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**Disabled workers and students in education: the negative impacts of austerity and “reform”**

Summary

The TUC has documented the impact of government austerity policies and the consequent changes to welfare benefits on disabled people who need support to achieve inclusion as equal citizens in society. Rising numbers of people in work as Britain recovers from the recession that began in 2008 conceal many continuing inequalities and in particular, a continuing large gap in employment between disabled and non-disabled people. One of the obstacles that some disabled people have faced in obtaining decent jobs, or advancing a career alongside non-disabled colleagues, has been a greater likelihood of leaving education without qualifications, a problem that started historically with segregated provision based on the idea that disabled people could not expect to achieve anything in life. When the UK government ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), it signed up a commitment to achieve fully inclusive education for all disabled pupils. However, evidence suggests that progress towards this objective has been patchy, and now, as one of the impacts of austerity, education unions are reporting how it is being jeopardised by a reduction in the resources needed for it to happen.

Continuous change to the structure of the school system and regular changes to the curriculum, regardless of whether or not they are desirable or necessary, has caused stress and created difficulties for some disabled students and staff. While increasing workload is a concern for all education staff it has additional negative impact on some disabled workers. Rising levels of stress have been reported regularly, leading to mental health problems.

The abolition of the Educational Maintenance Allowance (EMA) in 2011 meant that many young people who had relied on it to continue in education post-16 were unable to do so. Pupils with Special Educational Needs were more likely to be eligible for this funding than other students. Current changes to the SEND system contained positive measures but also the risk of problems that were pointed out by unions at the time. Although the new arrangements only came into effect in September 2014, some negative consequences are already being reported.

There are many disabled people working in education, but the same austerity policies are having an increasingly negative impact on the adjustments some disabled workers need (and have a legal entitlement to) to carry out their jobs, while others find themselves out of work, or their careers blocked, for the same reasons.

The TUC Disabled Workers’ Committee commissioned this short review to summarise these impacts following a number of debates at the TUC’s annual Disabled Workers’ Conference. The evidence cited here has been drawn from information from education unions and their members: the names have been anonymised for reasons of confidentiality.

The report looks first at the experiences of disabled teachers, then at the impact of changes to SEND (Special Educational Needs and Disabilities), the effect of changes to the curriculum, and finally, briefly, at the impact on post-16 provision.

1. The impact on staff

The responses from union surveys illustrate many cases of discrimination faced by disabled staff, a serious problem in mental health exacerbated by significant increases in workload, and a failure by many employers to carry out their reasonable adjustment duties.

Discrimination

* As many as 77 per cent of disabled members of NASUWT reported facing discrimination and 81 per cent reported facing bullying and harassment. Here is one example:

“I chose to mention my disability on job applications, but didn’t get one interview. When I decided ... to take it out of my application, I got five job interviews.”

NASUWT said 17 per cent of its disabled members had been threatened with capability procedures (in 2013) compared with eight per cent of non-disabled members, of whom seven per cent were actually subjected to them compared with three per cent of other teachers.

Workload and mental health

* In the same survey (from 2014), excessive workload was identified as lying behind many of the issues. Surveys suggest 60-hour weeks were common:

“The workload this year has been horrendous with all the new policies in place. Sometimes I feel like I am letting my own family down because a work/life balance is impossible”.

As many as 85 per cent of disabled teachers identified this as having a negative effect on their wellbeing, with 44 per cent saying their school did not provide a supportive environment for teachers with mental health issues.

“(as a teacher with bi-polar disorder) I have learnt to be very careful about who I talk to about it, and try not to disclose it to senior leaders... the stigma is still there...”

“It still astonishes and shocks and infuriates me that mental health is still a taboo subject in the 21st century. We are seeing stress on the rise with the amount of workload we have to suffer on a daily basis.”

A Guardian survey (2012) found that 15 local authorities had reported a 50 per cent rise in stress-related absences and a 2013 survey by Teachers’ Assurance found that 76 per cent of teachers believed that stress levels were impacting on their health.

A survey of ATL members produced the same message: more than one third noticed a rise in mental health issues, more than half reported that their job had a negative impact on mental health although 68 per cent hid this from employers because of the stigma, with pressure to reach targets and inspections cited as the most common causes:

“It is no good telling management about your hidden disabilities because they will consider you a weak link”.

“I have been expected to work up to 90 hours a week and this had a terrible impact on my family life and my health” (a member who decided to leave teaching because of work-related stress).

“The constant pressure, with unrealistic targets given at short notice has had an adverse effect on my health. If you complain or discuss it your job will be at risk”.

* There have been significant increases in workload for teachers of SEND pupils (see below). Cuts in support to these teachers have led to severe or significant increases in workload for 92 per cent of teachers and support staff according to a national survey by ATL.

Reasonable adjustments?

* By law (the Equality Act 2010), employers are obliged to make reasonable adjustments for workers defined as disabled if they could not otherwise carry out their roles, and if the solution will be effective, and is “reasonable” for the organisation to make. Disabled teachers have been reporting time and again that securing the adjustments to which they are entitled has become more difficult, and in some cases unions have had to support their members in taking the employer to an Employment Tribunal to secure their legal right to an adjustment.

A member of the NUT, with bipolar affective disorder which had been successfully dealt with by a previous head teacher was dismissed by a subsequent head who failed to make the necessary adjustments when another “flare-up” occurred. It required a tribunal case to secure compensation.

More than half, 53 per cent of NASUWT disabled members, reported that their school had failed to put reasonable adjustments in place.

For a member with an invisible impairment, “it feels like you have to make the reasonable adjustment, not the employer. It makes you feel disgruntled and you can feel silenced because if you start saying too much, you can become an issue ... for disabled people, it’s a case of do you tell them at the beginning if you have a disability? Do you tell them you need special arrangements for the interview and if you do what will happen?”

Some disabled teachers are being forced into supply teaching because they cannot secure full time employment: “This is happening more and more to disabled teachers and means their rights are being eroded: it removes their rights to pensions and other benefits”. There is a culture of maximising the time schools can demand of teachers which means “they are unwilling or unable to support teachers whose needs are different.”

An NUT member was unable to return to work following an absence related to her impairments because the school failed to make adjustments to the building. The case was concluded with a payment to her but she felt unable to return to the school.

Another NUT member found that adjustments promised by her school had not been carried out and it required tribunal proceedings to make them resolve the issue.

A NASUWT member who taught music at different schools reported: “I am not allowed to drive so I have to go everywhere on public transport. The employer refused to pay my bus fares, they would pay car mileage but they refused to pay public transport costs.”

1. SEN reform

The Children and Families Act that came into force in March 2014 contained changes to the way in which support for Special Educational Needs and Disabilities (SEND) is provided. Every teaching union consulted its members widely on the measures and published its views during the consultations on the new law and on the associated Code of Practice.

The main concern is that although the law correctly maintains the principle that mainstream education must be the presumption in all cases of children with SEND, the other measures now being implemented may cut across this in practice.

There are 233,000 pupils with SEND recognised by a statement and 1.26 million with SEND (January 2014 figures) without a statement and together they account for 18 per cent of the total school population.

The law has been in effect only since September 2014 so the consequences have yet to become clear. These are some of the issues identified by unions and campaigners for inclusion:

* Massive cuts to local authority funding (a drop of more than 40 per cent between 2010 and 2015) mean that services have been reduced for children and young people with SEND:

“Our LA is very supportive of the schools in its region but has not enough money to deliver the services that it has in previous times.”

“Getting additional funding for children is now much more difficult as budgets have been cut and children who might have received help previously are being turned down.”

* The law will over three years replace the “Statement of SEND” with an Education, Health and Care (EHC) plan. In principle this is a positive step but in practice many local authorities will not have the resources to conduct all the necessary assessments or meet the needs of those with an EHC plan, on which statutory entitlement to support depends, while those with SEND without such a plan will no longer be able to challenge that decision.
* Schools are now expected to meet the first £6,000 cost of additional educational support. Schools control this budget themselves.
* Children with SEND are eight times more likely to be excluded than their fellow pupils, and academies are twice as likely as other schools to exclude such pupils. No action has been taken on this finding.
* Since 2012, schools have been allowed to employ staff without qualified teacher status. There is no requirement for providers of teacher training to cover SEND-specific training and newly qualified teachers have reported that their training has not prepared them for teaching SEND children.
* Instead, cuts in funding have led to significant redundancies among SEN and support staff. One national survey reported that 83 per cent reported severe or significant cuts in local authority provision of educational psychologists (whose vital role is recognised by the government), 50 per cent cuts in child and adolescent mental health services, 70 per cent in speech and language therapy and 71 per cent in behavioural support outreach.

“Mainstream teachers are having to teach pupils with SEN without appropriate support, causing additional stress on teachers, pupils with SEN and mainstream pupils.”

“Our learning difficulties team is being dismantled and reconstructed ... there will be a huge group of needy children who are not supported sufficiently because teachers do not have the expertise without specialist advice.”

1. The curriculum and SEND

The government approach to the curriculum is “one size fits all”. As many as 71 per cent of NUT members surveyed believed that the national curriculum framework would not meet the needs of pupils with SEN or disabilities. While supporting the education of pupils with SEND in the mainstream, some will need adjustments to be made to the curriculum to meet their needs and this is not catered for. The change to a one-off three hour examination for new GCSEs and A levels will prevent many SEND students showing a true reflection of their abilities. Unions believe that flexible teaching and assessment methods are needed to ensure all pupils develop their potential.

“As the new curriculum is not fit for purpose in mainstream, what chance have pupils with statements? Or are we heading back to the days of SEN pupils being deemed uneducable?”

Or as an ATL member expressed it:

“Why is a new curriculum being introduced at the same time as new SEN reforms at the same time as the privatisation of schooling at the same time as new teacher training routes .. at the same time as new professional standards for teachers at the same time as new Ofsted framework?”

1. SEND and post-school education

The C&FA changes to SEND cover all ages up to 25 and therefore include further education. Local authorities and colleges are now required to work together to provide for young people with SEND, to follow the new Code of Practice, and to work with the young person in choosing an education provider.

Cuts to the support previously provided by local authorities to colleges to help students with severe learning disabilities have led to a drop in support available and it remains to be seen how the new arrangements, introduced in September 2014, are working in practice. Members of the UCU have reported the impact:

“I worked at the college for 15 years as a specialist tutor providing 1:1 teaching ... for learners with specific learning difficulties ... the college restructured and the role was removed ... specialist 1:1 teaching/support no longer takes place.”

“ ... a widespread attack on dyslexia provision .. has been going on in FE colleges where there have been significant cuts in staffing levels (whole teams gone). Arguably these institutions are breaking the law...”

“ ... at our university there have been cuts to the Dyslexia Support Service ... the specialist staff have had their rates cut, without consultation, by two thirds.”

“ ... redundancies hit our BSL (British Sign Language) department last year. The department has been slowly reducing in size over the last two to three years and last year .. we lost .. the course leader..”

Moreover, the presumption that post-16 education will be provided in a mainstream setting is absent from the Code of Practice, and it contains the additional requirement that the student meet the course admission criteria first, with the evident risk that students needing a flexible approach will be prevented from gaining admission. Since any dispute falls to be resolved case by case, it may be open to institutions to justify a refusal to admit the student and leave them instead able only to take part in special (segregated) schools or placements; or alternatively to offer only a limited range of courses.

Disabled Students Allowance under threat

During 2014 the government announced major changes to the Disabled Students Allowance that would have cut funding for equipment and support and passed responsibility to universities, with a substantial potential impact on disabled students themselves, as well as penalising institutions that had done most to encourage applications from disabled people. The impact was expected to be worst for students with specific learning disabilities as a result of the proposal to divide them into “more complex” (who would continue to receive support) and “mild” (who would not), a distinction that is misleading because support is still needed by anyone with a learning disability. No additional funding for universities was proposed and no equality impact assessment was carried out. A vigorous campaign led by the National Union of Students led to a postponement of the proposal, with ministers admitting some of the shortcomings, but it is likely to be reintroduced.

1. Conclusion

Although it may be too soon to judge the full impact of recent legislation on the education of 1.5 million young people with Special Educational Needs and Disabilities, the evidence from education unions is that the combined impact of austerity cuts to funding and repeated “reforms” to schools and the curriculum has reversed progress being made by disabled teachers and support staff towards an educational system that welcomes and respects disabled staff. This is at the same time as threatening to undo the country’s commitment to the achievement of inclusive education, as the words on the page of the law may become impossible to carry out because of other measures being taken.

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