

# CREATING A FAIR, JUST AND EQUITABLE EDUCATION SYSTEM FOR ALL



*The global leader in lifelong learning*

## Introduction

*'The COVID-19 pandemic disrupted education and labor markets, increasing youth unemployment and the skills mismatch. It accelerated the digital revolution. It highlighted the urgency of transforming our education systems to make them fit for a fast-changing and uncertain future.'*

*Education in a post COVID world: nine ideas for public action  
International Commission on the Futures of Education*

As one of the very first online educators in the UK, Nisai Virtual Academy has been innovating at the edge of what is possible using digital technologies for over 20 years – constantly seeking more effective ways to meet the needs of young people with learning differences and who face barriers to quality education. Every year we work with over 1,000 young people and their families, but the demand for different services, and service delivery, within the education market over the last four years have created a changed environment.

The twin impacts of the Covid pandemic and the cost-of-living crisis have disproportionately affected families of students with learning differences. At the Nisai Virtual Academy we are seeing an increasing number of students coming to us not only with learning difference but also crippling anxiety – which puts families under further stress. We know that the number of pupils needing SEND support has increased by 4.7% from 2023 to 2024, and by a total of 24.9% since 2016. This means that access to funding and support has become increasingly challenging. And this is having a profound effect on how children with Learning Differences are experiencing education.

An example: Currently, less than half of autistic children say they are happy in school, whilst girls are much less likely to be diagnosed because they “mask” more convincingly than boys. This means that their struggles are often overlooked.

Not only are they more likely to exit the traditional education system - to be home educated, experience alternative provision, or to be educated online - but they often then find it hard to move into further stages of education or work as they have not had help at crucial times in their development. In addition, the increase in the prevalence of anxiety and mental health issues due to a lack of support acts as a multiplier – further impacting their educational development and prospects .

## Executive Summary

The welcome improvement in educational standards over the last 10 years have led to 89% of schools being rated as good or outstanding by OFSTED. Legislation, guidance, and regulation has had a clear, positive impact on inclusion in schools; ensuring that students are able to engage and attend meaningful education in school. Our task now should be to move beyond inclusion and ensure the best possible social and economic outcomes for those students with learning differences or other barriers to learning.

Only through releasing the potential of people with learning differences through educational equity – providing the skills, tools and experiences for them to grow and flourish - can we also make good on our commitments to the UN Convention on the Elimination of all Forms of Discrimination Against Women (UNCEDAW), the UN Convention on the Rights of the Child (UNCRC), the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the UN Sustainable Development Goal 4 – quality education for all.

The way to realise those social and economic outcomes is through ensuring equity in education for all students, regardless of learning need, background or socio-economic status. We will also need to provide relevance, ensuring that everyone is equipped with relevant skills and knowledge for the future workforce. And we should want every individual to be empowered so that they can become informed citizens, critical thinkers, and problem-solvers, capable of shaping a better future for themselves and their communities.

As a start point there are Five Actions that we know will begin that process of creating a fair, just and equitable system for young people with learning differences and other barriers to learning. These are:

### Action 1 - Early Support

Family Hubs and the Start for Life programme to be a nationally available universal service offer and to include access to early assessment.

### Action 2 - A Plan for Every Child

A clear, universal, protocol to ensure that no child 'slips through the net'.

### Action 3 - Consistent Regulation

Holding education providers to account to the same standards, for all children, all of the time.

### Action 4 - Fair Access to Qualifications

Ensuring that all young people are able to take public examinations, no matter where they live and whether or not they are on a school roll.

### Action 5 - Pathways into Employment

Mandatory guidance on managing effective transitions into the workforce for young people with learning differences.

## Action 1 - Early Support

### **Family Hubs and the Start for Life programme to be a nationally available universal service offer and to include access to early assessment.**

The mounting social and economic pressures on families and the increased difficulty in accessing early intervention services over the last 10 years have exacerbated the risk of younger children with learning differences and special educational needs 'falling through the cracks'. One outcome of this lack of early intervention is a reliance on EHCPs (Education Health and Care Plans) as mechanism to get resources for a, now older, child facing increased barriers to education.

With earlier identification of issues, support can be put in place more rapidly to help them to enjoy and achieve in school. The reintroduction of family hubs in a number of local authority areas has proven to be a straight forward and accessible way in which professionals can be brought together to ensure that children and their families get the support they need, and that each child is seen holistically. Hubs also provide a swift signpost to multidisciplinary assessments and support services that would ensure children who present with additional needs, behavioural difficulties or other barriers have the adjustments they need over their educational career.

The Family Hubs and Start for Life Programme are beginning to make a real impact across the 75 local authorities they have been delivered in (Levelling up for families: Annual report of the Supporting Families' programme 2021-2022 - GOV.UK ([www.gov.uk](http://www.gov.uk))). However, if we are serious about creating a fair, just and equitable system for all the ambition must be to provide the programme as a universal offer. We should not be creating a situation where families access to services is dependent on where they live – a 'postcode lottery'.

*'As a parent of a very anxious young person with special needs and autism, who had been let down by mainstream education and the authorities, out of education for a year and suffering with severe anxiety, I didn't know how we would ever move forward... The worst place to be for an autistic person is limbo, which we had been in for a year. my son now feels he has a purpose, he has a future and life is not pointless. He loves to learn, it feeds his hunger for knowledge, it builds his self-esteem...'*

*Parent of a Nisai Student*

## Action 2 - A Plan for Every Child

### **A clear, universal, protocol to ensure that no child 'slips through the net'.**

The reality is that other 'postcode lotteries' exist, even where there is a clear framework of accountability. For families whose child may need an EHCP there are lotteries about whether there is provision at all, how quickly provision is supplied and the quality of the provision given. In some Local Authority (LA) areas there is a massive delay in EHCP assessment, with 27% of families having to wait for more than 6 months and many LA's routinely missing the legal deadline of 20 weeks. In addition, the proportion of LA refusals to conduct an EHC needs assessment (EHCNA) is up with at least one in four requests being refused by local authorities in 2023.

The outcome of these lotteries is that children and families are not always getting the support they need. It is therefore vital the new Government use legal powers to hold local authorities to account regarding the roll out of EHCP's. This should include firm and mandatory sanctions for those local authorities that do not meet their legal responsibilities. In addition, the Government needs to ensure that local authorities provide EHCP's that are fit for purpose, and that there is transparency and consistency in monitoring and amending the plan.

Nisai believes, despite the current inconsistency around EHCP delivery, that there are sound reasons to roll-out the principal of accountability for securing the right provision for every child. To ensure that a child's education is personalised to meet their individual needs, we believe that every child should have a single "Child's Plan" setting out what, if any, additional support they need. For many children this would simply detail the school or early education provision they attend, and the routine health checks or immunisations they will need. However, for others this would provide the details of their education support, their health support, or their social care support, and for some a combination of two or three. This would give greater clarity to parents and practitioners about who is needed to support that child and allow all professionals to work from the same plan and share information accordingly. In addition, every parent or carer could then access this plan, through a portal, which could also include deadlines and information relevant to their child's age and stage of development.



Attached to this could be a unique childhood identifier so that no child falls through the gaps in support. This could be the same as a person's NHS number as it is assigned upon registration with the NHS, usually at birth, and remains with an individual throughout their life. Currently, the Unique Pupil Number only covers an individual for a limited age range and does not cover the early years, which is a crucial data gap whilst a unique identifier would help improve the ability to match children between different datasets and ensure that a child's development can be tracked from the early years through to leaving school. This would help parents and teachers keep on top of what a child needs, deadlines and to ensure that the child, and the family, were accessing all of the help that they could.

Such mechanisms would also help those students that have never interacted with the education system, nor the estimated 1.8 million children that missed at least 10% of school in the autumn term in England in 2021. Missing 10% of school is classed as being persistently absent, but astonishingly local councils often don't have comprehensive, reliable data regarding why students are missing education, or the numbers that are being home educated. Considering that absence rates are significantly higher among pupils with SEND, and that it is 9 times more likely that a child with SEN will be excluded from school, it is vital that safeguards are in place to ensure that they are not at risk of exploitation by ruthless gangs that specialise in targeting the most vulnerable in society.

Such an approach will ensure that the Government develops a proper strategy regarding what provision might look like so that children do not lose out because they are no longer in the mainstream system, as well as reduce the £2.1 billion cost that is associated with them being out of school; for example, the use of online and blended learning which would enable students to focus on learning without being bogged down by external influences which they may struggle to deal with. This type of education provides a bespoke learning plan that encourages a child to maximise their potential, have mentor support to develop life skills and support around transition phases. In addition, it is efficient, accessible, affordable and can provide a focus on developing soft skills and educational engagement in a way that can be personalised for the learner.

*'For many years B was in a very low mood, he never left the family home, he spent 99% of his time sitting in his bedroom. He had no sense of worth, no confidence, drive or motivation. He couldn't have a conversation with anyone outside of the family and needed his parents to talk for him. He didn't engage in anything as he felt that there was just no point to it. He continued to have a very low opinion of himself, he was a keen artist but felt his work was very poor. He struggled a lot with his memory and couldn't remember things that were said to him only moments earlier.'*

*'Progress for B has been very personalised, and we feel that without the mentoring program he would never have been able to achieve what he has. There is still a very long way to go for him but we now have the feeling that he is growing each week, getting stronger awareness of the outside world. And the greatest thing for us is that he believes that he is no longer worthless he has a point to his days and can see a future.'*

**Parent of a Nisai Student**

## Action 3 - Consistent Regulation

### **Holding education providers to account to the same standards, for all children, all of the time.**

All services need to be held to a consistent standard and are directly accountable to the children, parents and carers that they serve. Currently, Ofsted inspects schools, children's homes and childminders. It inspects local authorities in relation to their children's social care duties, and SEND provision, but not their role in education. It inspects foster carers indirectly through local authority or agency inspections. Some services are uninspected – such as childcare for children over 8, youth centres, and family hubs. Some settings are jointly inspected by the Care Quality Commission (CQC) and Ofsted – such as some residential special schools registered as children's homes, or by the CQC and HM Inspectorate of Prisons – such as secure training centres.

There needs to be a rationalised system of inspection, between different inspectorates, that provides a proportionate and consistent assessment of all services accessed by children. It would also mean that the educational journey of SEND children will be taken into consideration within reporting processes to encourage schools to level up properly, as opposed to doing something to tick a box.

This rationalised system should be easy for all children, parents and carers to use to understand the quality of services in the area that they live in. It would also help ensure best practice and that ways of improving services were more widely known as services would not work in silos.

*'After spending six years at my previous school, almost constantly suffering from burnout and mental health issues; I didn't feel confident in my education or self... Every anxiety that had been built up at my old school; fear of being told off in class, of disappointing teachers with my anxiety, and the embarrassment of feeling unable to always attend class, were all proven unnecessary at Nisai. I've never felt as confident in my abilities or as seriously considered higher education, as I am now.'*

**Nisai Student**

## Action 4 - Fair Access to Qualifications

### **Ensuring that all young people are able to take public examinations, no matter where they live and whether or not they are on a school roll.**

Young people in the UK are guaranteed an education, but due to inconsistencies within the system in England and Wales they are not guaranteed access to qualifications or public examinations. This iniquity particularly affects those children and young people who are not educated in a traditional school context – that are home educated, or educated online. This is the very group of students so greatly affected by the pandemic – those not only working with learning difference but also crippling anxiety.

In some cases this group of young people may not have access to examination centres and those that do have at times experienced challenges with attending such centres. The accommodations allowing for home invigilation can be difficult to fulfil due to a lack of qualified staff and comes at a premium cost. This, in many cases is only an option for those in higher socio-economic groups or those funded by local authorities.

The Government therefore needs to work with schools to ensure that each child is assigned a Unique Child Identifier, enabling them to take exams seamlessly. Such assessment could be remote, and no results gained under this system would impact the ranking of the school providing the service, but it would mean that every child has a fair chance at getting the qualifications they deserve. To provide an impetus to participate in such a scheme, registration could trigger additional credit for the school under OFSTED assessments or count towards the public benefit that independent schools need to show in order to maintain their charitable status.





## Action 5 - Pathways into Employment

### **Mandatory guidance on managing effective transitions into the workforce for young people with learning differences.**

As a child becomes a young adult and moves towards adulthood, instances of mental health increase with 50% of mental health problems being established by age 14 and 75% by age 24 . However, there is no transition from CAMHS to adult mental health services resulting in individuals falling through the gaps. The current system means that GPs can't make referrals and the waiting list for the review in mental health is 2 ½ years. However, mental health is important and there needs to be a transition in place. This should start when a child is finishing school so that they can have support as adults too.

In addition, Youth Employment UK has undertaken a survey that makes it clear that in 2023, there was a lack of confidence among young people as well as a feeling of disconnect in their communities. This is even worse for young neurodiverse people who consistently feel they are not judged by the value they could add. This means that pupils with SEND are less likely to be in sustained employment 15 years after Key Stage 4 than their peers, and this has got worse post pandemic with the gap regarding employment rate having increased to 28.8%, from 28.1%. In addition, autistic people are paid on average a third less than their peers.

Recruitment pathways and programmes must therefore be designed to be accessible and flexible enough to benefit all young people. Care and consideration should be given by employers regarding the process they have when considering new applicants. For example, an employer could think about the skills and competency they need for a job, and whether it would be necessary for the application process to include lots of pages that ask repetitive questions, or whether or not there are more inclusive techniques that would provide them with the same information i.e.: roundtables or practical workshops.

In addition, as those on the spectrum are likely to need more help deciding and committing to a career path, the Government should strengthen their oversight regarding how schools follow Provider Access Legislation. This specifies schools must provide at least six careers advice opportunities for all their students but the Government have no idea if these sessions do truly add value. There needs to be best practice regarding what happens during these sessions to ensure it is personalised, takes neurodiversity into consideration, and ensure that it genuinely helps the young person into work.

If there was an expansion of the supported internship program so that those with SEND, but without EHCPs could access it, this would provide these young people with opportunities for work. Educational needs lie on a spectrum, and whilst it is right that those most badly affected are given as much support as possible, those who are more mildly affected, or have “a hidden disability” also benefit from support and intervention.

Finally, the Government should promote the Autistica Neurodiversity Employers Index, which will enable organisations to measure themselves against best practice, highlight areas of strength and areas for improvement and include an annual awards programme. The Index will also provide guidance on how employers can design fully inclusive processes, procedures and premises so all staff can receive the support they need without autistic staff needing to disclose their condition.





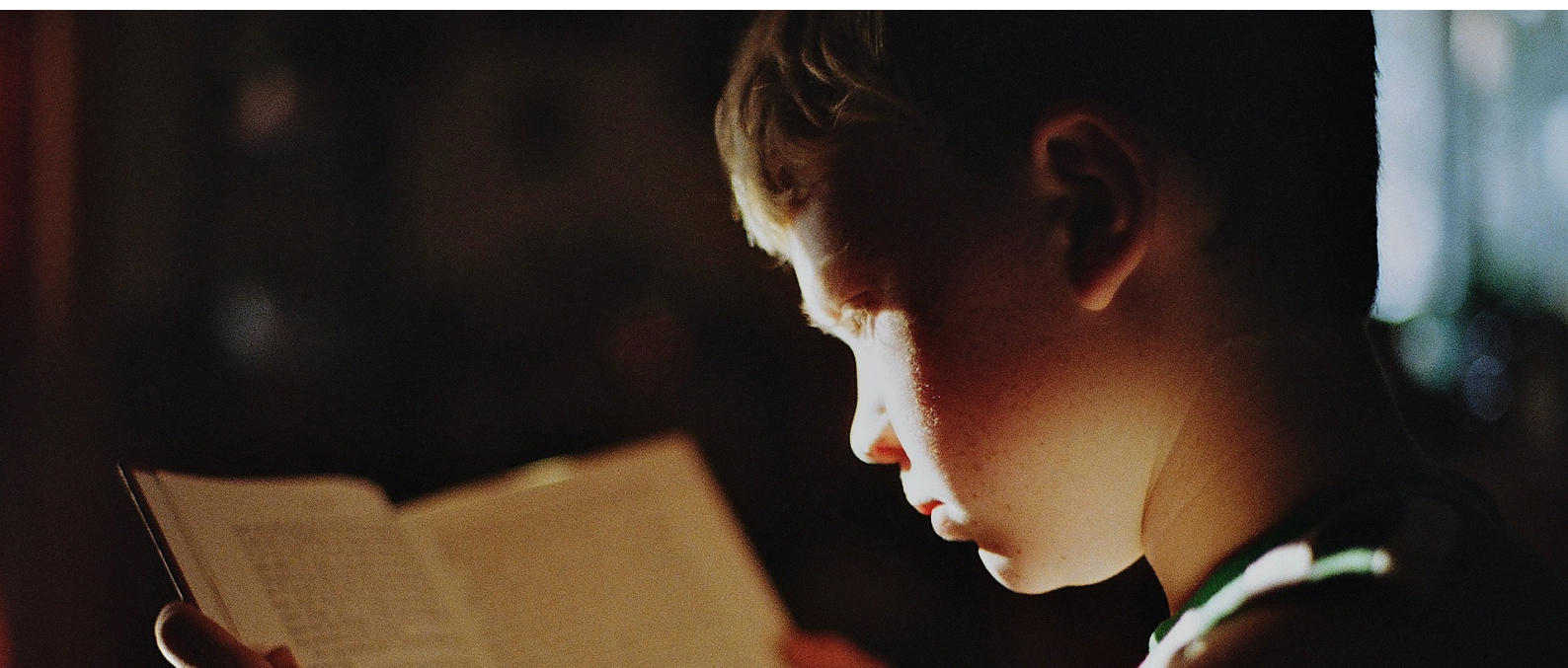
## Conclusion

*'Now more than ever, we must step up our collective efforts to equip youth and adults in acquiring new skills for new jobs, helping them unlock their potential to successfully navigate the social, economic, and environmental changes which the world is undergoing. This is part of forging a new social contract for education to reimagine more sustainable futures together.'*

**Stefania Giannini**  
**UNESCO Assistant Director-General for Education**

Only through releasing the potential of people with learning differences through educational equity – providing the skills, tools and experiences for them to grow and flourish - can we make good on our commitments to the UN Convention on the Elimination of all Forms of Discrimination Against Women (UNCEDAW), the UN Convention on the Rights of the Child (UNCRC), the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the UN Sustainable Development Goal 4 – quality education for all.

Nisai's Five Actions will help young people with learning differences and barriers to learning at critical points in their education – from the very beginning of the learning process to the moment that they move into the workplace. By working to create a more fair, just and equitable education system would bring out the best in all students and would provide UK plc with the next generation of engaged citizens working together to drive the UK forward in a global world.



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### Introduction

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### Conclusion

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**Call us**

0208 424 8475



**Email**

[info@nisai.com](mailto:info@nisai.com)



**Website**

[www.nisai.com](http://www.nisai.com)



**Address**

Floor 4  
28 Clarendon Road  
Watford  
United Kingdom  
WD17 1JJ