

Consultation on Disability Action Plan 2023 to 2024

A response from the Special Educational Consortium

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, workforce training, the SEN legal framework, exclusions, and alternative provision. This response therefore focuses on the aspects of the consultation that effect disabled children and young people.

Context

This response may be viewed in the context of wider system reforms currently taking place with regard to the SEND and alternative provision green paper (see SEC's detailed response to the SEND review green paper [here](#)). SEC's views are also well placed within our response to the DfE's call for evidence on the ITT core content and early career framework (see SEC's response [here](#)).

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Wellbeing and opportunities of disabled children

SEC support the impetus to ensure the wellbeing and opportunities for disabled children through cross-government collaboration. It is imperative that the Disability Action Plan lines up with the SEND and AP Implementation Plan. SEC would also recommend that the taskforce is expanded to cover children and young people up to the age of 25, in order to be consistent with the SEND Code of Practice and SEND and Alternative Provision improvement plan.

The four proposed areas of focus for a taskforce are imperative to the needs of disabled children. When exploring other areas of focus for the task force, it will be necessary to explore the inequalities that exist within the current educational system for disabled children; the over-representation of disabled pupils and those with SEN in exclusions and absence figures, their increasing placement in special schools, AP and home education, the lack of confidence teachers feel in supporting disabled pupils, and the depletion in specialist services for disabled pupils.

Improving ITT

SEC advocates for improvement on both SEND-related knowledge and training to promote inclusive practice and early identification of need, only 46% of Early Career Teachers (ECTs) feel well prepared to teach pupils with SEN and disabilities (DfE, 2022; UCL & IFF Research, 2023). SEN and disability should be an essential part of the knowledge and skills all teachers should have, so that they feel confident supporting children within their classroom who have a broad range of needs. Teaching inclusive value and perspectives should underpin the ITT core content, but also should be a key element of training frameworks throughout.

All ITT providers should equip teachers with a thorough understanding of the statutory and legislative requirements and of their professional responsibilities to pupils with SEN and disabilities. Specifically, Part 3 of the Children and Families Act 2014, the SEND Regulations 2014 and the SEND Code of Practice (2015). Additionally, ITT practice placements should include a focus on SEN and disabilities and equip trainee teachers with knowledge of identifying and supporting learning needs, and experience of delivering high-quality teaching to all pupils, regardless of ability. Similarly, there should be ongoing training around the law on disability discrimination (both direct and indirect discrimination) and the legal duties to make reasonable and anticipatory adjustments as set out in the Equality Act 2010.

Focus on Accountability

There needs to be better accountability mechanisms in place to ensure settings are fulfilling their anticipatory duty to make reasonable adjustments under the Equality Act 2010. SEC's

concern is that reasonable adjustments for disabled pupils are neither understood or applied to the process of supporting attendance, improving attendance and supporting the return to school for disabled pupils who have been out of school for prolonged periods of time. This leads to a focus on a more punitive approach and sanctions, as opposed to adjustments to the school environment with careful planning, ensuring the voice of children and young people, and their families, are at the core. In the Ofsted (2022) report, leaders emphasized the importance of making school a safe place, with the right ethos and curriculum to make pupils feel welcome within their school community.

The rising complaints to the local Ombudsman and the disproportionality high number of SEND-related Tribunal cases suggest that families feel the tribunal process is the vehicle to getting their child the support they need and their voice heard, where 96% of decisions rule in favour of the parent/carer or young person (Jemal & Kenley, 2023). SEC is concerned there has been no systematic gathering of evidence of the impact of remedies currently ordered by the Tribunal, no follow up and no recording of the impact this may have made.

Lack of specialist support

Children and young people do not have access to the specialists that they need in order to support their access to education, promote their overall wellbeing and successful transition into adulthood, due to depleted services and budget cuts. The significant shortage of specialist services and skilled professionals supporting disabled children has an impact on the way specialist services are deployed, with a retreat from preventative work with settings and a higher focus on 'statutory assessment' work. Wellbeing promotion needs to have an early intervention rather than a treatment focus and that attention should not be exclusively focused on CAMHS/Adult Mental Health Services. Educational Psychologists provide supervision and support to key workers within specialist provisions who work with students to promote their wellbeing, a key example of where this works well, and the research supports this (Wong et al, 2020; Gaffney et al, 2020), is the ELSA (Emotional Literacy Support Assistant) programme.

There is a significant need for better funding of local authority services to support disabled children and young people (and their families) - particularly educational psychologists, speech and language therapists, occupational therapists and social workers.

Strengthening the evidence base

The practical implementation of the SEN and Disabilities system frequently overlooks the experience and expertise of CYP with SEN and Disabilities. SEC welcomes the focus on the *experience* of disabled people rather than outcomes, in order to assess how policies really impact disabled people's lives. Outcomes place individuals within boxes, whereas the wide spectrum of disability means there are individual experiences that need to be taken into account and disabled people do not speak with a single voice, and therefore outcomes will look different for everyone.

There must be a commitment to the voices of disabled children and their families being heard, incorporated into policymaking and at the heart of all decisions in the SEND system. Ensuring that children and young people with SEN and disabilities have their voices heard is one of SEC's core values and we urge that there are increased representation of children and young people in any working groups or discussions around outcomes. This can only be successful when dynamic working relationships are developed, built on equal respect and an understanding of the expertise and experience of the children and young people's and parents. It is also important that the research methods used promote the inclusion of those who are not able to respond to surveys or take part in focus groups.

Disability foresight

SEC welcomes language around inclusion and Disability foresight, which is in line with the Equality Act and anticipatory duties. As per our point earlier, it will be vital to ensure the voice of disabled children and their families are at the heart of these discussions.

When considering foresight, it is important to understand the changing demographic of people with disabilities and how to plan for that. SEC would welcome reassurances that the drive to cement inclusive practice in future planning will continue regardless of potential changes in the political cycle.

Alternative actions

When considering additional actions that would make a significant difference to the lives of disabled people, SEC feel there should be a focus on the Equality Act. As mentioned above, the lack of knowledge of anticipatory duties is disproportionately affecting children and young people with SEN and disabilities. SEC suggest a national programme of training or awareness on

the Equality Act and anticipatory duties is a beneficial and necessary step to supporting disabled people.

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