



## Written evidence submitted by Alliance for Inclusive Education

### **The Alliance for Inclusive Education’s submission to the Education Select Committee’s “The impact of COVID-19 on education and children’s services” inquiry**

**July 2020**

#### **Introduction**

The Alliance for Inclusive Education (ALLFIE) is the only national organisation led by disabled people working on educational issues and, in particular, working to promote the right for disabled pupils and students (including those with SEND) to be included in mainstream education, as set out in Article 24 of the UN’s Convention on the Rights of Persons With Disabilities (UNCRPD).<sup>i</sup>

ALLFIE uses the term ‘disabled children and young people’ because many will fall under the definition of disabled persons in the Equality Act 2010.<sup>ii</sup>

#### **Covid-19 and disabled people’s equality in mainstream education**

ALLFIE welcomes the Education Select Committee’s inquiry into the impact of the Covid-19 pandemic on education services, including those used by disabled students in order to participate in mainstream education. The Covid-19 pandemic is deepening pre-existing inequalities between disabled and non-disabled people through exposing the extent of ableism within the state education system.<sup>iii</sup> There has been no similar research into exposing the impact of the Covid-19 outbreak upon disabled students, many of them without **any** special education needs provision and disability-related reasonable adjustments<sup>iv</sup> and no education for a prolonged period of time, as this education professional observes:

*“I am SLCN-based within a mainstream junior school. My pupils are not in school and some are struggling to access online learning opportunities. [I am] concerned that [the] existing gap will widen further and that pupils will need an extended period of*

*readjustment on [their] return to school.”* (ALLFIE Education Professional Survey April 2020)

ALLFIE is concerned that disabled students are a low priority for the Government. So far, the Government has done nothing to respond to the growing numbers of disabled pupils we are coming across being denied access to mainstream education.

The Covid-19 pandemic does not allow the Government to set aside their obligations under UNCRPD’s Article 24 to promote and develop inclusive education practices. Similarly, the emergency legislation does not allow local authorities or education institutions to put aside their duties around the presumption of mainstream education and the requirement to make disability-related reasonable adjustments for disabled students participating in mainstream education under the Children and Families Act 2014<sup>v</sup> and the Equality Act 2010.

### **The Secretary of State for Education’s notice to modify the Children and Families Act provisions announcement on 30<sup>th</sup> April 2020**

In normal times, the operation of the Children and Families Act 2014 has failed to work properly for disabled children and young people. The Government’s Coronavirus Act 2020<sup>vi</sup> notice to modify the Children and Families Act s(42) so that local authorities are only required to use reasonable endeavour to secure SEND provision specified in their education, health and care plan (EHCP) from 1<sup>st</sup> May has been a disaster for many families where their disabled children unable to participate in online learning platforms are being left without any form of education for months despite local authorities and schools still having staff on the payroll.

The Government has failed to undertake an equality impact assessment of the impact that the Secretary of State for Education’s notice, SEND and general health and safety guidance will have in providing education during the closure of education institutions for disabled students under the Equality Act’s Public Sector Equality Duty.

The UNCRPD Monitoring Committee has published Covid-19 and the Rights of Persons with Disabilities Guidance.<sup>vii</sup> In the preamble to the section around education, the introduction says:

*“To reduce the impact of disruption in education, some States are adopting remote learning practices. In these cases, however, students with disabilities are facing barriers on account of the absence of required equipment, access to internet, accessible materials and support necessary to permit them to follow online school programs. As a result, many students with disabilities are being left behind, particularly students with intellectual disabilities.”*

Over the past three months, ALLFIE has become highly concerned about the violation of disabled peoples’ human right to access mainstream education during the closures of schools and further education. In practice, the Government’s guidance emphasis on local authorities and education providers using their reasonable endeavours to arrange special education needs provision in a flexible manner has left many disabled students without any support. Indeed, “reasonable” endeavours has been interpreted as meaning “no endeavours” in securing special education needs provision for disabled pupils. As such, there is an urgent need for the Government to remove the Children and Families Act’s easements so that disabled pupils’ right to education, health and care support are reinstated. This needs to be done by September now that the Government is expecting that all schools will be open and ready to educate their pupils again in a Covid-19 secure environment.

### **Disabled pupils needing support**

Since education institutions closed, the failure to provide any form of education or secure any form of SEND provision for disabled students has worsened substantially since the Covid-19 pandemic.<sup>viii</sup>

ALLFIE has surveyed its members and invited Facebook posts to enlist disabled school pupils, university students, parents and education professionals’ experiences of the provision of education services throughout the Covid-19 pandemic. We have found that since schools and colleges closed that:

- 83% of parents are expected to home school their disabled children.
- 54% of parents are not receiving any support from either the local authority or their children’s school to help with home schooling.

- 34% of parents are receiving some (but not sufficient) support to help with home schooling.

Our survey results are similar to those published by the Disabled Children's Partnership reporting that:

- 76% of families say ALL support has stopped since lockdown.
- 8% of families say support has stayed the same.
- 16% of families say they have been offered an alternative such as online education.

The few families who are able to support their disabled children's education have a background in teaching or therapy and are able to navigate the system.

*"She gets speech therapy, which is once a fortnight for an hour of direct therapy. We have known the therapist who delivers that since my daughter was three, so we have - in fact, she was our private therapist before she became our school therapist. I contacted her as soon as we went into lockdown to say, 'What could this look like for my daughter?' She's been delivering sessions by Zoom fortnightly."* (ALLFIE Parent's Survey June 2020)

*"His respiratory physiotherapy is carried out at home by mum and I'm following [the] speech therapy plan and occupational therapy plan in his home-schooling but he isn't having the professional input he has at school weekly or any assessment of progress."* (Disabled Children's Partnership Parents Survey June 2020)

Clearly, the Government is violating disabled students' rights to mainstream education which is unacceptable as these parents have highlighted:

*"One of [my child's SENCO's] comments was to tell him he didn't need to do the work set but this doesn't address his right to learn.."* (ALLFIE's Parent Survey April 2020)

*"There's a shocking lack of offer of support... There was no offer from [the child's] school or local authority. Speech and Language Therapy as part of his mainstream SEND unit provision, nothing."* (One parent posting on Facebook April 2020)

Approximately 66% of health employees are in teams where some had been redeployed; this has affected the provision of advice regarding specific children or the whole school and direct contact work (NAPLIC May 2020). We are being told that disability support staff such as speech and language and occupational therapists, learning support assistants and learning mentors are either being redeployed elsewhere or furloughed when they should still be working with their disabled students continuing with their home-based education. We never expected that dedicated staff working with disabled children and young people could be moved to work in administrative and healthcare assistant roles within hospital settings; this is unacceptable.

### **Remote education**

For many disabled students, the online lessons, lectures and learning materials **are not** inclusive of disabled students.

The Department for Education commissioned Oak Academy School to launch an online platform providing over 160 lessons<sup>x</sup> that are not inclusive, factoring in the needs of disabled children. For instance, online lessons fail to include BSL interpretation or audio description for disabled pupils with sensory impairments.<sup>x</sup> Furthermore, the online curricula are not differentiated for disabled pupils with special educational needs, as this parent says:

*“[The] local authority should provide differentiated learning and also provide it further in advance, currently materials are uploaded in the morning giving me zero time to look through and work out what he can and cannot access...”* (ALLFIE Education Professional Survey April 2020)

Families are expected to differentiate the curriculum and provide the support that their disabled children require to participate in remote learning.

*“Every two or three days a teaching assistant sends us five or six maths worksheets and her art teacher sets work for the whole art class but [that is] not differentiated for my daughter. Pretty much, that is all that’s being sent. So, I go onto the Twinkl website on a Sunday and I spend two or three hours looking at Key Stage 1 and*

*Key Stage 2 worksheets thinking about how I can move my daughter on..” (ALLFIE Education Professionals Survey May 2020)*

Providing online learning is not simply about having appropriate computer kit and software uploaded for learning. Disabled students often require personal/learning support assistance to structure their learning opportunities and keep their focus on tasks, among other hurdles.

*“I have to sit with him the whole time he is learning to keep him on task. Rather than Google Classroom some kind of face time with an [learning support assistant] or teacher would help, we need proper support to teach new concepts.” (ALLFIE Parents Survey, April 2020)<sup>7</sup>*

Not all disabled students can continue with their learning online for a wide range of reasons. Indeed, 89% of ALLFIE’s respondents said no alternative provision has been arranged if online learning is not accessible for the disabled students.

*“They’re trying to put them on this Microsoft Teams setting where the work isn’t being differentiated so it’s not really accessible for those children. But no one seems to care. It’s just like it doesn’t matter, and it does matter because these children are going to forget the quickest. These are the ones that have problems with their memory, retaining learning... A lot of our children don’t have that independence... The parents can’t help because they don’t understand the kind of methods that we use in schools.” (ALLFIE Professional Survey June 2020)*

We believe that the Department for Education’s online accreditation scheme standards do not comply with the Equality Act 2010 and Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 requirements.<sup>xi</sup> The standards only require online providers’ written curriculum policy, plans and schemes of work to take into account the ages, aptitudes and needs of all pupils, including those pupils with an ECHP.<sup>xii</sup> The Department for Education’s guidance on remote education does not provide comprehensive advice and support for how disabled students can participate in online learning where they can.<sup>xiii</sup>

## Conclusion

Our survey is highlighting the extent of ableism in our education system. Our respondents' experiences are that the design of the learning platforms, the lessons, curriculum and learning styles employed are those most suited to the neurotypical student cohort. Consequently, too many disabled students who cannot access standard online learning opportunities with minimum adjustments are being denied their basic right to mainstream education. Parents are telling us that they are not receiving any support or alternative provision that could help their children retain and develop their skills. Furthermore, our survey found that many disabled children without EHCPs are no longer getting the level, quality or quantity of special education provision, which has resulted in high levels of exclusions despite SEND staff remaining on the school payroll.

If local authorities and education institutions are not providing SEND provision, disability-related reasonable adjustments or offering a suitable differentiated curriculum using a range of learning methods then disabled students cannot engage in mainstream education alongside their non-disabled peers within a home or an educational setting. ALLFIE's work has revealed that the longer the period that disabled students are not participating in mainstream education in a meaningful manner, the wider the potential educational, life changes and achievement gap will be between disabled and non-disabled people.

ALLFIE's evidence so far is that the Coronavirus Act's changes to SEND legislation will no doubt lead to greater segregation and exclusion of disabled students from mainstream education.

*“For far too long, disabled people have been denied equal rights to mainstream education. No other group has been systematically excluded from mainstream education because of their personal characteristics, i.e., their impairment.”* (ALLFIE Education Professional Survey April 2020)

## What do we want the Government to do?

## Short term

- Investigate the adequacy of education provision for disabled students in mainstream education and the risk of widening the gap between the educational progress of themselves and their non-disabled peers.
- The guidance should be amended so that the child/young person's SEND provision as set out in their EHCP must be arranged even if that is provided in an alternative manner.
- The guidance must be amended so that education providers are placed under a duty to provide parents with the support they require to home school their children.
- Grants must be available for disabled students without the necessary computer equipment, assistive technology and internet connection.
- Schools and further education providers must allow disabled students to borrow any equipment they require.
- Stop the redeployment of therapists into administration and healthcare assistants' roles within the NHS.
- Clear guidance should be provided to education providers on the reasonable adjustments that all institutions must implement.
- All online platforms must meet accessibility standards.

Schools and colleges reopened on 1st June with changes in the organisation of learning and classroom sizes. Given that education providers have kept their staff on the payroll, there is no reason why the Government and education providers cannot implement good practices as set out in the Covid-19 and UNCRPD guidance, including:

- Provide clear guidance to education and school authorities on the scope of their obligations and the variety of available resources when providing education outside schools.
- Ensure access to the internet for remote learning and ensure that software is accessible to persons with disabilities, including through the provision of assistive devices and reasonable accommodation.



- Additional funding provided to the Oak Academy is conditional on the uploaded lessons and curriculum materials being inclusive for all.
- Provide guidance, training and support for teachers on inclusive education through remote learning.
- Establish close coordination with parents and caregivers for the early education of children with disabilities.
- Provide guidance and distance support for parents and caregivers to assist in setting up equipment and to support the education programme of their children with disabilities.
- Develop accessible and adapted materials for students with disabilities to support remote learning.
- Develop accessible educational audio-visual materials to disseminate through different media (e.g. online on demand, televised educational programmes, etc.)

### **Post Covid-19 pandemic – Long term**

What the Covid-19 pandemic has highlighted is that the Government must take urgent steps to strengthen the legal framework that supports disabled students in participating in mainstream education both within mainstream educational settings and from home due to health and impairment-related issues.

ALLFIE's inclusive education manifesto consisting of six demands would move us from the present situation to a fully inclusive education system, as recommended by the UNCRPD's Monitoring Committee. We believe disabled people have the right to:

- An inclusive education supported by human rights laws.
- A coordinated education, health and social care system.
- An inclusive learning environment.
- An inclusive curriculum.
- An inclusive assessment system.
- An education workforce committed to inclusive education practice.

A full copy of our manifesto can be viewed [on our website](#).

As the UNCRPD's Monitoring Committee has recommended, the Government should work with organisations of disabled people like ALLFIE to develop a fully inclusive education system. The Government must fulfil its Article 24 obligations around inclusive education by working with ALLFIE.

We would also welcome the opportunity to provide an oral submission.

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<sup>i</sup> Convention on the Rights of Persons with Disabilities. (2008). Retrieved from <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html>

<sup>ii</sup> Equality Act. (2010). Retrieved from <http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>iii</sup> Times Higher Education. (2020). *Emergency flexibility for online learning is what disabled students have been seeking*. Retrieved from <https://www.timeshighereducation.com/blog/emergency-flexibility-online-learning-what-disabled-students-have-been-seeking>

<sup>iv</sup> Times Higher Education. (2020). *How can disabled students look after themselves during the coronavirus outbreak?* Retrieved from <https://www.timeshighereducation.com/student/advice/how-can-disabled-students-look-after-themselves-during-coronavirus-outbreak>

<sup>v</sup> Children and Families Act. (2014). Retrieved from <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

<sup>vi</sup> Coronavirus Act. (2020). Retrieved from <http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>

<sup>vii</sup> United Nations. (2020). *Covid-19 and the Rights of Persons with Disabilities: Guidance*. Retrieved from [https://www.ohchr.org/Documents/Issues/Disability/COVID-19\\_and\\_The\\_Rights\\_of\\_Persons\\_with\\_Disabilities.pdf](https://www.ohchr.org/Documents/Issues/Disability/COVID-19_and_The_Rights_of_Persons_with_Disabilities.pdf)

<sup>viii</sup> Times Higher Education. (2020). *I've got autism and I feel abandoned by my university during this crisis*. Retrieved from <https://www.timeshighereducation.com/blog/ive-got-autism-and-i-feel-abandoned-my-university-during-crisis>

<sup>ix</sup> MSN. (2020). *Oak National Academy: how to access online school lessons for home learning during the coronavirus lockdown*. Retrieved from <https://www.msn.com/en-gb/news/uknews/oak-national-academy-how-to-access-online-school-lessons-for-home-learning-during-the-coronavirus-lockdown/ar-BB12V5Qt>

<sup>x</sup> Special Needs Jungle. (2020). *What's wrong with Oak Academy's specialist curriculum?* Retrieved from <https://www.specialneedsjungle.com/whats-wrong-oak-academy-specialist-curriculum/>

<sup>xi</sup> The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations. (2018). Retrieved from <http://www.legislation.gov.uk/uksi/2018/952/made>

<sup>xii</sup> Department for Education. (2019). *Online schools accreditation scheme*. Retrieved from <https://www.gov.uk/government/consultations/online-schools-accreditation-scheme>

<sup>xiii</sup> Department for Education. (2020). *Supporting the wellbeing of primary pupils with special educational needs and disabilities (SEND)*. Retrieved from <https://www.gov.uk/government/consultations/online-schools-accreditation-scheme>

NAPLIC (2020 Survey of National Association of Professionals concerned with Language Impaired Children members

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