

Disability Rights UK

Response to School attendance: Improving consistency of support Consultation 2022

Disability Rights UK is a national organisation led by 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 organisations led by Disabled people, across the UK.

We recognise that the consultation does not ask for responses from the charity sector, however, we believe it's important to highlight the below issues as per our responsibility to ensure the voices of Disabled students are heard.

The consultation sets out a commitment to 'improve consistency of attendance support for families across England.' If the government is going to achieve this, then they need to consider the experiences of Disabled students – both those in and outside of the narrow SEND boundaries – and their varying experiences and justifications for school absence.

I. Attendance support is more than just getting pupils into school.

The consultation states that 'Good attendance at school is a prerequisite to pupils' attainment, wellbeing and wider development.' It is important to remember that some students will often struggle to maintain attendance in school due to their impairment or health condition, and it is the legal obligation of the school and local authorities to ensure their education is accessible to them. Even if this means supporting them to reach their full potential outside the traditional framework of education and attendance.

- ***Recommendation – improve support provided to students who are trying to catch up with work at home or in hospital. Attendance should not be synonymous with ability to achieve in school – including attainment, wellbeing and wider development. Ensure that the opportunity to develop is available to students whose disabilities prove a barrier to school attendance.***

II. Truancy and not attending school because it is not a safe environment is not the same thing.

There are many reasons as to why a Disabled child may not be able to attend school. Outside of ill health and medical appointments, reasons could also include the maintenance of wellbeing, the inaccessibility of the school, and clinical vulnerability to COVID-19.

- ***Recommendation: when making school guidance on attendance more consistent, ensure that 'authorised absence' is not reduced to sickness***

or hospital appointments. It must consider the full range of legitimate barriers Disabled students face regarding school attendance

III. Parents of Disabled students should not be criminalised for protecting their children.

The consultation sets out a national framework for schools and local authorities to use when it comes to legal action – including fines, fixed penalty notices, parenting contracts and prosecution. It suggests ‘making use of the full range of legal powers.’

This is concerning considering our previous point that Disabled students will always face barriers to attendance – meaning that the parents of Disabled students would be disproportionately impacted by these measures, often without a just cause.

Cases like the following - https://www.theguardian.com/education/2022/feb/12/dfе-is-criminalising-parents-in-england-say-families-still-shielding-from-covid?CMP=Share_iOSApp_Other – have already highlighted the dangerous impact that poorly informed and discriminatory legal action can have on parents of clinically extremely vulnerable children.

- ***Recommendation: Do not criminalise parents of Disabled students because their children cannot access school. Increased and consistent support around attendance needs to mean supporting pupils to access their education in an accessible and safe way – even if that’s from home.***

IV. Be aware of the ableist implications when encouraging schools to celebrate high attendance.

The good practice framework on attendance outlines ‘how the school is promoting good attendance’ as a key area. Although the consultation does not set out a need for 100% attendance awards, for example, this push on attendance will urge schools to consider how they can encourage students to attend school more frequently. Schools already take this into account as OFSTED prioritises attendance, therefore awards like 100% attendance certificates are very common in schools across England – as is the ableist narrative that surrounds them. It is important to remember that attendance is not a choice for Disabled students, and suggesting that it is – or that it’s something they should be punished for not achieving – is discriminatory. Additionally, if the responsibility of attendance awards is ever shared amongst students – for example within classes or school years – this can be a barrier to Disabled students’ social integration and wellbeing.

V. An issue of inaccessibility barring Disabled students from school.

In addition to the many reasons why Disabled students may not attend school, they are also more likely to be refused access to school. Neurodivergent Disabled students are more likely to be excluded from school due to their behaviour, despite

this often being exacerbated by inaccessible environments and therefore not the personal responsibility of the pupil or their parents.

According to [recent research by the Relationships Foundation](#), SEND students make up nearly half of all exclusions - despite only constituting 15% of the school population.

Schools often choose to exclude Disabled students rather than put in place the support and reasonable adjustments needed. Exclusion is a punishment which exists to tackle the behaviour of a student, but the issue that needs tackling is the inaccessibility of education – and nothing will change for the pupil until this issue is solved.

- ***Recommendation: The Equality Act legal obligation of reasonable adjustments must be met by schools and local authorities to enable Disabled students to have access to their education. Schools should not try and solve the issue of inaccessibility with exclusion – because the latter will never resolve the former.***

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