiona Davidson, former Chair of the Council's Education Select Committee following serious concerns about misconduct in legal proceedings. Yet, I have been made aware of a further barring order issued against Surrey County Council as recently as yesterday afternoon.

Furthermore, the six Surrey Liberal Democrat MPs first raised the disproportionate rise in SEND Tribunal cases in Surrey compared with the national average in our letter of 14 November 2024. We raised this again in our 26 February 2025 letter, noting that appeals by families against Surrey County Council's SEND decisions had increased by nearly 60% year on year, a trend which strongly suggests that decision-making within the service was deteriorating rather than improving.

In July 2025, I, along with a group of parents hand-delivered a letter to your Ministry, where parents wrote that:



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“Surrey is increasingly failing to comply with Tribunal decisions - despite these being binding legal obligations... This alone underscores the deep concern among families that – despite repeated assurances of “improvement” - the situation is deteriorating further and that this Local Authority displays an astonishing disregard for the law”

Given the repeated warnings raised by MPs, parents and Tribunal findings over an extended period, not least the severity and scale of legal non-compliance evidenced here, it is difficult to see how continued monitoring alone can be considered an adequate response. During the statement on the Schools White Paper, you told the House that “we will absolutely hold local authorities accountable for delivery” and that you “will not tolerate failure.” In light of the evidence above, will you demonstrate that this commitment applies in practice by removing SEND responsibilities from Surrey County Council and putting in place alternative arrangements that families can trust?

Your annex notes that governance arrangements have “strengthened considerably”, including clearer scrutiny and challenge and increased transparency. However, it remains unclear what disciplinary or management action has been taken in respect of the serious governance failures already identified, including the covering up of complaints and the reclassification of complaints as “enquiries” which I specified in my 26th February 2025 letter to you. These are, at minimum, dismissible offences in most organisations; why, therefore, does Rachael Wardell remain in post as Executive Director of Children, Families and Lifelong Learning?

The pattern that emerges across SEND services, the failures in the case of Sara Sharif, and the alleged unlawful cuts to support for learning disabled adults at Peak 15 exposed on national television is one of systemic and repeated lawbreaking by Surrey County Council. This is not a matter of technical non-compliance; these decisions are destroying the lives and life chances of disabled children and vulnerable families.

The Prime Minister has rightly said that no one is above the law in relation to the case of Andrew Mountbatten-Windsor. The same principle must apply to local authorities. Will you confirm that you will apply this standard to Surrey County Council and ensure that there are real consequences for repeated and serious breaches of children’s and disabled people’s legal rights?

Yours sincerely,

Chris Coghlan

Liberal Democrat MP for Dorking and Horley