

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

4th September, 2019

Proposition No. P.2019/66

Committee for Education, Sport & Culture

Transforming Education Programme & Putting into effect the Policy Decisions made by the States in 2018

AMENDMENT

Proposed by: Deputy S T Hansmann Rouxel

Seconded by: Deputy E A Yerby

1. To substitute for Proposition 3h (inserted by the Amendment proposed by Deputy St Pier and seconded by Deputy Trott):

"h. the adequacy of SEND provision within the new schools, together with Le Murier and Les Voies, and whether the proposals are sufficiently flexible to accommodate a range of possible outcomes arising from the scheduled review of SEND provision taking place as part of the work to update the Education Law.";

and

2. To insert the following Proposition immediately after proposition 6:

"In regard to Special Educational Needs & Disabilities and Inclusion, and the scheduled review of SEND provision, to note that:

- a) The States has agreed to comply with the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the review of SEND provision shall take place in accordance with these principles;
- b) Article 24 of the UNCRPD sets out the progressive realisation of the rights of people with disabilities to inclusive education;

- c) Article 4.3 of the UNCRPD states that: 'States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations' in the development of legislation and policies;
- d) The reform of the Education Law will rely on recommendations made from the forthcoming review of SEND provision (as set out on page 67 of the 'Transforming Education Programme – The Programme Business Case' published on 19 August 2019) and it is vital that this work should progress, and should not be subject to further delay; and
- e) Consistent with the recommendations of the UNCRPD, the provision of Special Educational Needs within the secondary sector and post-16 sector shall be reviewed in line with a 'whole systems approach' which includes effective transitions into and from secondary and post-16 education."

EXPLANATORY NOTE

The review of educational provision for children with Special Educational Needs and Disabilities has been long awaited and is an important part of the overall picture of secondary and post-16 education in the Bailiwick.

Paragraph 24.3.2 of the Committee *for* Education, Sport & Culture's policy letter states that:

"Although the States expressly confirmed the continued existence of the current special schools in their Resolutions of January 2018, the Committee acknowledges that a review of SEND provision may have an impact on the percentage of learners educated in special schools. Though not conclusive, some evidence suggests that in Guernsey there is a disproportionate number of students in special schools. Therefore the two new 11-18 colleges are being designed with flexibility to accommodate additional SEND students if required in the future."

The Policy & Resources Committee's amendment, perhaps inadvertently, implies that any decisions on SEND provision will be driven by its assessment of space requirements within the current and new schools – rather than a careful review of the needs of young learners with SEND, and consideration of their rights as set out in the UN Convention on the Rights of Children and the UN Convention on the Rights of Persons with Disabilities.

This amendment offers an alternative form of Proposition 3h, which better reflects the fact that space requirements within secondary and post-16 education should be driven by the Committee's assessment of appropriate provision for learners with SEND (developed, as far as possible, in consultation with those learners and their families), rather than the reverse.

In view of the possible alarm caused by the original wording of Proposition 3h to those who are directly affected by decisions on the future of SEND provision, this amendment also

inserts an additional Proposition, 7, which clearly reaffirms the States' commitment to a review of SEND provision and inclusion in education, based on thoughtful and respectful consultation with, among others, learners with SEND and their families, consistent with the States' international obligations.

The UNCRPD General Comment No. 4 (2016) on the right to inclusive education outlines that, 'integration is the process of placing persons with disabilities in existing mainstream educational institutions with the understanding that they can adjust to the standardized requirements of such institutions. Inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences.'