

Specialist provision and inclusion

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) requires the UK to give disabled children an equal right to an education in an inclusive system. This right is enforceable under the Children and Families Act 2014, Section 33 which provides that children with an Education Health and Care Plan (EHCP) must be educated in a mainstream setting unless it is against the wishes of their parents or if it would be incompatible with the efficient education of other children. This is further supported by Section 34 of the Act which prevents children being in specialist settings without an EHCP except in particular circumstances. In this way, the law provides a presumption for mainstream education (see also the SEND Code of Practice 2015 paragraph 1.26).

Within Hertfordshire there are both specialist and mainstream educational settings which provide for children with special educational needs and disabilities (SEND).

Supporters of inclusive education argue that specialist settings result in children with SEND being segregated from their communities and undermine their rights to be fully included in society in the same way as other children. They argue that inclusion leads to a more accepting society. There are also concerns that the very existence of specialist provision diverts money away from mainstream provision where it could be spent to support children in an inclusive environment.

Supporters of specialist provision argue that their child's needs can only be met in an environment which is matched more closely to the child's needs. It can be argued that specialist provision enables teaching and other staff to develop in depth detailed knowledge of SEND. There are concerns that the child's health and wellbeing cannot be properly supported in a mainstream environment.

HPCI believes that parents know their child best and are therefore in the best position to decide whether a specialist, mainstream or home education setting is the most suitable environment for their child.

As a result, we work with the Local Authority, and other partners, to ensure that high quality provision of both types is made available. Further the Education Act 1996, Section 9 requires the Local Authority to have regard to the need to educate children in accordance with the wishes of their parents. HPCI expect that where parents choose to place their child in a mainstream setting that the school will use their best endeavours to make the special education provision required, in accordance with S66 of the Children and Families Act 2014.