



Public Services Committee

Corrected oral evidence: Access to public services for young disabled people

Wednesday 7 June 2023

3.05 pm

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Members present: Baroness Morris of Yardley (The Chair); Lord Bach; Baroness Bertin; Lord Laming; Lord Porter of Spalding; Lord Prentis of Leeds; Lord Shipley; Baroness Stedman-Scott; Lord Willis of Knaresborough.

Evidence Session No. 1

Heard in Public

Questions 1 – 16

Witnesses

I: Alison Ismail Director, Special Educational Needs and Disability and Alternative Provision, Department for Education; Alexandra Gowlland, Deputy Director, Disability Unit, Cabinet Office; Marcus Bell, Director, Equality Hub, Cabinet Office.

Examination of witnesses

Alison Ismail, Alexandra Gowlland and Marcus Bell.

Q1 The Chair: Thank you very much, everyone, and welcome to the first session of our new inquiry into access to public services for young disabled people. Today, we have three policy-area civil servants who run the Government's policy in this area. They will give us a general background briefing, hopefully, on this very wide area of interest. It is very important, and we are very much looking forward to your contributions. Can I just ask you to introduce yourselves and your roles and titles? Perhaps, Ms Ismail, I can start with you.

Alison Ismail: Good afternoon. Thank you for having us. I am director for special educational needs and disabilities and alternative provision at the Department for Education.

Alexandra Gowlland: I am deputy director of the Disability Unit in the Cabinet Office's Equality Hub.

Marcus Bell: I am director of the Equality Hub in the Cabinet Office, including the Disability Unit team.

Q2 The Chair: Thank you. You are all very welcome. I have the first question, but as it is the first session of the inquiry we need to declare interests. I chair and am an adviser to the Birmingham Education Partnership, which deals with schools and does some work in well-being, special needs and mental health.

It might be useful to start with the Disability Unit's priorities over the next three years, or whichever timeframe you feel is useful, particularly in support of young disabled people.

Alexandra Gowlland: In December last year, Tom Pursglove MP, the Minister for Disabled People, Health and Work, announced that the Government were going to develop, consult on and publish a cross-government disability action plan, focusing on concrete ways in which the Government will try to improve disabled people's lives through to the end of the parliamentary term, so in 2023 and 2024.

We are committed to making sure that when the disability action plan is published we can hear from as many disabled people as possible and from their families and representative organisations. The draft plan will be published for consultation this summer and we will make that a fully accessible public consultation. We are keen for as many people as possible to send in their views to help us in developing this and making sure that it is targeted on the things that matter most to disabled people themselves.

The Chair: Is it definitely going to be this summer?

Alexandra Gowlland: That is what we are working to.

Marcus Bell: Yes, and we are in the closing stages of agreeing, with other government departments, what the document will say. Members of the committee, being Ministers, will recognise those as the last knockings, we hope, and it will be out soon.

Q3 **The Chair:** Thank you. My understanding from what you have just said and from looking at the website is that, understandably, representatives in each government department are helping to develop and deliver the policies on what the Disability Unit does. It is not an umbrella organisation, at least not in the loose sense of the term, but it does not have all the resource and good ideas in one department; you are co-ordinating activities across a range of departments. I have always felt that, in theory, there are great strengths with that model, but there are also great weaknesses, because lots of bits of that system can break down where you have weak links. How do you think that should work and how do you think that is working?

Marcus Bell: As you say, the Disability Unit is a central team in the Cabinet Office and a relatively small one; it is a team of about 20, so it is not tiny, but it is not vast either. Our role specifically is to co-ordinate government policy on disability across departmental boundaries. We work very closely with the Department for Education, the Department for Transport, the Department of Health and Social Care, the Department for Work and Pensions, and a long list of other departments. The challenge for us, if I can be candid, is to get them to pay attention to our agenda.

The Chair: I understand that, thank you. That is why I asked.

Marcus Bell: I would say, from having done several cross-government strategies, that the most important thing is to have a clear, collective direction from Ministers and a clear process to unite around. That is the important thing about the DAP, as we call the disability action plan. It is a cross-government process that all Ministers are signed up to which allows us to work with and sometimes challenge other departments to say, among other things, 'Well, what are you doing about housing for disabled people or step-free access in transport?' It is a process that, we hope, will provide some momentum, and allow us to make some progress.

It is also worth mentioning an important thing that has happened since the Disability Unit was set up, fairly recently, back in 2019. Ministerial champions have been appointed in all key departments basically to drive progress on disability and try to ensure that their officials are co-operating with us as far as possible. It has made a real difference, not least because a very large number of those Ministers have individually been enthusiastic about the role, keen to make something of it and take it forward.

The Chair: Just so I am clear in my own mind, is there no parallel Cabinet cross-cutting ministerial group? Do the Ministers with the responsibility in their department meet at Minister level and, if so, how often—or is it a grade 7-level meeting, or whatever? What does the meeting schedule look like so that this can be co-ordinated?

Marcus Bell: In the past, there has been a formal inter-ministerial group bringing those ministerial champions together. That is not in existence at the moment, but, of course, that does not prevent Ministers meeting formally and informally. Minister Pursglove, the Minister for Disabled People, Health and Work, who Alex mentioned, obviously takes his role very seriously and is keen on bilateral meetings with his colleagues to get engagement and progress.

Alexandra Gowlland: Yes. Minister Pursglove chairs the overall group of ministerial disability champions, which meets regularly across the year with, as Marcus mentioned, occasional bilateral or multilateral meetings in between on specific issues of interest to maybe two or three departments.

The Chair: Is that at junior ministerial level?

Alexandra Gowlland: Yes, chaired by Minister Pursglove.

The Chair: Where does the budget lie for these activities? Is it in each department for its own bit of implementation, or do you have any money that you can use to incentivise co-ordination?

Marcus Bell: We have a small budget of our own to support things that cannot be picked up by anyone else, particularly research and evidence, which other departments will not necessarily want to focus on, but we are relatively small compared to the departments we are engaging with. Our budget, compared to DWP's for example, is pretty small, but we have some capacity to help.

The Chair: Are you dependent upon them choosing to spend their money on your priorities to some extent?

Marcus Bell: Departments that run public services can make a real difference to service delivery, yes.

Q4 **Lord Willis of Knaresborough:** I have nothing particularly to declare other than working with the integration of disabled children into mainstream education many years ago when I was a head teacher in Leeds and in Cleveland.

In view of what happened in 2021, when the strategy was declared unlawful for not speaking sufficiently to disabled groups, what has been done not simply across the ministerial portfolios but in meeting with the various massive different disability groups to put in place the new strategy that you will declare later this year?

Alexandra Gowlland: As I mentioned briefly, listening to the voices of disabled people and their representative organisations is really important to our work in the Disability Unit. Our strategic stakeholder engagement is centred on four groups with which we interact routinely at official level. They regularly meet with Minister Pursglove so that they can share their priorities, their insights and their concerns with him directly. Those four groups include: the Regional Stakeholder Network, which is a network

across England comprising members of the public whose role is to amplify the voices of disabled people and disability organisations in their regions. There are currently over 100 members of that network across the country. So that is one.

Second is the Disability Charities Consortium, which brings together leaders of nine of the leading not-for-profit disability charities in this area. We meet with them very regularly, too.

Third is DPO Forum England, which is an independently led collective group of 35 disabled people's organisations. They work with thousands of disabled people across England.

Fourthly, we have a group of disability and access ambassadors, business leaders across 20 different sectors, who have taken responsibility for encouraging improvements in the accessibility and the quality of services and facilities in their sectors for disabled people.

That makes up our routine engagement with stakeholders, but we are always seeking to improve it and to strengthen it, particularly by filling gaps so that we can engage with more of the disability sector and with more disabled people in their diversity.

On the disability action plan in particular, as I mentioned we will be publishing the draft plan with questions for full public consultation. We are taking steps to make that consultation as accessible as possible by ensuring that we have a full range of accessible versions, like audio, Braille, BSL, Easy Read and more. We are also looking to hold a series of events, both in-person and virtual, and we are setting up a dedicated email address and toll-free phone number so that people can get in touch with us directly and share their thoughts. We also hope that there will be an online platform to make it even easier for people to share their findings with us.

Lord Willis of Knaresborough: That is unusually helpful. One area you have not mentioned in your excellent response is local government. Obviously local government plays a key part in delivering public services to people with disabilities. What arrangement do you have for consulting with people those as well?

Alexandra Gowlland: That is a really valuable point, thank you. We engage regularly with our counterparts in departments across government, particularly the Department for Levelling Up, Housing and Communities, which holds the main relationship with local government. We have also engaged at official level with the Local Government Association on a number of issues to try to ensure that we can learn from its insights.

If I can go back to the ministerial disability champions again, the Department for Levelling Up, Housing and Communities has its own ministerial disability champion who, like all the others, is responsible for

championing the needs of disabled people in the department and seeking to improve and promote accessibility in its policy-making.

Marcus Bell: It is also a very important part of DU's role to engage with disabled people, do a lot of listening and then feed that back to Ministers in Whitehall, but there is also a very heavy emphasis in the way we go about direct engagement with a very wide range of disabled people so that we are hearing from them directly. This does not exclude wider conversations; there are always more people we can talk to, I am sure. But that explains the approach.

Lord Willis of Knaresborough: It would be hugely helpful if you would let the committee have a catalogue of the consultations you currently have with groups representing disabled people and disabled people themselves, because, in view of what happened in 2021, it will be important that our report reflects the excellent work going on to try to include more and more people in the consultation.

Alexandra Gowlland: Absolutely. We would be really happy to send details and explain all that work in more detail. Thank you.

Q5 **Lord Shipley:** I must declare that I am vice-president of the Local Government Association. I was interested in your reply to Lord Willis on the subject of cross-departmental discussions, working together and so on, and how they relate with local government, but you did not really talk about local government. You talked about Whitehall, but its relationship with local government is not quite the same thing. As I understand it, a few months ago you appointed I think seven regional chairs to create the Regional Stakeholder Network. How do you select the seven? Why is it seven, because there are more than seven regions in England? What is their role? How do they relate with local government and with local people who might wish to have their views considered?

Alexandra Gowlland: I am really happy to provide more details on that. As I mentioned, the Regional Stakeholder Network was the first of the four stakeholder groups that we routinely engage with, and you are right that seven were appointed recently. Currently, there are over 100 members of the Regional Stakeholder Network across the country. The chairs do not have to be disabled, but some of them represent disability organisations or disability charities and some of them are disabled and bring together the views of disabled people and disability organisations in their parts of the country. We are actively seeking to boost and to work more closely with that network to help us to get a really broad understanding of the issues right across the country,

Lord Shipley: Just for the record, how are they appointed?

Alexandra Gowlland: I am afraid I do not know, because I was not in post at the time, but I would be happy to include details about that in the letter we send about our stakeholder network.

Marcus Bell: We will need to confirm that in writing.

Q6 **Baroness Bertin:** Apologies if this is a bit of an unfair question, but I will ask you to put a positive slant on it. In terms of interdepartmental liaison and departments that are good, could you highlight a department that is particularly passionate on this issue rather than a department that is not so passionate? We have talked a lot about best practice, looking at what good can look like and learning from each other effectively. I just wondered if there was a department that really got this.

Alexandra Gowlland: I slightly feel the pressure of that question when I am sitting next to someone from the Department for Education. My answer would be that each department has different needs and different policies that interact directly with disabled people's lives. Therefore, some are very closely involved in services that serve disabled people an awful lot, as Marcus mentioned, and others may have a smaller reach. It feels slightly invidious to pick some out in particular.

Baroness Bertin: Do not worry; I am being unfair. But it would be quite interesting to know, maybe off the record.

Marcus Bell: I will have a go, even if there are dangers in it. It would be impossible to name a department where there are no issues and no problems, which is the risk with it. However, I will mention the Department for Transport as an interesting example, mainly because, although not everything in the transport network is perfection, in my view it has taken very seriously for a very long time, for more than 20 years, the particular perspective of disabled passengers—of users rather than producers, if I can put it that way.

The DfT has a committee called DPTAC, which stands for Disabled Persons Transport Advisory Committee. It is kind of the user voice; it speaks up for users and disabled passengers. It is often quite annoying to the Department for Transport, I think, because it speaks up and is passionate and clear. Other departments do not have such clear arrangements for finding out what the user or the customer thinks about the service they are getting. Since you asked about good practice, I would mention that as a possible example.

Alison Ismail: I do not mind at all not being name checked, although I will set myself the objective of rising up your league table when it comes to the DfE's ways of working. I would never say that we are a department with no issues or challenges in how we work together in this space, as Marcus says. Just to give you a flavour of how the set-up works, Claire Coutinho MP, Minister for Children, Families and Well-being, who has responsibility for special educational needs and disabilities, was a fairly clear nominee when scoping for disability champions. She is very energetic in working with your Minister and with the relevant Minister at the Department of Health and Social Care. She has links back into the Department for Work and Pensions where she formally held office as Minister for Disabled People, Health and Work.

Again, there is always more that we can do. We like to think that we are constantly looking for new ways to reach out to children and young

people with disabilities and their families, but there is lots to improve. I would say that with leadership from nominated Ministers we are off to a good start in getting the traction and momentum that is needed.

Q7 Lord Laming: I was a social worker many years ago, but I have nothing relevant to declare here.

Thank you very much for your evidence, which is very helpful. May I begin with a general question? We all know that the term 'disability' potentially covers a tremendous range of individual problems and family circumstances, *et cetera*. Do you think the definition is helpful at the present time, or are the definitions that we are all working to are losing focus on the main problems that we are trying to address? I have not expressed that terribly well, but I hope you pick it up.

Marcus Bell: I completely understand the thought behind the question, if I can put it that way. There is a formal definition of disability in the Equality Act, so that is the one that we are bound to use.

It is worth saying that the Government use slightly different definitions for different purposes; disability in the Equality Act does not mean exactly the same as SEND – Special Educational Needs and Disabilities – in educational terms. Those categories and others overlap, which can be confusing. All I would say is that the definition in the Equality Act is very broad and includes a lot of people, and there are good arguments for that as well as arguments against. The arguments for it are essentially that it is a good thing that we have a broad and inclusive definition of disability that includes a lot of people. The argument in the other direction is that it can get in the way of seeing where the real issues lie. I guess the way through that is to have clear and better data about the kinds of impairments that people have and how it affects their lives. Obviously, some evidence we have about disabilities is better and clearer than others.

Alexandra Gowlland: Absolutely. I was just going to reiterate Marcus's point that one of the issues that makes our work challenging in the Disability Unit, and I am sure in the work of the Committee, is in some cases the evidence gaps or the weakness of the existing evidence. In particular, it means that we do not have as much detailed evidence as we might like broken down by impairment and by severity of impairment. At the moment, as Marcus said, we work to a broad and inclusive definition, but strengthening the evidence base continues to be a real priority for us as a unit. We believe that that would help to ensure that our policies can deliver better improvements for more people.

Lord Laming: In respect of children, is the definition helpful or should we think about revisiting it in the legislation?

Alison Ismail: As Marcus says, for practical and structural purposes we talk most often about special educational needs and disabilities. Obviously, we work with the Equality Act definition, but we also work with the definition in the Children and Families Act 2014, although of course within that there are some children who might have a special educational

need but are not disabled, and others who are disabled but do not have a special educational need.

I would absolutely echo what Alex has said about all data and information being helpful in understanding needs. We know that lots of children and young people in those categories have more than one set of needs or diagnoses, or that one might then lead into another. In that sense, that quite broad understanding is helpful. In our *Special Educational Needs and Disabilities (SEND) and Alternative Provision (AP) Improvement Plan*, which we published in March, we talked about our wish to stabilise and improve the whole system.

We tried to communicate that one way to manage that cliff-edge in relation to the definitional category is to look really closely at children's and young people's needs. With a really needs-based approach, you would hope that those difficulties of categorisation and definition would become less important. At the same time, one thing we do see in the way children and young people are categorised, whether they are given SEN support at school or whether they apply for or are given an education, health and care plan, is a lot of variation not just between areas but within areas, perhaps between schools down the road from each other. That is where more clarity about definition expectations could be helpful.

Q8 Lord Laming: That is a very helpful answer, thank you. Pursuing the position of young disabled people, how can the department ensure that the voice and the needs of young disabled people are built into the system right at the start? In other words, is the thinking dominated by adults, or is there a mechanism whereby the needs of young people with a disability of one kind or another can be reflected in the day-by-day practice and policy development?

Alison Ismail: That is an ongoing challenge for us, because, as you know, certainly under the Children and Families Act 2014 the special educational needs and disabilities category is defined all the way from birth up to age 25, so you have a huge range of ages there. We challenge ourselves to talk to parents, families and carers, which is really important. The follow-on challenge is to speak to children and young people themselves, and to find ways to do that, that recognise that they may have a range of communication abilities. For example, even where children are non-verbal you look for ways to take their views and feelings into account.

There is a lot underway here. Thinking about the local level, in our improvement plan, which I carry everywhere with me, we talk about putting local inclusion plans in place, which is really about all the various actors in the system working together. There is a strong expectation that parents and carers, but also children and young people themselves, should be fully involved.

In the department, we have something called a participation contract where we work on an ongoing basis with the Council for Disabled Children—and with an organisation called Contact, for example—to

ensure that we are constantly working with them to speak directly to children and young people. We have a national young people's group called FLARE, which stands for Friendship, Learning, Achieve, Reach and Empower, which is a diverse group of children and young people with SEND from across the country that does a fantastic job of sharing their views and experiences.

Another reflection from me is that the move towards virtual technology has helped quite a lot. We can, for example, set up a one-hour opportunity for Ministers to talk directly to young people without them having to miss school or college, whereas a few years ago we would have risked getting them all the way down to London. That is an aside, but we are constantly looking for new ways to make sure we are doing that meaningfully.

Marcus Bell: The Disability Unit view is that the perspective of disabled young people is not as prominent or as well known as it ought to be, and we have commissioned some research from the Children's Commissioner on that exact subject. To give credit to Alison, the area where we know the most about disabled young people's lives is education. A lot more could be done, but other aspects would include experience of healthcare—

Alexandra Gowlland: And aspirations for the future.

Marcus Bell:—yes, and culture, shopping, things like that, which are all important to people and which we know much less about. That is something that we are trying to bring a bit more light to.

Q9 **Lord Laming:** That is extraordinarily helpful, thank you. We are particularly interested in the transition stages in a child's development, because this can be a critical stage that can lead to crisis in an individual circumstance. How are you hoping to improve the services for children at these critical transition stages in their lives?

Alison Ismail: All the evidence we hear, both quantitative and more anecdotal, is that transitions from where the system may have been working well can fall down for children and young people with SEND. That can be about the educational setting. It can also be about health services, and perhaps care services if they are in the care system.

Again, in our improvement plan we talk to children, young people and their families to develop good practice guidance on those transitions. As part of our work, we ensure that the school workforce in particular is fully equipped to support this group of children and that they are proactively thinking about transitions. Increasingly, with very young children, that might be the transition into school at age four or five. We know that the big transition in the move to secondary school and moving on from key stages 4 or 5, whether to college or further education or into employment, can also feel like a cliff-edge for a lot of young people.

For those who have education, health and care plans, about half of whom are in mainstream schools, there is an explicit expectation that from year

9 onwards, so from around age 14 or 15, the annual review of their plan should have a focus on their transition out of school and what they will do next that will best meet their aspirations and strengths. Again, for some, that may be moving into employment, something like a supported internship, which we have under way and are extending this year, into further education or, indeed, into higher education.

Alexandra Gowlland: In the Disability Unit, from the current evidence base and from our interactions with stakeholders and with disabled people in particular, we completely agree that the issue of transition between services is frequently raised as affecting disabled young people. We also know that within that group there are specific cohorts of disabled young people about whose experiences we know even less.

That is why the research that Marcus mentioned, which we have commissioned from the Children's Commissioner, has a deliberately broader focus beyond just education; it also looks specifically at some of the cohorts where the evidence base is at its weakest. I am talking particularly about children in special schools, those who are themselves young carers, those who have been cared for, or those who have experienced unstable accommodation and been homeless. We have looked for focused research into the experiences of those groups in particular, because we know that transition is an issue that affects the broad group of disabled children and young people, and for those cohorts about whom we know even less it is important to try to do what we can to fill that evidence gap.

Lord Laming: We have been told that junior schools are better at incorporating children with disabilities of one kind or another than secondary schools and that the transitional period between junior and secondary education is often a time when a larger number of children are excluded from ordinary schools. Sorry, about the expression, but you know what I mean.

Alexandra Gowlland: Mainstream schools?

Lord Laming: Yes. Can anything be done to address that?

Alison Ismail: The best local areas do things to address this already, and for children who have an education, health and care plan they ensure that there is good continuity in it. For those who are in receipt of other kinds of support, just making sure that that child and their family have the link into the new school and the support offered by the new school means that the child feels the abruptness of that transition as little as possible. Taking that area-based approach, we absolutely expect local schools to work well together.

Q10 **Baroness Bertin:** Could we focus particularly on transition in schools? I have a great friend who has a 16 year-old daughter. She has Down's syndrome and her special school does not have a sixth-form, which is probably quite common. She has gone from five days wraparound transport to and from school, all working quite well, to a three-day week

college place, and that is really problematic for them. Her mother will potentially have to give up work.

I have two points on this. One is the reality around the transition and where some of these children are going, particularly the children with high needs in those potential changes. As Lord Laming said, primary schools seem to be a bit better equipped to cope with it. Perhaps that is because the learning is not quite so advanced—I do not know, I am not an expert. This is a content point on whether those transitions will really change someone's set-up. What will happen to my friend's family, for example? That is a very big problem for them. I am obviously talking in general terms. By the way, I should say that I used to be a trustee for a charity called KIDS—not Kids Company I might add—which looks after disabled children.

The second point is the comms around transition, and perhaps this is a bit more specific to benefits. There are so many points; you have to get your forms in and change things around. Is there a clear pathway? Is there a government page they can go to for tech? In the improvement plan, are you thinking about the ways in which you can communicate with families in a way that is easier for them? Sorry, there is a lot there.

Alison Ismail: No, they are all fantastic questions. On your first example of a young person who has been well settled in their special school but faces that cliff-edge at around age 16, that is something that unfortunately we hear quite a lot about. In the way the Children and Families Act 2014 is framed, the timeframe in the definition of special educational needs all the way to age 25 is designed to take into account that the journey towards greater independence may take some time and to avoid that sudden drop-off of support.

I understand, obviously, that is not necessarily how it feels to families, and we hear a lot from parents and carers about the pressure on them to be working proactively and to be working with a young person to work out the next best step. Often, there might be a really good option for that child such as an apprenticeship or a college placement, but if it is some distance from the family home, as you say that can create a real impact on family life as well.

A really important point here, which I alluded to in response to Lord Laming's question, is recognising that the best option will be very different for different young people in this broad category. There may be some with mild to moderate needs for whom the path to further education does not look that different from their peers without disability. There may be others for whom a lot more thought needs to be given about their next step. We work really closely with the post-16 sector to make sure that we are not just defaulting to thinking about schools as the only players here. We have some fantastic mainstream colleges and specialist colleges that do brilliant work with young people, but I appreciate that for individual families it can be a really worrying time if it does not fall into place.

Q11 **Baroness Bertin:** Of course. Thank you for that full answer. Can I just

go back to what I was supposed to ask you about mainstream schools or colleges? What is the incentive for a college to be really good at offering special educational needs education? It strikes me there is simply no incentive. Some headmasters or heads of colleges do it because they have a moral compass and want to, and all the rest of it, but for others it is easier not to do it. I would love to know your views on that. What is the solution to that, potentially?

Alison Ismail: Anything to do with incentives to be inclusive is a really complicated question. Again, you see some stunning examples of colleges that do this because they understand their legal duties, but also because they have a passion to be inclusive and they recognise everything that young people with special educational needs and disabilities brings. Those in the best local areas will be real leaders in demonstrating what good practice looks like.

Again, in our improvement plan we talk about turbo-charging work with the post-16 sector—for example, with the Association of Colleges and with Natspec, the National Association of Specialist Colleges—to look at where they might find disincentives baked into the system, such as the routes whereby they receive their funding, their ability to plan, and the scope for them to be fully engaged in local planning.

At the moment, we are seeing a demographic profile where lots of young people are coming through to college age but fewer in the early stages of primary school. What can we learn from local areas that are doing a really good job of area-based planning? How can we incentivise those colleges to have a really strong offer for their local young people with special educational needs? We regularly do that here, and we need to be thinking about the whole age spectrum, not just the younger school age.

Q12 **Lord Prentis of Leeds:** I will declare an interest, but it is a bit tangential. I worked for many years—far too many—for a trade union that had a national disabled members committee composed of representatives of disabled people from all regions. It had its own annual conference to talk about the issues that we are talking about now. It campaigns and has produced quite a number of booklets and proposals on the way forward.

I understand all the difficulties with transitioning from primary education to secondary education, and even into tertiary education, but there is an even bigger problem, which is the transition from the school environment to work or possible work—or to nothing, to being unemployed. In the school environment, it has been shown time and again—you might disagree—that one to one help really does help a person with disability to make progress. A lot of that depends on teaching assistants in the classroom, not the teacher, being able to sit with their child to help them to progress in the way we would want them to.

We are finding more and more that teaching assistant jobs are going because of the shortages of money in schools. Nobody has mentioned resources, and we have to look at that issue. From all the work that is being done, and the tremendous work that you have all done, we know

what we need to do in order to make a quantum difference. Again, it is about the transition of young people into work or to adult life. Many disabled young people leave school at the age of 16. They may do some kind of course for the next two years, but you could argue that society finds it far more difficult to deal with disabled people who are adult than with children. Is that something we should be looking into?

Alison Ismail: Thanks for those really good questions. On teaching assistants, we absolutely recognise how important they are in schools to supporting children with special educational needs and disabilities. In schools, there are lots of actors with a really important role—school leaders, special educational needs co-ordinators, classroom teachers—but we know that teaching assistants play a huge role. In the improvement plan, we have committed, as part of our look at the overall workforce, to taking a proper look at how we best deploy teaching assistants and ensure that we are—at the risk of using jargon—managing the risk around having enough in schools.

On transition to adulthood, we have the definition in the Children and Families Act 2014 of nought to 25. That is a really good thing, but there is always the risk that you are just pushing back the point at which that support falls away. Going back to what we said at the beginning of the session, we absolutely have to make a cross-government effort, because otherwise you get a drop-off, whether between our respective bits of government, or with the Department of Health and Social Care or the Department for Work and Pensions.

One example, and something that a number of Ministers have been really enthusiastic about, is the review, which is under way at the moment, on employment for adults with autism and what opportunities can be opened up there, because, unfortunately, employment among people with autism, even if it is relatively mild to moderate, is much lower than in the non-autistic population. Sir Robert Buckland is leading that review, and Ministers from the Department of Health and Social Care, the Department for Education and the Department for Work and Pensions have been really enthusiastic about it. It recognises that there is a huge question about how well autistic young people—we know that those numbers have been growing exponentially—are supported in the education system, but how they can be well supported to fulfil their aspirations and be as independent as possible as adults is just as important, and the workplace will often be a really important part of that.

Alexandra Gowlland: In the Disability Unit's engagement work with our various stakeholder networks with disabled people, and in our work to build and strengthen the evidence base, disabled people have raised with us some of the issues that are most important to them, and we know that some of those are already being taken forward by other departments in long-term reform efforts. Obviously Alison has spoken about some of the work that DfE is doing in this area. The Department for Work and Pensions' *Transforming Support: The Health and Disability White Paper* is looking at longer-term reforms to employment and welfare sitting alongside the longer-term goals to improve life for disabled people.

The disability action plan is our work focusing on concrete actions that can improve people's everyday lives and their experiences this year and next. We are hopeful that, when the plan goes out to consultation, people will see proposals that they can feel will improve their lives and that they will be able to give us their views so that we can make sure that it is as targeted and as effective as possible.

Q13 Lord Willis Knaresborough: Thank you. It is such a fascinating discussion. First, can I apologise, Alexandra, because I called you Alison earlier? I am very sorry about that, but thank you for your answer.

I would like to get to grips with particular students with all sorts of difficulties in mainstream schools. Why are some mainstream schools even now unable to deliver inclusive education to some disabled young people? How is this being addressed? I ask you, because just over 20 years ago I was one of the first headmasters in the country, following the Warnock report, to integrate children in Cleveland with particular physical needs, followed by sensory work in Leeds and, finally, cognitive integration. I hoped at that time that that would become the norm throughout our schools in England, and it is very disappointing to see that, in 2023, a significant number of schools, for a variety of reasons, do not take children with disabilities.

What planning are you doing to ensure that every school is legally obliged to take children with special needs such as physical, sensory and cognitive impairments?

Alison Ismail: Your question captures really well the direction of travel that we tried to set out in our improvement plan, which is, if you like, a pincer movement looking at both the mainstream sector and the special sector, because we know that there are some children who will need to be in special schools and there are many special schools that do a fantastic job. There may be some in mainstream who are perhaps waiting for a place that is special, and we want to do everything we can to motor on with the capital investment that will create those extra places. As you say, there may be lots of others who are in special schools but who, with extra support, could thrive in their local mainstream school. It is about how you enhance those jointly.

As you say, there are many mainstream schools that do a fantastic job in this space already and are very inclusive. When we try to get under the skin of those that are not inclusive, as ever there are always a few reasons. You mentioned physical impairments; some schools are literally old buildings that have struggled to make adaptations that can make their schools fully accessible to children with physical disabilities. Obviously one priority is to ensure that they have access to the capital funding they need to make those changes, if they can be done, to improve the school environment.

It is also really important to get an inclusive approach and make sure that children with special educational needs can attend mainstream where it is the most suitable thing. That involves the workforce in those schools—as I said, everybody from school leaders, special educational

needs co-ordinators, classroom teachers and teaching assistants. In our recent omnibus survey of schools, around half of staff said they did not feel fully confident to meet the needs of children with special educational needs and disabilities, and we have talked with Ministers about how important it is to try to bring that number up. There is a range of things that we are doing there. For example, we have a universal services contract at the moment where we work with mainstream schools to spread good practice and help them to improve their knowledge of how to cater for children with special educational needs and what the evidence tells us works best.

Technology is also important. There is a really exciting assistive technology coming online, almost as we speak, that can transform the lives of special educational needs students and enable them to access the curriculum. We have recently trained about 150 schools.

There is also a leadership role for the Department for Education and other school leaders. Quite recently, our Junior Minister published a blog with reflections about the sorts of reasonable adjustments that mainstream schools can offer children with disabilities that can make it a much more inclusive environment for them. There is a lot to do there, but a lot is already under way as well.

Lord Willis of Knaresborough: Before today's session I spent some time looking at some of the background statistics. If you look at grammar schools and at Church schools, particularly Church of England schools, and at some academies, and the correlation between free school meals and children with statements of special educational needs, it is alarmingly the same. As you go up or down those pyramids, you see a correlation between the fewest children with special needs, special educational needs or special disability needs going to grammar schools, Church schools and some forms of academies. Why do you think that is?

Alison Ismail: I go back to what I said at the beginning. There is quite strong data about the correlations that you mentioned, but in other respects it can be quite hard to discern a pattern. Because we see a huge variation which suggests that a lot is down to culture and leadership. There is also good evidence that children who come from more disadvantaged backgrounds are more likely to have special educational needs of some sort. That is why the methodology that we use—allocating money to schools with disadvantaged funding baked in—is really important, because that is one of the means we use to ensure that the children arriving who need extra help can access it.

The question of how local-authority maintained schools, academies and other types of providers can work together in local areas to take an inclusive, integrated and co-ordinated approach to meeting the needs of their local population is really important. We recently published our academies regulatory and commissioning review, which, as part of the role that mainstream academies play in schools' overall improvement, talks about the importance of improving support for children and young people with SEND. We have published descriptions of what that high-

quality inclusive education needs to look like. It has, as you say, a focus on incentivising school leaders, like head teachers, to be inclusive in those slightly different types of schools.

Lord Willis of Knaresborough: Can I perhaps suggest something to you that I have not seen examined as yet? That is the role of Ofsted and getting high-achieving excellence in Ofsted reports, and the number, in schools, of children on free school meals and children with statements of special educational needs. Again, the picture is alarmingly the same. Have you examined the worry that Ofsted, which judges all schools on a similar set of criteria, encourages those schools to say, 'In order to get the top grades, we need to have fewer of these children, because they will affect our results?' Should that correlation be looked at?

Alison Ismail: I realise I have come this far through the hearing without mentioning Ofsted, which surprises me now because it is a hugely important tool, not just in the school inspection framework but in the local authority inspection framework.

At local authority level, as you know we have a new area inspection framework that is just coming online. The school inspection framework places a high emphasis on the school being able to demonstrate that it takes provision for children with SEN seriously and is meeting their needs. In that respect, it is one of the most powerful tools we have to drive that approach. We have committed to looking more closely at the evidence on the overall fitness for purpose of its framework and how that works in practice, both in mainstream and in special schools, and it is something our Ministers are very interested in.

Lord Willis of Knaresborough: If possible, we would like a note on that, because that would be something very encouraging to put in our report. I am not at all opposed to special schools. I think that special schools, and specialist schools, are fundamentally important, but one problem is that there are insufficient places to satisfy the growing need of children with a wide range of disabilities. What do you think of the long-term impacts of an approach towards building additional special schools?

Alison Ismail: I absolutely agree with your analysis that it is all about the balance of provision between mainstream and special, but, as much as we want to make mainstream schools as inclusive as possible, we recognise that there is a lot of unmet demand for special school places. That is where our capital programme, both to increase provision available in existing special schools and to build new ones, is really important. We have just announced approval for a new group of 33 special free schools and we have applications at the moment to bid to run and open those. We are always trying as hard as we can to get those school places online as quickly as possible and to minimise the time spent in development.

Obviously it is not just about getting new schools online, although that is really important. As you say, it is about forward planning and what needs are likely to look like. That is where we want to drive the local area approach, which works fantastically well in loads of areas already,

although not in all. It is about planning for local needs and for commissioners and providers to work together to look ahead to what is likely to be needed.

As of this summer—this sounds a bit dry, but I think it is really exciting—we will collect a new set of data from local areas to ensure that we have that really good joint understanding of what the need will be and then that integrated approach to planning to make sure that we have the right places in the right areas. Another really important point is the sufficiency of special school places to try to minimise young people having to travel far from home to attend school.

Lord Willis of Knaresborough: Thank you.

Q14 **Baroness Bertin:** I have a quick general question, perhaps more to Alexandra and Marcus, on the improvement plan. Have you included businesses and the disabled pound, if you like? It is a hugely important part of our economy. I just wondered if there had been much interaction. We talked about disability groups as stakeholders, but what about trying to encourage businesses to see the value and the worth in this? If Tesco is visibly employing people with disabilities, I will shop in Tesco, not Sainsbury's, for example. It is good if they care about it for the right reasons, but if they are doing it for the wrong reasons, it is good economics. I just wondered if there is a big section on that in your plan.

Alexandra Gowlland: It is an excellent point, and, again, I would mention the disability access ambassadors, the group of senior business leaders who are working with us to champion and promote accessibility and improvement of services and goods for disabled people in their sectors. That covers 20 different business sectors, and these are really senior people who are giving their time and doing a great job at promoting the needs of disabled people within those businesses and service providers.

The Chair: Lord Shipley, we have trampled over your question a little bit.

Q15 **Lord Shipley:** Not really, no. I am keen to ask a little about outcomes as opposed to processes that are being followed, because I noted that in some of your answers to previous questions you talked about students who had education, health and care plans. What about those who do not have one?

I had the privilege of chairing the Youth Unemployment Committee in the 2021-22 Session. There was a write-round to all government departments, which I guess you must have responded to, to form part of the Government's reply to the committee's report. In paragraph 244 of that report—I am quoting directly—we said, 'Worryingly, we heard some young people who were eligible for an EHC plan were not being put forward for assessment at the right time, making it more difficult for them to obtain one after they have left school'. I am interested to know, perhaps later in writing, what figures you have on how many such young people there are with a disability who do not have an EHC plan but who

would be entitled to have one. That is my first question.

Secondly, do the Government know what proportion of young people with education, health and care plans transitioning from school to college in September 2023 had their post-16 place confirmed by the statutory deadline of 31 March 2023? There are some suggestions that the performance level is not as good as it should be, and there are implications for young people who do have EHC plans. I mentioned earlier all the ones who do not have EHC plans, but if they do have them are they all getting an answer by 31 March? The assertion or the worry is that they are not. Therefore, the question is: what is being done about it?

Alison Ismail: On the first part of your question on school leavers who leave the education system without an EHCP, I do not know the figures, but I am very happy to take it away and write by way of follow-up.

On your question about the young people getting ready to leave their current setting for post-16, and the readiness of their EHCP review to move them on to the next phase, again I would need to write to you on numbers.

On your general point about delays to the system and whether the system keeps pace with itself with regular reviews of EHCPs in a way that is useful and meaningful for young people and their families, we recognise that that is an issue, and that is one reason why we have committed to looking at EHCPs. How can we move to more of a standard format? At the moment, they look quite different between different local areas. What is the scope for digitising them, for example? This certainly ought to help. I should say that it is happening already in some areas, although not in all, on the basis that, done well, a digitised format ought to be much easier to update, to transition between different settings, and generally to improve the way the system functions.

Lord Willis of Knaresborough: Finally, if you are going to write to us on the numbers of those who did not have an answer by 31 March just gone, could you do some kind of trend analysis as well? I realise that we have had Covid, but if you could go back a few years and just see whether the trend is getting worse—perhaps it is getting better—that would be helpful.

Alison Ismail: Worse in terms of—

Lord Willis of Knaresborough:—more people not getting notification by the statutory date.

Alison Ismail: By the March deadline?

Lord Willis of Knaresborough: As I understand, it is not a voluntary date or a guideline; it is a statutory requirement.

Alison Ismail: Absolutely. I am happy to do so.

Q16 **Baroness Stedman-Scott:** Thank you. I have no interests to declare.

What steps are the Disability Unit taking to ensure that public services, either national or local government, are meeting the requirements set out in the Equality Act and the public sector equality duty? What steps are being taken to ensure that enforcement of these duties is not reliant on individuals taking services to court?

Marcus Bell: Can I answer that in two parts? In relation to other departments and the responsibilities under the Equality Act, generally speaking we look to them to comply with the duty because, as you will recognise, there are multiple government departments, multiple public services, and many protected characteristics in the Equality Act, not just disability. Realistically, we cannot police all of that, even if we wanted to. We look to departments to make sure that they are complying with the Equality Act.

We issue guidance from time to time about how to do that, and about what action they can take. Relatively recently, for example, we wrote to departments about positive action under the Equality Act and when you can and cannot do that. We also get involved in what I will call difficult cases almost by definition, ones which departments cannot resolve for themselves or which perhaps have important wider implications. That is how we help from the centre on the more difficult cases: by providing guidance.

On the second part of your question about individuals taking action, it is important that people have recourse to the courts if they want to do that, but, of course, that does not work for everyone, for a variety of reasons. One of the other main courses of action open to people is a service we support called the Equality Advisory and Support Service, which is basically a helpline providing advice to people who think they have been discriminated against and who want to take action on rights under the Equality Act. The EASS often helps individuals to resolve the issue they have informally rather than taking court action. It is worth saying that it is not a very well-known service, but it gets pretty good feedback from the users about the support it provides. It is also worth saying that its responsibilities relate to the whole Equality Act, but most of the customers, if I can put it this way, are disabled people. Disabled people are the people who have the most frequent recourse to that service, and the issue that comes up most often is reasonable adjustments and the workplace. That service is available to people.

Of course, for more significant issues, there is the Equality and Human Rights Commission, which has responsibility to take enforcement action in relation to the Equality Act.

Baroness Stedman-Scott: On your first answer, which I am grateful for, I know there are multiple departments and multiple public services. Do you have any sense that they are doing their bit?

Marcus Bell: We do not have a league table of how departments are doing, but we do keep quite a close eye on the issues that are coming up through the EASS. For example, what are the public raising through the

helpline, what are the concerns, and what issues are coming up? It is worth saying that although disability is the most frequently raised issue, there is a lot of change over time in what people are concerned about in the areas where they are experiencing difficulties.

The Chair: I completely accept your point that it would be wrong if people did not have the right to go to law in pursuit of their rights, but my prior thought was that it is almost a failure of the system if they have to do that, because the system we have built is not meant to make people take money from their own pockets to pay for it, often without compensation even if they win. Do you have a sense of the balance? Do you sometimes look at cases where people with disabilities have had to go to court to get what is their right and think that something has not gone right there, or do you think that it is about right on the whole and that the ones that end up going to court were necessary to prove a legal point or have a strong case, or what? I realise that it is a difficult question to answer, though.

Marcus Bell: That is a difficult question. The honest answer is that we do not systematically collect data about Equality Act cases that are coming through the courts. My sense, as I was saying earlier, is that the kinds of issues that people are raising vary quite a lot over time. Also, people having recourse to the courts is very much the exception rather than the rule. Most people would prefer to resolve things informally either through the procedures with their employer or whatever or through some other system of redress, or possibly with advice from the EASS, which, as I say, is a little-known service but one that does really good work with people.

Baroness Stedman-Scott: Do you have any stats about the EASS?

Marcus Bell: We collect lots of stats about the kind of issues that are raised with the EASS, by whom and for what reason. If it would be interesting for the committee, I can see what management information arising from that we can share.

Lord Bach: Why do you not keep any records about court cases? Would it not be a good idea to do so, and would it really be so difficult?

Marcus Bell: We have not been asked to, but I can certainly take that away.

Lord Bach: I think it would be useful for you and for us.

The Chair: It is one of the areas we have shown an interest in so far in the evidence we have received, so any information on that would be really good. Thank you so much for that. It has just confirmed my worst fear that it is a very broad area, and deciding what to focus on within that will not be easy, but you have given us an excellent overview and you have been very generous with your time and thorough with your answers, so thank you very much indeed.