



Alliance for Inclusive Education

Initial Briefing on

“Support and Aspiration: A New Approach to Special Educational Needs & Disability”

Green Paper

The Alliance for Inclusive Education (ALLFIE) is a national campaigning and information-sharing network led by disabled people. ALLFIE campaigns for disabled people to have the right to access and be supported in mainstream education. While some progress has been made towards this goal, disabled learners are the only group of people who can still be lawfully discriminated against, even with the Equality Act (2010) in place. We believe that education should support the development of physical, vocational and academic abilities through mixed-ability tuition so that all students have the opportunity to build relationships with one another. ALLFIE, our members and our networks believe that a fully inclusive education system will benefit everyone.

ALLFIE believes that it is important to respond to the proposals within the Green Paper in the context of the Government's Education Bill which has elements that will inevitably impact on the education opportunities for disabled young people and those with SEN. The related elements include exclusions, admissions, teaching standards, more focused school inspections and measuring UK pupils' performance against international standards.

The Green paper covers 5 key areas:

1. Early identification assessment
2. Giving Parents control
3. Learning & achieving
4. Preparing for adulthood
5. Services working together for families

ALLFIE's work is on education. Therefore, this Briefing will focus on the 2nd and 3rd areas of the Green paper with some comment on other areas as appropriate.

ALLFIE is deeply concerned that the starting point for the Green paper is the Government intention to remove the 'bias in favour of inclusion'. Parents who want their child to be included in mainstream education know from their own experience that there is no bias – in fact many believe the reverse is true.

Parents tell ALLFIE that in fact their choice of mainstream education for their disabled child is made extremely difficult by local authorities and schools that, time and time again, use the 'Incompatible with efficient education of other children' caveat to overturn the preference of a parent to have their child in a mainstream school.

Legally the Special Educational Needs & Disability Act 2001 (SENDA) may highlight inclusion, however in reality; implementation of SENDA indicates that in the last 10 years the numbers of disabled young people and those with SEN in special school has remained almost the same and in recent years has started to increase.

The Government is clearly determined to turn the clock back by 15 years to a time when the majority of disabled children and those with SEN were placed in special schools against their parents' wishes. The proposal to refocus on the three caveats from the 1996 Education Act not only ignores the huge progress, since SENDA, in building the capacity of mainstream to be more inclusive, but is in direct conflict with the Government's Interpretative Declaration on Article 24 of the UN Convention on the Rights of Persons with Disabilities. The Interpretative Declaration states:

“Education – Convention Article 24 Clause 2 (a) and (b): The United Kingdom Government is committed to continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children.”

Greater parental choice (or Weaker Right to be Included in Mainstream School)

The Government want parents to have choice between a special or mainstream maintained, an academy or free school. The Green Paper repeats the mantra of 'parental choice', but any new proposals to increase parental choice, already virtually nonexistent for those with disabled young people, will be undermined by proposals in the Education Bill that weaken appeals procedures whilst giving schools greater autonomy over admissions, exclusions, curriculum and teaching methods.

ALLFIE is deeply concerned about the removal of local authority coordination of SEN support and provision. Local authority powers in relation to SEN have been systematically weakened by

the Academies Act, the Importance of Teaching Schools White Paper and the current Education Bill. These changes have already created greater confusion because there are differences in legislation, guidance and practice between the different types of schools (academies, free and maintained) which parents will now need to navigate in order to secure a mainstream school placement for their disabled child. The SEN Green Paper will further weaken disabled children's rights to mainstream education under the Government's SEN reform whilst giving schools greater autonomy. Parents can no longer expect the legal presumption of mainstream school for their child.

ALLFIE does not see how the proposals for removing the bias towards inclusive education will promote parental choice. In fact the Green Paper proposals along with the Government Education Bill will limit parental choice by:

- Increasing the caveats preventing inclusion
- Removing Legal Aid for parents challenging SEN cases
- Reducing the right to appeals against exclusions
- Removing the accountability of schools in terms of Admissions policies

Education Health & Care Plans – reduction in bureaucracy or business as usual

ALLFIE welcomes the idea of reducing the bureaucracy around the SEN statementing process. A combined assessment process has the potential to allow for a more holistic assessment of the child's needs. However, ALLFIE believes parents will still face a struggle to get what their child needs because education health and social care professionals still remain in control of identifying

and funding need as well as having the final say in terms of mainstream or special school placement. In fact there is a new commitment to increase the role of professionals in relation to assessing and providing the child's educational, social and health care needs. ALLFIE is concerned that the current power imbalance between parents and professionals is not addressed in the Green paper. Parents who are part of ALLFIE's network tell us that in fact professionals can be a huge part of the problem in terms of lack of aspiration for the child or any real willingness to work in equal partnership with parents.

ALLFIE is also concerned about the language of commitment as opposed to obligation when it comes to what education, health or social care budgets will provide.

ALLFIE is deeply concerned that the Medical Model of Disability remains the starting point for assessing combined education health and care needs. The Green paper states:

“Disabled children and children with SEN experience a wide range of barriers because of physical and sensory impairments, learning difficulties such as dyslexia, or a variety of need”

This is hardly a radical overhaul of the current assessment process in fact it is steeped in the traditional of seeing the child as the problem that needs fixing.

Local Authority vs Voluntary Sector

ALLFIE welcomes the possible involvement of the voluntary sector in providing better support for families. However, ALLFIE has concerns about the practicalities of coordinating local funding

for disabled children, those with SEN and their families when there is any number of different voluntary organisations involved.

ALLFIE believes weakening the Local Authority co-ordination role in terms of SEN provision is a huge mistake. ALLFIE believes that the Government is being, at best, naïve in assuming that health, social care and education budget holders will work together to provide a seamless support pack which will meet the young person's needs whilst in and outside of education.

ALLFIE welcomes the expansion of personal budgets however as highlighted in the "Aiming High for Disabled Children: Better Support for Families" report, families are reluctant to take on the bureaucratic administration of self directed support as independent advice and support is rarely available.

ALLFIE is concerned about the practical arrangements of managing support from various funding streams and how the support both in and outside the school will be coordinated. ALLFIE wonders how the Government commitment will be realised as absolute right to social and healthcare provision doesn't currently exist. (i.e. the Gloucestershire ruling). Many local authorities are only offering a social care assessment if the disabled person meets the substantial or critical care eligibility criteria. In addition, providing a personal budget will not simply increase parents' choice of school unless it's backed by a strong legal right giving parents the choice between locally state funded mainstream school placements.

Local Offer: School provision and Support

The Government wants to streamline the information on SEN provision provided by individual schools. ALLFIE welcomes the possible roll out of the Achievement for ALL initiative which could

build a better partnership between parents and teachers. However, ALLFIE would want to see a clearer central role for the disabled child to ensure that their voice is heard.

ALLFIE is disappointed that a schools' commitment and delivery on inclusive practice is not included as a suggested area of essential core information. ALLFIE believes that the Duty to Promote Equality with monitoring should also be an integral part of the core Offer. These omissions indicate a further attack on inclusive education.

Parents Right to Appeal

ALLFIE supports the thinking that education appeals process should be less adversarial, bureaucratic and time consuming. However, ALLFIE is concerned that the right to Legal Aid is now seriously under threat for families who wish to challenge SEN related decisions made by Local Authorities or Schools.

ALLFIE thinks the introduction of mediation as a step to resolve disagreements before tribunal appeal is heard could be a positive move. However, parents must have access to independent advocacy to support their involvement in mediation if they so wish. This is because there is currently an inequality of arms between the local authorities and parents. Without the right support for parents, the thought of facing a two tier system maybe too much for many especially when confronted with representatives from GP consortia, social services and education fund holders. We anticipate many parents may find themselves caught up in a more adversarial and confusing environment if they have to deal with different fund holders.

New rights for Children to appeal

ALLFIE welcomes the idea of disabled children and those with SEN being given the opportunity to challenge decisions made by adults in relation to school, support, learning options.

However, ALLFIE is deeply concerned that this right would not be realised without appropriate support which would need to be independent from parents. This last point in relation to parental involvement would create a huge challenge from the Government that appears to be committed to choice for parents.

Whose choice is more important?

- **ALLFIE wants to know what independent support will be available to parents in terms of navigating the new assessment process**
- **ALLFIE wants to know how the voice and wishes of the disabled child will be supported and listened to**
- **ALLFIE wants to know how professionals, with more powers, will be accountable to parents and young people**
- **ALLFIE wants to know what guarantee the Government can give to parents that they will have appropriate level of support to manage new personal budgets**
- **ALLFIE wants to know whether the local offer will be a statutory requirement for all schools to provide SEN related services**

- **ALLFIE wants to know who/what will set the terms of the Local Offer**
- **ALLFIE wants the Government to clearly state that Legal Aid will remain available for parents who wish to pursue a legal case related to SEN;**

Learning and Achieving

ALLFIE is disappointed that there is clear bias in favour of special provision throughout the Green paper. The Paper focuses on building the capacity of special schools and colleges. In truth, it is the mainstream education system that requires further capacity building to better support and include disabled children and those with SEN.

ALLFIE welcomes the recognition, in the Green paper, that leadership within a school sets the culture and direction. However, ALLFIE's Heading for Inclusion network (a network of Head Teachers of mainstream schools) tell us that there are too many disincentives in the current education system which have a negative impact on their desire to welcome disabled children and those with SEN.

If the Government is serious about increasing aspiration for learning for disabled children and those with SEN, it must not ignore the evidence shows that inclusive education supports better outcomes for disabled learners.

"Mainstream schools with additionally resourced provision are particularly successful in achieving high outcomes for pupils academically, socially and personally. In the best example,

*resourced mainstream provision was used as a vehicle for improvement throughout the school." **OFSTED***

Training

ALLFIE also welcomes the recognition that training for teachers is inadequate in terms of supporting the learning of disabled children and those with SEN. However, the Green Paper suggests that greater focus on impairment and health condition is the answer. ALLFIE strongly disagrees with this Medical Model of Disability approach. It is unhelpful for teachers to be seen as pseudo medics – teachers have told ALLFIE that they require further training in inclusive teaching methods not detailed medical information – such support and information can be provided by the wide range of professionals working in this area. The same is also true in further and higher education.

Pupil Premium

ALLFIE welcomes additional funding for schools that can better support the learning of children. However, we are concerned about the actual amount per pupil, which is very small, and the transparency and accountability of how the money will be spent.

ALLFIE believes the Government has overplayed the over-identification of SEN and is using this as a cost saving exercise to reduce funding. It is difficult to comment on the Green Paper proposal to do away with School Action/Plus without seeing the 'clear' SEN identification guidance. That said ALLFIE is concerned that the identification process could be confusing for all those involved and result in inconsistent approaches to SEN support between schools leading to a worsening of the current postcode lottery.

- **ALLFIE wants the Govt to recognise and work to remove the current barriers to the inclusion of disabled children and those with SEN**
- **ALLFIE wants new training initiatives for Head teachers, teachers and support staff to stop focussing on impairment/health conditions and focus on inclusive teaching methods. It must be compulsory and ongoing**
- **ALLFIE wants schools to be held accountable for their inclusion of disabled children and those with SEN not just their academic outcomes**
- **ALLFIE wants newly identified Teaching Schools to include mainstream schools with excellent inclusive practice**
- **ALLFIE wants to know how parents and disabled children will be involved in decisions related to Pupil Premium budgets**
- **ALLFIE wants to know what guarantees the Government will give parents that their choice of mainstream education for their child will not be undermined by the new wave of special academies, special free schools, or special centres of excellences;**

Conclusion

ALLFIE acknowledges there is a need to review the special educational needs legal framework. However we believe the Support and Aspiration: A New Approach to Special Educational Needs Disability” proposals are a massive step backwards in terms of increasing equality of educational opportunity for disabled children. The Green Paper proposal weaken the right of

disabled children and those with SEN to mainstream schooling and disregards the huge progress that has been made in mainstream schools to become inclusive of disabled children and those with SEN. This will result in many more disabled young people having fewer life chances. This is because they will face the possibility of low aspiration and self esteem through being segregated from their non disabled peers, into special schools, and isolated from mainstream life.

ALLFIE is keen to work with our members and our wider networks and stakeholders to produce a well evidenced response to the Green Paper ALLFIE's response will focus on how the Government can develop a truly inclusive education system which supports parental choice and high expectations of young disabled people.

Tara Flood / Simone Aspis
Alliance for Inclusive Education
336 Brixton Road, London, SW9 7AA
Tel: 0207737 6030 Email: tara.flood@allfie.org.uk /
simone.aspis@allfie.org.uk

WE KNOW INCLUSION WORKS !

PEOPLE CAN HAVE ACCESS TO THE ARGUMENTS SUPPORTING INCLUSIVE EDUCATION AND REGULAR UPDATES ON EDUCATION LEGISLATION AND POLICY BY JOINING *THE ALLIANCE FOR INCLUSIVE EDUCATION* AND GET YOUR REGULAR COPY OF "INCLUSION NOW"

HOW TO JOIN: Gelila Tekle-Mariam
Operations Support Officer
The Alliance for Inclusive Education

Registered Office:
336 Brixton Road
London
SW9 7AA
Tel: 020 7737 6030
E-mail: info@allfie.org.uk
Website: www.allfie.org.uk
Charity No: 1124424
Company No: 5988026

If you want to express your views about the attack on inclusive education in The Green Paper you can copy the letter below and send it today to The Secretary of State for Education and your local MP

Mr Michael Gove

Department for Education
Castle View House
East Lane
Runcorn
Cheshire
WA7 2GJ

Dear Mr Gove,

I am deeply concerned that the starting point for the Green Paper is the Government intention to remove the 'bias in favour of inclusion'. Parents who want their child to be included in mainstream education know from their own experience that there is no bias – in fact many believe the reverse is true.

Do not make inclusive education any more difficult than it presently is for disabled children.

Yours sincerely,
Your name and address