

## Response to the [“Curriculum and Assessment Review”](#)

### Introduction

Disability Rights UK (DR UK) is a national organisation led and run by Disabled people for Disabled people. Our vision is a world where Disabled people have equal rights, opportunities, and access to power. Our work is rooted in the lived experience of Disabled people. We are a membership organisation and work closely with other organisations led by Disabled people, across the UK.

Funded by the Department for Education, we provide support to Disabled students via our [Disabled Students Helpline](#) and [Advice and Information Resources](#). We also engage with young people directly via [our TikTok](#) and engagement networks, like the [Disabled Apprentice Network \(DAN\)](#). We aim to empower young Disabled people with knowledge on their rights and an awareness of their options.

### Background

We recognise that the scope of this review is limited to curriculum, assessment and qualifications pathways and doesn't include apprenticeships or traineeships – so these points won't be covered in our response. More information can be found on these topics on our website and in our previous publications like [Speaking from Experience: Getting It Right for Disabled Apprentices](#).

Our response will, however, touch on topics we feel are inextricable from the scope of the review, including but not limited to pedagogy and the wider barriers that Disabled young people face in accessing school. We are also particularly concerned about the post-16 transition and beyond, where the system currently fails to prepare Disabled young adults for independent living and education and training progression. Our key concerns on the barriers faced during the transition from education to work can be found in [our response to the Public Service Committee's inquiry](#) on this topic. Much of the evidence we provided to the inquiry, including the Committee's own reflections and recommendations, can be found in the House of Lords report "[Think Work First: the transition from education to work for young disabled people](#)" published in October.

The barriers Disabled pupils face start long before they enter the classroom – and many children don't even get that far. The education system was never built with us in mind, therefore the only way to improve inclusion in school is to remove the systemic barriers that were designed to exclude us.

This review seeks to bring about “evolution not revolution” – but tinkering around the edges of a broken education system won't fix the ways in which it currently fails

Disabled children and scapegoats them as the problem. You cannot teach inclusively in an institutionally ableist setting.

Although our response predominantly focuses on students identified as having SEND, our evidence should be considered in relation to all education settings – mainstream and specialist. Truly inclusive education means supporting mainstream settings to meet the needs of every individual student so they can reach their full potential.

This review seeks to understand how we can best “support and recognise educational progress for children and young people.” We wanted to clarify at the start of our evidence that we define “educational progress” as more than just attainment. In addition to academic achievement, school support should be holistic – leading to well rounded progress. For example, protecting a child’s wellbeing, developing their socialisation, safeguarding their confidence, raising their aspirations and preparing them for independent living.

Disabled people are three times less likely to hold any qualifications than their non-disabled peers because we’re not given the support we should be entitled to. The odds are stacked against us before we’re even given the opportunity to enter employment, then we’re at a higher risk of being pushed into poverty. This marginalisation is exacerbated for the Disabled young people who face intersecting marginalisations – e.g. those who are also trans, black, have experience of the care system or the asylum system etc.

## Curriculum

All the evidence provided in this consultation response relates to the following review questions: 11, 13, 14, 15 (enablers will be outlined in our recommendations), 22, 23, 24, 25, 26, 27, 36, 41, 42, 43, 48, 50, 52, and 54.

In addition to the above, the following curriculum section covers questions 18-21, 28-30, 51, and 53.

### 1. Content

#### Remove barriers to English and Maths.

Under the current requirements young people who have not achieved a GCSE grade 4 or above in English and maths must continue studying these subjects. While this aims to improve literacy and numeracy, the rigid focus on GCSEs often leaves Disabled young people, particularly those without an EHC Plan (Education, Health and Care Plan), at a disadvantage and prevents them from progressing onto further study or training.

Students without an EHCP are often not offered access to alternative pathways, such as stepping stone options and Functional Skills qualifications, which are available to their peers with EHCPs (see below section ‘Access to Education’ for

more on barriers to EHCPs). The lack of flexibility on English and Maths GCSEs leaves many Disabled young people facing repeated GCSE resits. This can be demoralising, hinder their confidence, and ultimately prevents meaningful progression in education or training. Many young people may exceed in their chosen pathway, but are limited and discouraged by the barrier of Maths and English GCSEs.

By pushing GCSEs onto students without an EHCP, who may thrive when presented with alternative options, the system overlooks individual needs and learning styles. This one size fits all approach not only stifles some students' ability to succeed, but it also blocks opportunities to progress further in education, training and employment.

➤ **Recommendation:**

*Support education institutions to offer alternative qualification routes (e.g. stepping stone options and Functional Skills) to SEND students who face barriers in achieving their English and Maths GCSEs, but don't have access to an EHCP. Although alternative pathways aren't restricted to just those with EHCPs – in practice, individual institutions rarely present it as an option to those without EHC Plans. Consider individual needs and learning styles when planning Maths and English pathways and encourage a more flexible approach by schools when supporting students suitable for Functional Skills qualifications.*

**Raise awareness of inclusion.**

Ableism and disability hate is concerningly normalised in society. [11,719 Disability Hate Crimes were recorded](#) by the police in the last year, the first decline in reports since a significant spike during the pandemic. [Research by Leonard Cheshire and United response](#) also highlights how barriers to justice means that only 1% of reports see prosecution – and that's only out of those of us who feel able to report it in the first place. The best way to tackle the rise in hate crime is to teach young people that ableism is wrong, and why it is wrong as early as possible.

The impact of misinformation, especially when paired with hatred, is dangerous – as most recently [demonstrated by the riots](#) that took place across the country over the summer. Children learn normalised hatred far too early, as is highlighted by the fact that students identified as having SEND face [double the rate of bullying in school](#).

[Research by Scope](#) has also found that 3 out of 4 Disabled people have experienced negative attitudes or behaviour in the last 5 years, and 9 out of 10 Disabled people who had experienced negative attitudes or behaviour said it had a negative effect on their daily lives.

Currently, the curriculum fails to cover the importance of disability inclusion and what it means. For example – education on the history of the disability rights movement and why/how we are and have been excluded from society, what inclusion means, and how we can be more knowledgeable and respectful of each other. 1 in 4 people

are Disabled, and anyone can become Disabled at any time in life. It's important that our voices and rights are represented in the curriculum.

- **Recommendation:** *Co-produce content for the curriculum with Disabled people and Disabled led groups that educates on inclusion – including the history of Disabled people's fight for rights, what inclusion is, and why it matters.*

### Educate on rights.

In addition to not learning about inclusion, we are not taught about our rights. Disabled people are made to feel like the problem all our lives, which often leads us to not challenge discrimination and abuse.

[Research via our Disabled Students Helpline](#) revealed that only 3% of respondents felt they had a complete grasp of the rules around sharing information on their disability in education, training, and employment.

School should be the first place that empowers us to know our rights and feel confident in our options.

This is also not just relevant to Disabled students. Building an inclusive society means learning how to support and respect each other – but it's also important to understand the law so it can be delivered. Pupils are our future employers, therefore it's essential that they understand the law and how it's supposed to protect Disabled people.

- **Recommendation:** *Co-produce content for the curriculum with Disabled people and Disabled led groups that educates on our rights and legal obligations.*

### RSHE must be inclusive.

RHSE should be inclusive, respectful and representative of all marginalised groups – including the content points raised above on educating about rights and inclusion.

DR UK are incredibly concerned about the proposed RSHE guidance and Gender Questioning guidance that discriminates against LGBTQ+ students and their families, and limits vital sex and relationships education that could protect children from abuse. The guidance is harmful, out of date, and [reflective of past discriminatory policies like Section 28](#).

For more information on why we oppose this dangerous guidance, please see [our RSHE Guidance Consultation Response](#).

- **Recommendation:** *Withdraw the draft RSHE and Gender Questioning guidance. Co-produce an inclusive and supportive RSHE curriculum with LGBTQ+ led groups, Sex Education experts and Abuse experts.*

## Broaden the approach to Physical Education.

Disability Rights UK supports [Paralympics GB's Equal Play Campaign](#) – particularly their recommendation to broaden schools' approach to PE as being more than just competitive sport. Disability Rights UK's [Get Yourself Active](#) campaign aims to tackle the barriers that we face in living independently and getting out and about. Accessing physical activity can be inaccessible to Disabled people, and we're often made to feel shame or judgement about our health and fitness. Everyone deserves the right to experience joyful movement without fear or exclusion, and that should start at school. Disabled students should be given equal opportunity to partake in sport, and we should all be given the opportunity to move our bodies in whatever way feels best without judgement or shame.

- **Recommendation:** *Broaden schools' approach to Physical Education, ensuring that it is accessible to all – and follow the recommendations outlined in the Paralympics GB's Equal Play Campaign.*

## 2. Pedagogy

Pedagogy is not currently inclusive.

School is not accessible in so many ways – but one of the barriers often ignored is how we teach. Adjustments often aren't delivered to ensure that Disabled young people can engage in their lessons. This can range from a failure to provide alternative accessible formats, to not being allowed to go to the toilet. Disabled students should be supported to discover what adjustments they need and be confident that they will be delivered – as per the Equality Act.

Question 24 asks to what extent the current curriculum supports students to positively engage with, be knowledgeable about and respect others. These values are often not even embedded in teaching practice, let alone taught to children. Unlawful practice leaves Disabled pupils without the support they're entitled to, and often excludes them in the process – both socially and physically, as unlawful practice in mainstream settings is pushing more and more Disabled young people into segregated settings, removing any real choice.

- **Recommendation:** *Support schools to deliver reasonable adjustments, as per the Equality Act 2010 and enforce accountability for those who fail to deliver their legal obligations. Support teachers to take a student-centred approach to teaching and engage with students in the most accessible ways for them.*

Utilise technology to provide more flexible options.

The education system is rigid but the pandemic highlighted how there could be more opportunities for flexibility than there currently is. If we want education to reflect the

wider working world, and prepare them for adulthood, the Employment Relations (Flexible Working) Bill gives employees the right to request flexible working from day one - so why is this approach rejected in education?

Long term, we believe that the Government should be proactively considering more flexible approaches to school that utilise technology and enable all students to engage with their education no matter their barriers in getting to school. Research like [“Flexi-schooling children with special educational needs and disabilities in the UK”](#) by the Relationships Foundation explores some of these possibilities more, and [research by Disabled Students UK](#) highlights how increased flexibility and online working during the pandemic improved Disabled students access to Higher Education.

In a world of increasingly online employment, increased flexibility and hybrid working in the education system will also prove beneficial when hiring teachers – as teaching becomes a less competitive offer compared to other more flexible employment options. Creating a more accessible teaching environment would also enable more Disabled teachers to join the education profession.

In the shorter term – the Government must improve support provisions for students currently distance learning. Distance learning provides flexibility and accessibility for Disabled students who face barriers to attending traditional in-person education. However, the absence of statutory government funding to support distance learning in non-advanced further education creates a significant obstacle to accessing education. Many students with EHCPs have expressed frustration to us via our helpline when local authorities have refused to fund this mode of study (which is mostly delivered by private providers of education), citing funding frameworks that prioritise physical attendance. This reliance on attendance-based funding disproportionately affects Disabled students.

The primary purpose of an EHCP is to ensure that Disabled students receive the support they require to access their education. If distance learning is the most suitable mode of education due to their disability, an EHCP should cover the costs associated with it. Failing to provide this form of education not only undermines the intent of EHCPs but it also denies the young person equitable access to education. Additional barriers caused by the prioritisation of in-person attendance will be discussed in the below Access to Education section.

- **Recommendation:** *To uphold the principles of inclusive education, the government must urgently amend funding policies to ensure that distance learning is fully supported wherever it best meets the needs of Disabled learners. Long term – the Department for Education should explore the possibilities of online and flexible schooling – not just for Disabled students but for the benefit of everyone involved.*

## Assessment

In addition to answering the questions already outlined above, the following assessment section covers questions Q38, Q39, Q40 and Q41.

### Assessments are inaccessible.

The way that we assess, especially at GCSE and A-Level is not accessible or inclusive. Firstly, the volume and concentration of assessments is too high – as highlighted in this review, it's estimated that pupils sit up to 30 hours of exams in year 11 – and those exams will tend to be limited to the summer examination period, spanning no more than two months or so. Particularly at GCSE, pupils can sit multiple exams a week, sometimes more than one a day, for weeks at a time. This isn't an accessible set up for anyone – often having a significantly negative impact on students' wellbeing, but it also provides no flexibility for those who may be unwell during the examination season.

The concentration of exams over a short time frame aside, highly stressful examinations are not the most accessible way to assess a child's ability and understanding across the year. Some competency standards are also indirectly discriminatory – for example, the requirement to recall mathematical or scientific formulae from memory, or remember specific quotes from literature when you're not allowed the text to hand. Testing a young person's memory does not effectively demonstrate their understanding of a subject or their skills on how to apply formulae or analyse quotes. Reasonable adjustments cannot undermine competency standards, therefore students who may not be able to easily recall information (especially under timed and stressful conditions) due to their disability are put at a substantial disadvantage. Memory as a competency standard means that any adjustments to support this disadvantage (e.g. an open book exam) are refused.

Even when we're entitled to adjustments - Disabled students still experience barriers in accessing reasonable adjustments during GCSE and A level exams, leading to lower-than-expected outcomes and complicated appeals processes. Schools frequently fail to apply for access arrangements or provide inadequate adjustments such as missing prompts, scribes, or smaller exam rooms. This leads to students underperforming in exams, despite their academic capabilities. The appeals process places a burden of proof on the student and their family, requiring them to gather extensive evidence to prove the school's failure to meet its duty under the Equality Act 2010. For students who narrowly miss out on GCSE pass marks, these failures can significantly impact their post-16 education opportunities. Many are forced to re-sit exams, often without guarantees that the necessary adjustments will be in place for future attempts, placing them in a continuous cycle of disadvantage.

In addition to this, the rigid timeframes and the procedures set by the Joint Council for Qualifications (JCQ) exacerbate these challenges. The reliance on formal diagnoses and laborious evidence gathering processes run counter to the social model of disability, which emphasises removing barriers without requiring medical proof. The need for SENCO's to also confirm a 'normal way of working' creates challenges for students that transition to new educational settings. Limited time for

observation or gaps in prior records often results in students missing out on essential adjustments.

- **Recommendation:** *GCSE and A-Level assessments must become more flexible and inclusive. There should be a review into GCSE and A-Level assessments with the aim of exploring how much could be assessed in other ways – e.g. coursework, presentation etc. and whether all competency standards are relevant. Exam boards should have to demonstrate why a competency standard is reflective of the wider working world, how it accurately assesses a young person's understanding and skills, and how it prevents putting any young person at an unfair disadvantage.*

The framework for assessments is outdated and not fit for purpose.

In addition to being inaccessible, the current framework for assessments is outdated and not fit for purpose. It's rigidity is not an effective way to accurately assess a child's understanding of the syllabus, nor is it reflective of employment – which school is meant to prepare us for. To use the previous example of memory – healthcare professionals would have access to drug calculations and blood test ranges, as it's more important that they're correct than remembered. Equally, limiting an assessment of overall ability to your performance in one afternoon is not reflective of employment progression or appraisals. People are also rarely tested at work in the same way every time – therefore including a broader range of assessments that go beyond exams would better prepare pupils for employment.

Practice and policy across the education system harms pupils' wellbeing – particularly assessments. It's essential that students wellbeing and equal access to education is prioritised over tradition and in-effective entrenched practice.

- **Recommendation:** *Introduce more flexible assessments throughout the year – whilst ensuring students who face barriers in accessing school throughout the year are supported. This would better demonstrate a young person's understanding and it would more effectively prepare them for the transition to work.*

## Qualification Pathways

In addition to answering the questions already outlined above, the following Qualification Pathways section covers questions 12, 13, 27, 30, 33, 34, 47, 49 and 52.

Financial barriers and social security limitations can push students out of education and training progression.

Disabled students in non-advanced Further Education face significant financial barriers due to the limitations of social security. Child Benefit and Child Tax Credit or



the equivalent under Universal Credit are available to families while their child is in full-time education, but these are stopped if part-time study is more appropriate for a Disabled student's needs. All child related benefits end once a young person turns 20, which disproportionately affects Disabled students who may take longer to achieve their educational goals. Although EHC Plans are meant to support students up to the age of 25 to achieve their outcomes, the lack of financial support for day-to-day living costs undermines this goal. Parents cannot claim child related benefits beyond the age of 20 and there is no access to any maintenance funding – unlike the Higher Education system. Universal Credit is also extremely difficult for Disabled students in full-time education to claim in their own right as the short period between ending a programme in the summer and starting a new one in the autumn leaves no space for a work capability assessment.

Losing Child Benefit also often coincides with losing DLA a few years before. When a child turns 16, DLA turns to PIP, and many Disabled young people who once qualified for DLA no longer qualify for PIP – even if the young person's circumstances haven't changed. What can qualify a child for DLA does not guarantee an adult qualifies for PIP. The combination of losing DLA and Child Benefit as a young person enters adulthood can push them out of education and training and into poverty.

- **Recommendation:** *Introduce financial support for living costs in Further Education, including part-time and full-time study, bringing it in line with the maintenance support made available for students in Higher Education. Remove the barriers to accessing Universal Credit as a student.*

The post-16 transition does not prepare young people for employment, instead they face a cliff edge of support.

As already mentioned, we are deeply concerned about the lack and inconsistency of support during the post-16 transition and the disproportionate barriers that this places on young Disabled people.

Below are some of the key barriers during the post-16 transition, but more information can be found in [our response to the Public Service Committee's inquiry](#) on the transition from education to employment.

- **The system is not consistent.**

As highlighted in the previous social security point – support schemes and initiatives by Government departments are rarely joined up and that can cause confusion around what options are available. Local authorities, and education and training providers too often pass the buck of responsibility and young people don't know who to turn to. As with all support provision, there is also a postcode lottery where practice dramatically varies across the country.

- **There is a cliff edge of support.**

Young Disabled people experience a cliff edge of support as they become adults – this happens across every aspect of their life – e.g. education, social security, social care and healthcare. Support systems can disappear overnight with no warning or preparation time. This places barriers on a young Disabled adult's access to independent living, puts them at a disadvantage as they move onto their next education or training setting, and can harm their health and wellbeing.

- **A lack of careers advice limits choices and confidence.**

Many Disabled young people have shared with us the barriers they faced to accessing helpful and empowering careers advice. The key issues consistently highlighted to us include inconsistent guidance, a lack of clarity regarding options, and ableist assumptions about the young person's abilities. Advice is often too generalised and advisors have no understanding of the young Disabled person's needs. Advisors also work part-time and students have limited opportunities to meet with students – meaning that an informed and supportive relationship is never built. The National Careers Service provision is also poor, as face to face sessions in the local community are limited and usually reserved for adults. There's an assumption that you can access careers advice at school but many don't get what they need at school, and those who study at home or have been out of education fall through the cracks.

- **The EHCP often doesn't transition in practice**

The EHCP is made to support a young Disabled student into adulthood – but in practice this rarely happens. As young people move on to different settings and go down different qualification pathways there is no guarantee that they will access the support they're entitled to – and there is little accountability in place for providers who fail to deliver support. This experience is often even worse for those who never qualified for an EHCP and have to rely on providers to deliver their obligations under the Equality Act.

- **Barriers to transport**

Transport support for young people changes drastically after the age of 16. Once you turn 16, there is no automatic right to free transport, even for those with an EHCP. Local authorities set their own transport policies, which often result in reduced or changed arrangements for young people, including requests for families to contribute to costs. This shift places additional financial strain on families and is not aligned with the governments Raising Participation Age policy, which expects all young people to remain in education or training until 18.

Disabled students face additional barriers - they may need to travel longer distances to attend a setting that best meets their needs or require taxis or other specialist transport to get to and from their educational setting safely. Even those staying at the same school often find transport funding to be withdrawn. These financial and logistical barriers for Disabled young people, make it harder for them to access education and achieve their potential.

- **Recommendation:** *The wrap-around support provision during the post-16 transition must be improved and unnecessary barriers like cuts to transport funding and poor careers advice should be tackled. A young Disabled person's post-16 journey should be mapped in advance, with support provided to raise aspirations and ensure that support plans will be implemented at future education or training settings.*

### There are barriers to Vocational Qualifications.

T-Levels and similar vocational pathways aim to prepare students for the demands of the workplace, but barriers remain for Disabled people. For example, a key feature of T-Levels is the mandatory 315-hour (approximately 45 day) industry placement which provides real-world experience. However, the lack of targeted support for these placements creates challenges for Disabled people. Unlike apprenticeships, traineeships, and supported internships, which benefit from Access to Work funding, T level students must rely solely on reasonable adjustments made by the placement provider, who may be unsure of their responsibilities. This uncertainty combined with the lack of financial provision, discourages placement providers from offering opportunities to students who require additional support. As a result, Disabled students have unequal access to meaningful work experience opportunities. Without adequate funding and clear support you risk denying young Disabled people the opportunity to fully participate in and benefit from vocational pathways.

Early exposure to vocational training could allow Disabled students to explore various careers options and develop skills at a younger age. It can lead to better preparation for post-16 education and employment. But this can only be the case when vocational programmes are accessible and employers provide the necessary support.

- **Recommendation:** *Employers and educational settings must collaborate to create inclusive work placements and training opportunities. Access to Work, or an equivalent, should also be made available to students on work placements during their T-Levels.*

### Access to education

In addition to answering the questions already outlined above, the following Qualification Pathways section covers questions 44, 45, and 46.

Although not specifically linked to the scope of the review, it's essential that the Department also recognises the barriers that institutionally ableist policies and practice places on Disabled young people – denying them equal access to their education. What we teach young people makes no difference if they can't access what's being taught to begin with.

Question 11 asks how the educational progress of children and young people can be supported and recognised. This next section will cover the various ways that

Disabled children are not recognised, and how so many of us slip through the cracks – eventually becoming NEET and falling into poverty. If school is to become inclusive, then it must become inclusive to all Disabled young people – and not just those who fit a limited criteria of being deemed to have the highest support needs.

Disabled young people are denied equal access to Education.

- **Accessing the support we're entitled to (e.g. EHCPs and reasonable adjustments) is not guaranteed.**

Less than 4% of students identified as having SEND have an EHCP. There is a local authority culture to gatekeep EHCPs, leading to lengthy and laborious tribunal processes – more information on this can be found in the below point on accountability. Disabled children have also been increasingly scapegoated as a drain on local authority resources.

For those who don't qualify for an EHCP, they lack an accountable legal framework for support plans and many go without the support that they need. This is also presuming that you're a young person who has already been identified and diagnosed – a process that includes so many barriers, many young people have finished school before they have a chance to access it.

- **Disabled young people are disproportionately excluded.**

The exclusions process systematically discriminates against Disabled young people. Despite only making up 15% of the school population, we make up [nearly half of all school exclusions](#). In primary school alone, [we made up nearly 90% of those permanently excluded](#) over the past five years.

The way in which schools manage behaviour is flawed, disciplining a child's reaction rather than removing the trigger often caused by an inaccessible environment and the school's failure to deliver reasonable adjustments. Those without an accountable support plan in place, like an EHCP, are more likely to be excluded – as [Disabled pupils without an EHCP are five times more likely to receive a permanent exclusion](#) than their non-Disabled pupils, compared to those with an EHCP being 2.5 times more likely.

More information on this can be found in our [Schools Guidance, Suspension and Permanent Exclusion Guidance Consultation Response](#) and via the expert organisation [No More School Exclusions](#).

- **Rigid attendance policies must change.**

Via our Disabled Students Helpline, we hear from students who are unfairly penalised for absences resulting from their disabilities. Rigid attendance policies fail to consider the fluctuating nature of many disabilities, where absences due to medical treatments or health conditions are unavoidable. At many schools and colleges, a student keeping their place on their course is often dependant on their attendance level, as funding for these programmes is dependent on an individual

meeting a specific number of hours. Students have told us that they've been denied admission to post 16 courses despite meeting academic requirements because of a previous year's attendance record, or denied progression into the second year of a course due to low attendance. Students are also threatened by educational settings with removal from programmes because their place is tied to meeting strict attendance requirements, which have been set by the funding body.

Particularly since the pandemic, in reaction to the supposed rise in 'school refusers', policy and practice that tackles low attendance has got increasingly harmful and unnecessarily aggressive. [Parents are being criminalised](#) for supporting their Disabled children who cannot attend school – often due to the fact that school is an inaccessible and unsafe place and support isn't being delivered. Schools have even been known to send police to the homes of Disabled pupils, with threats to jail their parents if they don't come to school. [Campaigners at Square Peg](#) have heard experiences of schools forcing entry to homes and demanding children come to school now. Scaring children into school does not overcome the barriers that lead to their absence.

The harmful penalisation for school absence aside, the pedestal upon which attendance is put throughout the education system is discriminatory. Schools have long celebrated attendance, awarding the children who come to school the most – with no recognition that many children face unavoidable barriers to coming to school. The prioritisation of attendance in OFSTED scoring can also lead to the social exclusion of Disabled children – where classes compete and are awarded for their overall attendance score, and the individual children who bring down the average are unfairly penalised by students and teachers alike.

Policies must be reformed to ensure that Disabled students aren't disadvantaged, penalised or treated unfairly for circumstances beyond their control. More information on this can be found in our [Attendance Consultation response](#).

- **There is a growing over-reliance on segregated settings.**

As local authorities and education settings continue to be chronically under-funded, and there is little to no accountability for unlawful practice – mainstream settings are increasingly inaccessible and unsafe for many Disabled students. This has led to a steady increase in the reliance of specialist settings. According to the United Nations Convention on the Rights of Disabled People ([UNCRDP](#)) [Civil Society Shadow Report](#): “Between 1999 and 2021, the percentage of children in England with an EHCP attending “mainstream” education fell from 64.6% to 50.4%, while those attending “special schools” and other forms of segregated education rose from 35.4% to 49.6%. In 2021, there was an additional 11,655 pupils without an EHCP educated in segregated settings.”

Pushing Disabled students into specialist settings due to the failure of mainstream provision is not a real choice and does not support inclusive education practice.

- **Recommendation:** *Incorporate the UNCRDP into domestic law and follow the aspirational framework for inclusive education. Fund local authorities and education providers to prevent the gatekeeping of support and co-produce non-discriminatory behavioural management and attendance policies with Disabled-led groups.*

Institutionalised ableism in the education system creates a vacuum for accountability.

- **The Marketisation of Education de-prioritises supporting Disabled children.**

The current framework for school accountability (e.g. OFSTED) does not effectively consider the needs of Disabled young people. The marketisation of education values scores and league tables over individual pupil experience and this leads to marginalised pupils being left behind. Schools' focus on OFSTED reviews and average grades - including aiming for a high proportion of those with the highest grades and as few fails as possible, is not a framework that prioritises supporting each individual child to reach their full potential. The focus on assessment outcomes also de-prioritises the young person's wellbeing. As long as you are performing adequately – you can easily fall through the cracks. Even if a young person is facing disproportionate barriers causing unnecessary additional pressure, if their grades are satisfactory then they will rarely access support or reach their full potential. Many Disabled people are diagnosed later in life, for example at University or in the workplace, and realise that they were disadvantaged their entire education journey. The current framework for assessing education providers lacks the holistic recognition that, just because a child can perform academically, that doesn't mean that they don't need support – and going without that support can negatively impact their wellbeing, confidence, and aspirations for the rest of their lives.

- **Recommendation:** *Prioritise how schools support individual learners to reach their full potential when assessing schools efficacy.*

- **A lack of accountability**

There is a serious lack of accountability in the SEND system. Firstly, as already touched on, there is no accountable framework for support when you don't qualify for an EHCP. Despite the Equality Act 2010 placing obligations on schools to deliver reasonable adjustments – this is rarely the case and widespread unlawful practice is not only normalised but often expected.

The process to access an EHCP – despite legal obligations under the Children and Families Act 2014 – is also entrenched in unlawful practice. [Research by Special Needs Jungle](#) found that councils have spent over £425.6 million fighting parents at SEND tribunals since EHCPs were introduced in 2014. Moreover – in 2022/23 98.2% of tribunal appeals ruled in parents favour – meaning that local authorities had

been found to have not complied with their legal duties almost all of the time. Tribunals are a lengthy and laborious process which delays the delivery of support and causes unnecessary stress young Disabled people and their families. They should rarely be needed, but gatekeeping support has led to them too often becoming an expected part of the EHCP process.

Local authorities need more funding to effectively deliver the law - but incidents like the [ableist comments shared by Warwickshire County Councillors](#) highlights the culture of dismissing Disabled children that also needs tackling. The undermining of Disabled people's legal protections can also be found in the framing of questions in this review. For example, question 46 asks how inclusion for young people with SEND could be incentivised. There should be no incentives needed to deliver what is already enshrined, but often ignored, in the law.

***Recommendation:*** *Create a tangible accountability system for local authorities and education providers who have unlawful practice and refuse the support that Disabled people are entitled to.*

## Conclusion

As outlined by all of the evidence provided in this response, the UK Education System is institutionally and systemically ableist – this puts us at a significant disadvantage at the start of our lives and continues to deny us opportunities as we get older.

The education system was never built for us, and if it's ever going to be inclusive to Disabled people then it requires structural and transformative change. This review provides an excellent opportunity for the start of that transformation to take place.

All the while the Department for Education continues to seek “evolution, not revolution” it will continue to fail Disabled young people – stacking the odds against us before we've even had the opportunity to enter employment.

Consultation response to be sent to: [curriculum-assessment.review@education.gov.uk](mailto:curriculum-assessment.review@education.gov.uk)