What does the UN Convention say?

It requires all states signatories to ensure, among other things, that:

- All disabled children and young people can fully participate in the state education system and that this should be an inclusive education system at all levels.
- The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential.
- This right is to be delivered within an inclusive primary and secondary education system, from which disabled people should not be excluded.
- Reasonable accommodations should be provided for individual requirements and support provided in individualized programmes to facilitate their effective social and academic education.

What does current UK law require schools to do?

The Special Educational Needs and Disability Act (SEND) 2001 specifies that Local Authorities have a "duty to educate children with special educational needs in mainstream schools" and further states that if a statement is maintained then the child "must be educated in a mainstream school unless that is incompatible with (a) the wishes of the parent or (b) the provision of efficient education for other children."

The Disability Discrimination Act 2005 places a duty on all public bodies, including schools, to promote disability equality. It renders it unlawful for schools to treat a disabled pupil, actual or potential, less favourably than another for a reason related to their disability, without attempting to make "reasonable adjustments" to avoid placing disabled pupils at a disadvantage.

What guidance has been issued for schools?

"schools, local education authorities and other education authorities should actively seek to remove w barriers to learning and participation." Inclusive Schools: Children with Special Educational Needs (2001)

"All teachers should be trained to teach children with special educational needs and all schools should play their part in educating children from their local community, whatever their background or ability." Removing Barriers to Achievement: The Government's Strategy for SEN (2004)

What is the national picture?

In 2004, 0.92% of 10-19 year-olds in England (101,812 pupils) attended a special school or other segregated setting.

"Effective provision was distributed equally in the mainstream and special schools visited, but there was more good and outstanding provision in mainstream schools than elsewhere." Source: Sutton Trust's "Impact of special education schools", 2006.

What do all of these pupils have in common?

All 24 of these pupils are among 1.9 million young people in the UK who are labelled disabled, under the Disability Discrimination Act, and are entitled to inclusive education, under Article 24 of the United Nations Convention on the Rights of Persons with Disabilities.

What is the UN Convention on the Rights of Persons with Disabilities?

It is an international agreement between governments; a new (December 2006) Human Rights Treaty giving rights to disabled people around the world in all areas of life. Article 24 covers Education.

Who is labelled disabled?

The Disability Discrimination Act 2005 defines a disabled person as one who has “a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.” The Act also states that all schools must publish a Disability Equality Scheme and must make reasonable adjustments to avoid placing disabled pupils, actual or potential, at a disadvantage.

Why is this relevant to our school?

The UK government signed this Convention on 30th March 2007, indicating a commitment to abide by the rules set down in it. Legislation and policy guidelines, therefore, must support the human rights of disabled people. All service providers must ensure that disabled people are equally valued and respected.

It has often been assumed that non-disabled adults can make policy decisions affecting the lives of disabled children, without reference to the voice of special school survivors and other disabled adults and children. The message from disabled members of the education community is clear: Nothing about us without us.

“Appropriate resources are vital for the learning and development of disabled children. The most essential resource is free and abundant in mainstream schools: non-disabled children.” Micheline Mason

What should our school do?

Establish and regularly review a Disability Equality Scheme.

Work with others to develop an inclusive learning environment that benefits all children. This will be easier if facilitated by:

- a ‘can do’ attitude
- a welcoming and supportive ethos
- forward planning
- strong leadership
- ongoing consultation with pupils and parents
- effective staff training
- good working relationship with outside agencies
- regular review and evaluation of reasonable adjustments

Where can I find more information?

For more information on the UN Convention on the Rights of Persons with Disabilities see www.un.org/disabilities/

For more information on UK legislation see http://83.137.212.42/SiteArchive/drc_gb/employers_and_service_provider/education/schools.aspx.html

For useful resources for schools please see overleaf.