

‘REGULAR’ EDUCATION – A PRIORITY
THE ELEHPANT IN THE ROOM
When is it a Perfect Opportunity to Make a Difference?

Key priorities for education recovery in the wake of COVID-19 - raising attainment, student catch up, and improving social mobility.

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"Meet the malady on its way." ~ Persius (A.D.c 58)

A critically imperative and glaringly obvious *elephant*, which most of the populous (Educators, Parents, Pupils, Students, Children and Young People, Institutions, Government, Parliament, Education and Health Departments, Early Years Investors, Academics, Researchers, Campaigners, Activists and All SEND Citizens) are currently aware of, but which isn't discussed, nor effectively and or timey addressed at that, because the elephant is generally considered, uncomfortable, difficult, nonchalant, or not politically aligned, is of course 'EDUCATION', and or rather The Education System no longer being fit for modern mobility.

For fear of being labelled as too woke, or dismissing the entire human condition, I won't just be honing in on SEND (Special Educational Needs and Disabilities) but will focus on promoting intervention in terms of what equality really means, in terms of Rule of Law for the purposes of education for all and not just the few.

Opinions, views, expressed and or explicit peer reviewed narratives are just that, statements and or data, based on the writers / researchers unconscious biased or lived experiences or even perceptions, all of which are genuine and worthy. However, why is it, that we are all stating the exacting narrative, albeit using differentiated words, that not one of these narratives are ever seen to be challenging or highlighting the elephant in the room, in this instance, the elephant being the entire education system? Band aid plasters (others brands available) NO LONGER WORK. Stop fooling yourselves and stop fooling the populace.

The real missing intervention strategists are the experts who live with and observe the elephant daily, often years and decades at a time. These experienced *mahouts* are the most important experts to bring about the change and challenge the system needs and wants, but are omitted and or ignored, as they are brushed aside for not being worthy or 'educated' enough to make the difference. Does not the Government work for its citizens?

Changed mobility, is nothing if The Rule of Law is not addressed. The Education Act 1996 is for all.

Whilst the Government and DfE, are now seen to being handing out 'cash' nearing £7bil, [\[Graham Archer, Director for Education Recovery, DfE\]](#) for 'catch up education' owing to the CV-19 pandemic, why have [they] routinely 'forgotten' about those with SEND, who have never ever been offered any catch-up pre-pandemic? Why now? Is it that *all* students and pupils are now impacted by said?

When the Supreme Court ruled [06 Apr 2017] ([2017] UKSC 28) [UKSC 2016/0155] IoWC v Platt - that "regularly" didn't mean "evenly spaced" or "sufficiently often" but instead "in accordance with the attendance rules" [they] agreed for the fining of UK parents, but erred in law, as [they] failed to take into account ALL children in Compulsory Education, especially SEND Children, who are continuously and REGULARLY left without Education or Schooling. Why were they forgotten about?

When SEND pupils are routinely and regularly left without education / schooling at the hands of the Government, their Local Authorities or their schools, to include academies, why were/are they never ever offered any type of funding or catch-up funding pre-pandemic. Those with SEND often miss education years at a time, through no fault of their own. Why does it have to take a pandemic to suddenly offer students and pupils equal means to access much needed funding?

The Supreme Court unanimously allowed a Council's appeal to fine a parent when they had removed their child a few days prior to the school holiday starting, on the basis that their child failed to attend 'regularly' declaring that the word 'regularly' means 'in accordance with the rules prescribed by the school'.

The Supreme Court failed to balance their ruling with regards to SEND Children Missing Education and Schooling, as the words "fails to attend regularly" in section 444(1) of the Education Act 1996 during term time, relates to ALL Children.

Catch up or not, SEND Children are routinely and REGULARLY LEFT WITHOUT Education or Schooling, by virtue of the lack of resources, lack of funding and or the lack of school placement provisioning, even resorting to schools cutting their operating hours. SEND Children and Young People, are also entitled to regular schooling and education under [Part 3 of Children and Families Act 2014].

The Supreme Court again failed to follow the 'rule of law' or the equal application of the law as [they] only favoured those children who were in school (mainstream) and who didn't attend 'regularly' for a short period of time. This favouring by the Supreme Court, is a Direct and Indirect Discrimination under The Equality Act 2010, especially against SEND Children who are unlawfully forced to miss school or education REGULARLY by the lack of provision (funding) and or then having to be forced into a non-enabling environment, causing a health crisis.

Currently SEND pupils are STILL NOT receiving education, let alone catchup education; therefore, will the Government and its authorities, be back dating decades worth of provision for those who have missed out on their education through no fault of their own?

The reader may argue, based on my opening lines above, that I too have a view/opinion; I will argue, that I have my truth, and the reader has their truth, however, in the middle lies The Truth, and the truth holds together the facts and the evidence, or the elephant. There are currently 10,320,811 full and part time pupils at school in the UK. (8,890,357 in England, 469,176 in Wales, 794,364 in Scotland, 341,402 in Northern Ireland.) [Source: Department for Education; Welsh Government; Scottish Government; Northern Ireland Department of Education (2019/2020)] - <https://www.besa.org.uk/key-uk-education-statistics/>

1.5 million of which, are those who have SEND, they must fight to receive scraps of tutoring or catch-up funding SO MUCH FOR SOCIAL MOBILITY, and all for direct discrimination by and from a very hypocritical wide margined UK Government.

The only positive to come from CV-19, in terms of equality, could be that those without SEND now can have some sort of insight as to what it feels like to be left without education.

The Rule of Law is just that, the law applies equally to ALL. The lack of the rule of law can be because of negligence and or ignorance of the law itself, therefore the rule of law falls off the legislative radar because the government's accountability factor is ineffective!

The poet, Ivan Krylov's fable entitled "The Inquisitive Man", published in [1814] about a man who enters a museum and notices all sorts of subtle nuances, yet fails to notice an elephant, was recorded as being referenced in 1959, as a simile, in *The New York Times*. "Financing schools has

become a problem about equal to having an elephant in the living room. It's so big you just can't ignore it." Here we are 2022, somewhat 208 years from Krylov fable and 63 years later when it was referenced by the NYT along similar concerns. Has anything changed? The Elephant is most notably, the Education System not being fit in its entirety, however, it must be noted, that one cannot educate a dead or unhealthy child; how about first addressing the Health Mammoth and then the Educational Elephant.

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REFERENCES:

Heaven forbid that I have used the [Wiki] – however after digging and diffing for hours trying to find the origins - According to Wikipedia, the Oxford English Dictionary credits the *New York Times* newspaper from June 20th, 1959, as one of the first recorded uses of this phrase as a simile. I have tried in earnest to find the copy of the NYT, however to no avail. (Whilst researchers don't like to advertise that they scan the Wiki) we do, hence my transparency.

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