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| logo-revised-new2 | **Additional Response to School Admissions Code Consultation****from the Centre for Studies on Inclusive Education (CSIE)**  |

CSIE’s response to this consultation is included in the response from the collective voice of the Special Educational Consortium. In this additional submission, CSIE wishes to draw particular attention to the following two issues:

**i) Some schools are freely undermining equal opportunities**

The current system allows for small indiscretions at the start of the admissions process, whereby parents of disabled children or those identified as having special educational needs report that, when visiting schools with a view to apply for a place, they are sometimes treated dismissively or may notice subtle or explicit suggestions that their child would not be welcome in this school. Such practices fall outside the formal admissions process and are not addressed by the School Admissions Code, yet they are closely related and we suggest that now is the perfect opportunity to address them.

*“It might be best if you looked elsewhere: An investigation into the schools admission process”* is a report published by the Office of the Children’s Commissioner in 2014. Our experience tells us that, six years on, these issues are far from resolved. The following is an extract from this report:

*“It is vital that schools continually review their admissions policies. When they do, they must make sure that nothing they do, or do not do, will put children off applying for a place. This extends to the way they speak and write to people; the messages they place on their websites; their policy on uniform or the costs of school trips; and how they answer questions from parents and children. This is not just a ‘nice to have’ or ‘good practice’. It is the law and it is non-negotiable.”*

***We recommend that further large-scale, national, quantitative and qualitative research is required in order to understand the specific nature and scale of inequality in admissions outcomes, and the reasons for this. Such research should be made a high priority for the Department for Education’s future programme of commissioned research.***

If such research has yet to take place, it is at least six years overdue. We suggest that routinely turning disabled children and young people away, as some schools seem to do, amounts to institutional prejudice against disabled people, if not institutional discrimination. The report mentioned above explicitly states that when parents or children are made to feel unwelcome, these children’s rights are being breached. This practice needs to be monitored and reversed.

Disabled children and young people have a right to a good education in the community in which they live, as confirmed by national legislation and guidance (e.g. Equality Act 2010, Code of Practice para. 1.26) and international instruments (e.g. UN Convention on the Rights of the Child and UN Convention on the Rights of Persons with Disabilities). In order to protect this right, we suggest that the Department for Education introduces accountability measures and utilises the inspection framework, so that: a) schools which welcome the full diversity of learners can be recognised; and b) schools which have encouraged children considered to be more vulnerable or more challenging to look for another school can be challenged and supported to become more inclusive.

**ii) No child should be “hard to place”**

At the other end of the process, where Fair Access Protocols are concerned, the Code refers to “vulnerable” and “hard to place” children, without a clear definition of who these may be. We suggest that if the nature or extent of a child’s impairments renders them “hard to place”, this is because schools have not yet fully developed capacity to respond to the full diversity of learners. Current education practice is out of sync with national and international laws, as mentioned above. The UK has been repeatedly criticised by the UN Committee on the Rights of the Child and the UN Committee on the Rights of Persons with Disabilities for failing disabled children, partly because of its slow progress in developing more inclusive education for disabled children and young people.

Fair Access Protocols may be a necessary temporary measure, but when all schools have been supported to build capacity to respond to the needs of all learners, no child will be “hard to place” because schools will be better prepared to include them. We suggest that the DfE takes steps to build capacity in schools to respond to the full diversity of learners, in order to bring current practice in line with national and international legislation, and by doing so ensures that there are no longer children considered “hard to place”.

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The Centre for Studies on Inclusive Education (CSIE, [www.csie.org.uk](http://www.csie.org.uk)) is a national charity, established in 1982, working to promote equality and eliminate discrimination in education. We deliver talks and training, support schools to advance equality, engage in research, offer consultancy nationally and internationally, and produce a wide range of resources. Among our recent achievements is an international award (Innovative Practice Award 2016) for our equality toolkit for schools.