



Centre for Studies on Inclusive Education

A response to the open consultation on

Improving the way Ofsted inspects education

The Centre for Studies on Inclusive Education (CSIE) welcomes this opportunity to contribute to a thorough review of the way Ofsted inspects education.

CSIE is a national charity, established in 1982, working to develop more inclusive education for all, especially those with labels of special educational needs and disability (SEND). We provide direct support for inclusive school development, training for educators & pupils, consultancy, and a wide range of resources. Among our many achievements is an international award (Innovative Practice Award 2016) for "Equality: Making It Happen - A guide to help schools ensure everyone is safe, included and learning". For more information please see our short film at bit.ly/CSIE-film or visit www.csie.org.uk.

CSIE's main response to this consultation is included in the submission from the collective voice of the Special Educational Consortium (SEC).

In this additional submission, CSIE wishes to applaud the clear focus on inclusion and suggest that this is further strengthened by giving it a more prominent place in each section of the toolkits, as well as in the following ways:

i) Foregrounding inclusion as a fundamental requirement

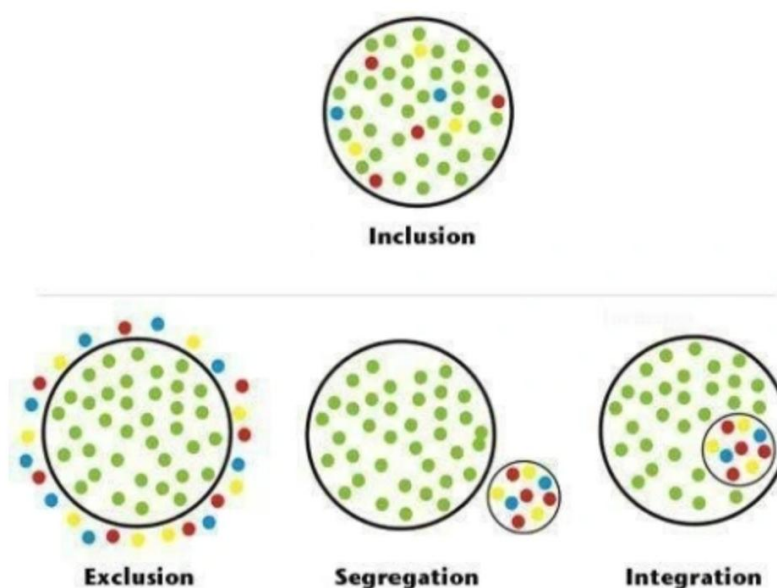
The development of inclusive education remains a top priority globally, required by the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities and Standard Development Goal 4. Locally, the Children and Families Act 2014 stipulates a presumption of inclusion and the Equality Act 2010 protects disabled people from discrimination (more on this below). Despite all this, the concept of inclusion remains contested on the grounds of a false dichotomy (essential on the grounds of human rights and considered unrealistic on the basis of provision usually available in mainstream schools) and the UK has been repeatedly criticised by the relevant UN Committees for its failure to develop more inclusive education. And yet, with its interpretive declaration to Article 24 (Education) of the UN Convention on the Rights of Persons with Disabilities, the UK Government remains committed to *"continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children"*.

CSIE suggests that the new inspection framework highlights inclusion and safeguarding as "key priorities" (or other similar terminology e.g. "core elements", "essential aspects" or "key evaluation areas") to emphasize the imperative of ensuring that every child from the local community must be safe from harm and from discrimination, before any other aspect of their educational experience can begin to be evaluated.

ii) Clarifying the meaning of inclusion

CSIE recommends that the definition of inclusion put forward by the UN Committee on the Rights of Persons with Disabilities is adopted.

After many years of uncertainty and confusion, during which “inclusion” was being understood in multiple and contrasting ways, in 2016 the UN Committee on the Rights of Persons with Disabilities issued General Comment no.4, which clarifies how Article 24 (Education) should be understood and implemented. It highlights the importance of recognizing the differences between exclusion, segregation, integration and inclusion. Exclusion, not mentioned in Article 24, is when children are not in school. Segregation, also not mentioned at all in Article 24, is defined in the General Comment as the education of disabled students in separate settings, isolated from non-disabled students. Integration, it says, is the process of placing disabled students in existing mainstream institutions and expecting them (the students) to adjust to the requirements of these institutions. Inclusion, on the other hand, is the process of “systemic reform” involving changes in content, methods, approaches, structures and strategies in education, so that all students can have an equitable and participatory learning experience. This, the Committee stresses, is what Article 24 means by inclusive education, and what all signatories to the Convention must strive to develop. This is clearly depicted in the diagram below:



While the above definition was developed specifically with regard to disability, the principle lends itself to people who have any protected characteristic covered by the Equality Act 2010. In clarifying the meaning of inclusion, it would be helpful to refer to the “systemic reform” mentioned above with regard to all protected characteristics, so that schools and other settings can embrace intersectionality and engage with the transformation needed to ensure that everyone is truly protected from harassment and discrimination.

iii) Aligning the new framework with existing UK legislation

The Equality Act 2010 places a duty on public bodies, including schools and other educational settings, to make Reasonable Adjustments in response to people's impairments, in order to create equality of opportunity. With regard to education, this means that schools must ensure that disabled pupils can fully participate in **every aspect** of school life. This is an **anticipatory** duty, which means that schools and other educational settings have a legal duty to make progressive changes, to ensure that no disabled person is at a disadvantage compared with others who are not disabled, regardless of whether they have disabled children and young people who are in the setting at the moment, or may come to the setting soon.

The Equality Act also stipulates that schools should have an Accessibility Plan which clearly states how the school intends to improve access not only to the physical environment but also to information and to the curriculum. The new framework offers an excellent opportunity to consider how this legal requirement is monitored and evaluated, for example by making accessible and adapted methods, delivery, materials, resources, interactions and expectations part of the inspection process.

With regard to the Children and Families Act 2014, the SEND Code of Practice states very clearly (section 1.26, p. 25), that the UK Government is committed to developing more inclusive education and that the law has a presumption of inclusion in mainstream schools for disabled children and young people.

CSIE recommends that the new framework engages with how schools and other educational settings respond to the above statements and legal requirements, and inspections consider how these are implemented and how learning is made more meaningful and relevant for every learner.

Last but not least, CSIE recommends that Disability Equality Training, led by disabled people, is a mandatory requirement for all Ofsted Inspectors before the new framework begins to be implemented, to ensure that all future inspections are based on the social model of disability and a more consistent understanding of disabled children's rights.

Thank you for taking all of the above into consideration. We remain at Ofsted's disposal to add more flesh to the bones of these recommendations, drawing from our collective expertise and the full range of CSIE resources. We fully embrace Prof. Mel Ainscow's assertion that, instead of valuing what we can easily measure, we need to find ways of measuring what we value, and look forward to an opportunity to further contribute to such efforts.

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