

SPECIALIST SETTINGS AND INCLUSION [0-25] POSITION STATEMENT

This is an overview or outline of the key legislation/SEND Code of Practice and any other relevant sources of guidance.

- The UN Convention on the Rights of Persons with Disabilities (UNCPRD) 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 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.
 - Section 34 of the Act prevents children from being educated 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).

This is a general picture in England and Herts and any common views/positions held by key SEND organisations and then outlines the local situation in Hertfordshire as we see it.

Within Hertfordshire there are both specialist and mainstream educational settings for children and young people of all ages, which provide for children and young people with special educational needs and disabilities (SEND). The Local Offer website provides more information: [Choosing the right school for your family \(hertfordshire.gov.uk\)](http://hertfordshire.gov.uk)

- Supporters of specialist provision argue that:
 - Some children's needs can only be met in an environment that is matched more closely to the child's needs within an appropriate peer group.
 - Specialist provision enables teaching and other staff to develop in-depth detailed knowledge of SEND.
 - The child's health, and the well-being of some children, cannot be properly supported in a mainstream environment.
- Supporters of inclusive education argue that specialist settings
 - Result in children with SEND being segregated from their communities
 - Undermine their rights to be fully included in society, and inclusion leads to a more accepting society.

- Diverts money away from mainstream provision where it could be spent to support children in an inclusive environment.

In recent years there are indicators across the UK that more children than ever before are being educated in specialist provision or are struggling to manage in a mainstream environment, or not accessing education at all.

Feedback from parents suggests that the narrowing of the curriculum and increased focus on academic results has made mainstream school more challenging for many children with SEND.

Since 2018/19 there has been an increase of 760+ places in specialist provision in Hertfordshire although this has not kept pace with the numbers of children seeking a specialist placement.

This is HPCI's position as an organisation.

As a minimum we want legal and SEND Code of Practice compliance.

HPCI represents a wide spectrum of parent carer views, across the whole range of SEND. This means we will give equal weight to any opposing views held by parents on a topic.

- HPCI believes that parent carers know their child best and are therefore in the best position to decide which type of setting is the most suitable environment for their child. We believe that parent carers need to be supported with correct and up-to-date information to inform their decisions. As a result, we work with the Local Authority, and other partners, to ensure that high quality provision of both types of education setting is made available.
- 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 expects 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 section 66 of the Children and Families Act 2014.

There remain significant numbers of children and young people who are unable to access the appropriate local provision to meet their needs. We strongly encourage the Local Authority and their partners to continue to develop their offer to ensure suitable provision for all within the county.