



Mr Gavin Williamson MP
Secretary of State for Education
Sanctuary Buildings
Great Smith Street,
London SW1P 3BT

Date: 24 March 2021

Dear Mr Williamson

We are writing today from leading disabled people's organisations, mental health and human rights charities to ask that you remove the easements allowing local authorities to depart from their duties to arrange the special education needs and disabilities (SEND) provision necessary for disabled children and young people in schools and colleges, as contained within the Coronavirus Act 2020 under Schedule 17 covering the relevant sections of the Children and Families Act 2014.

We welcome the Government's acknowledgement of the need to protect disabled people's rights in its road to recovery, including through its most recent announcement that it will expire the Care Act 2014 easements, as contained in s.15 of the Coronavirus Act 2020, and its repeal of the Mental Health Act 1983 easements in October 2020.

We are concerned, however, by the omission of the Children and Families Act 2014 easements from the Government's most recent announcement. As you know, these easements allow for the temporary modification of local authorities' absolute duty to secure special educational needs and disabilities (SEND) provisions for disabled students into an obligation to only use their 'reasonable endeavours' to do so.

The Government reinstated disabled children and young people's entitlements under the Children and Families Act 2014 in September 2020. However, across local authorities, there remains significant confusion around whether these easements are still in place.

The on-going evidence is that neither local authorities nor schools are consistently complying with their duties to arrange provision for disabled children within either school or home settings. The Disabled Children's Partnership have identified that just under half of families reported that their children with education, health and care plans have been without some or any SEND provisions whilst attending school during lockdown.

The Government has a duty to secure every child's right to an inclusive education. It must leave no child behind in its pandemic response—and that includes disabled children and young people. For this reason, we are calling on the Government to repeal the Children and Families Act 2014 easements as contained in the Coronavirus Act 2020, in the interests of clarity, fairness, and equity.

Apart from repealing the Children and Families Act 2014 easements, we are also calling for the Government to implement statutory guidance on remote education provision that includes minimum and universal standards of accessible and inclusive remote education for disabled children and young people.



We would also welcome the opportunity to discuss how the Government can better secure every child's right to an inclusive education in its roadmap to recovery.

We look forward to hearing from you.

Yours sincerely,

Simone Aspis, Campaigns and Policy Co-ordinator, Alliance for Inclusive Education
Fazilet Hadi, Head of Policy, Disability Rights UK
Svetlana Kotova, Director of Campaigns and Justice, Inclusion London
Sam Grant, Head of Policy and Campaigns, Liberty

Please send any response to Sam Grant at samg@libertyhumanrights.org.uk and Jun Pang at junp@libertyhumanrights.org.uk