

- Issuing a ticket but keeping the door locked
- the need for real change on disability equality

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### **Conflicting views of disability**

Disability equality is understood in multiple and contrasting ways to the extent that what is seen as good educational provision by some is considered anachronistic and discriminatory by others. Separate special schools were established in the 19<sup>th</sup> and 20<sup>th</sup> centuries, at a time when disabled people were thought to have no place in mainstream society and institutions. Nowadays national and international legislation clearly state every child's right to mainstream education, yet recent evidence confirms that this continues to be understood – and implemented – in vastly different ways. In some areas schools have transformed, so that any type and degree of impairment can be accommodated. In other areas long-established views about how schools should organise teaching and learning have remained fixed and there continues to be an underlying assumption, held by many professionals, that some disabled children cannot be included in ordinary local schools.

The Centre for Studies on Inclusive Education (CSIE) has recently worked with researchers from the University of Exeter to explore school placement trends of English local authorities for the years 2007– 2013. The final report, *Contrasting responses to diversity: school placement trends 2007–2013 for all local authorities in England* (Black and Norwich 2014), reveals the proportion of all children and young people aged 0-19 for whom each local authority has responsibility and who are placed in a) maintained, non-maintained and independent special schools and special academies b) special units, classes or resource bases attached to ordinary schools c) pupil referral units and alternative provision academies; d) any provision off site of ordinary schools (a+c) and e) any separate provision on and off site of ordinary schools (a+b+c).

Even though every local authority has to comply with the same laws and national policies, CSIE *Trends* reports have repeatedly brought to light disturbing

local variations. Some local authorities routinely place children with statements of special educational needs in ordinary local schools, while others regularly send high proportions of such children to separate special schools. Considering that most children and young people who have a statement are disabled, according to the definition of disability in the Equality Act 2010, the report confirms that a postcode lottery for disabled children continues to exist throughout England.

The school place for each child with a statement of special educational needs is determined by local authority officers, who have to take into account the views of the child and their parents as well as the views of a wide range of professionals. Every year the Department for Education collects detailed information on school placements from each local authority and proceeds to publish a national average. The extent of inconsistency, however, is only evident by analysis at local authority level, which is unique to CSIE. The Centre has been monitoring local authorities' school placement trends since 1983; the latest report is the seventh in this series.

## **Summary of findings**

The main part of the report considers the proportion of children and young people whom each local authority places in separate special schools or special academies. This is in recognition that numbers of pupils placed in the other types of settings examined can only give a partial, if any, indication of lived experience. Pupils placed in resource bases or units within mainstream schools are not necessarily segregated from their peers and their experience will vary from school to school; some schools run their resource base as a separate space from which pupils may have minimal contact with their peers, while other schools offer their resourced provision as an integral part of the school where all pupils are part of a mainstream class. Children and young people placed in pupil referral units or alternative provision academies are, by virtue of their placement, in segregated provision but it is not possible to express the total number as a proportion of all 0-19 year olds in each local authority. The Department for Education is unable to provide information on the total number

of pupils placed in these settings; it can only offer information on school placements for those who have statements of special educational needs.

The report presents detailed information on 150 out of the 152 local authorities in England. (The City of London and the Isles of Scilly are not included in the analysis because their numbers are statistically insignificant.)

School placements for each local authority were examined for the years 2007, 2009, 2011 and 2013 and results are presented in double-length pages that unfold to reveal the full list of 150 local authorities. In the main part of the report local authorities are ranked, with those which educate most pupils in ordinary local schools placed at the top of the table and those who send the highest proportion of pupils to separate special schools at the bottom.

Information is colour-coded by type of authority (metropolitan, London borough, unitary or county) for ease of reference.

The London Borough of Newham remains at the top of these tables in all years examined, by regularly sending around 0.2 per cent of all 0-19 year olds (the equivalent of 2 in every 1,000) to special schools. Importantly, these figures take account of placements in any special school, within or outside the authority's geographical boundaries. At the other end of the table for 2013 is Torbay, sending as many as 1.4 per cent of children (the equivalent of 14 in every 1,000) to special schools. Such extreme differences in the way local authorities respond to diversity bear no simple relation to the size of the local authority or its social or geographical characteristics. Instead, they are more likely to reflect differences in strategic leadership which, in turn, may depend on different ways of understanding disability and on varying commitment to inclusive education.

The research also considered changes within each local authority in the percentage of pupils sent to special schools between the years examined. In a separate table, the report ranks local authorities according to this, placing those making the biggest change towards inclusion in ordinary local schools at the top of the table and those with the biggest change towards segregated provision at

the bottom. Brighton & Hove, Lewisham and Slough are the three authorities at the top of this table and Redcar & Cleveland, Torbay and Peterborough at the bottom.

CSIE contacted authorities in the top and bottom of these tables, as well as the London Borough of Newham, inviting them to comment on their school placement trends. Some of their remarks are included in the report. Intriguingly, in response to the common pressure to reduce out-of-authority placements, one authority chose to create more special school places, while another invested in supporting schools to develop their capacity to include disabled pupils. An extended commentary from Newham on the authority's long term investment towards inclusive schooling, and on its commitment to working closely with parents and schools to achieve this, ended with the words: 'We acknowledge that providing for children with SEN in schools can be challenging, but remain committed to our belief that the needs of children, not the needs of an institution, should drive our decisions' (Black and Norwich 2014: p7).

Such glaring inconsistencies in the way local authorities treat disabled pupils need to be made explicit, so that everyone interested in the development of inclusive education can have access to this information. Clear knowledge of the status quo in other parts of the country can be a powerful lever for change. It can empower parents and professionals to make better informed decisions about individual children's school placements. It can also support the efforts of those lobbying for the right of disabled children to a mainstream education that works for them.

In the few weeks since publication, the *Trends* report has been presented to a range of audiences. Parents and professionals alike have shown a keen interest in the information and a resolve to alert others to the findings and their significance. A recurring, though by no means common, criticism has been that this research is incomplete because it does not consider the quality of the experience or educational outcomes for the children and young people whose school placements it comments on. Further research can, without a doubt, generate richer information and lead to deeper understanding of young people's

school experiences and the long term impact of these. However, focusing attention on potential benefits of further research undermines the implications of the existing knowledge available.

## **Discussion**

Eliminating disability discrimination, promoting disability equality and fostering good relations between disabled and non-disabled people are all aspects of the public sector equality duty with which all schools and local authorities have to comply. Long-standing convention and familiarity, however, can mask the discriminatory aspects of an educational system which has been set up to exclude disabled children and young people from ordinary local schools. Educating them in separate schools does little, if anything, towards promoting disability equality and fostering good relations between disabled and non-disabled people.

Since the turn of the 21<sup>st</sup> century the lack of plans to increase school capacity to include disabled children has been repeatedly criticised by multiple agencies:

- In 2002 the Audit Commission stated: 'The existence of separate structures and processes for children with SEN may have allowed their needs to be seen as somehow different – even peripheral – to the core concerns of our system of education. This needs to change.'
- In 2004 Ofsted published a report on the quality of provision in mainstream schools for pupils with statements of special educational needs and noted that 'a high proportion of schools have still a long way to go to match the provision and the outcomes of the best. They are generally not reaching out to take pupils with more complex needs.'
- In 2008 the UN Committee on the Rights of the Child criticised the UK for its lack of a comprehensive national strategy for the inclusion of disabled children into society.

- The Salt Review (DCSF 2010) confirmed that many teachers feel ill-equipped to teach pupils who have labels of severe or profound and multiple learning difficulties and suggested that this highlights a gap in initial teacher education. It also revealed a widespread misconception that this group of learners requires carers more than educators.

In September 2011 the Equality and Human Rights Commission (EHRC) published *Hidden in Plain Sight: inquiry into disability-related harassment*, a report which revealed systemic institutional failure to tackle harassment of disabled people. Hundreds of thousands of disabled people regularly experience harassment or abuse, the report stated, but a culture of collective denial prevents public authorities from tackling it effectively. The inquiry made a number of recommendations, including a recommendation to the Department for Education (DfE) to carry out research in order to better understand how segregated education, or inadequately supported inclusive education, impacts on attitudes towards disabled people and on disabled children and young people's life chances.

In July 2012 the Office for Disability Issues presented the government's response, in which the DfE rejected this recommendation as unnecessary, on the grounds that it is the quality of provision, rather than the type of setting, that matters. It is hard to understand how the DfE can support segregated education without knowing, and without being willing to find out, its full impact on the future life chances of disabled young people.

In October 2012 the EHRC published its follow-up report *Out in the Open: tackling disability-related harassment, a manifesto for change*, in which it set out its final recommendations for local and national government as well as for police, transport, health and education authorities. Among these final recommendations the EHRC reiterated that the type of setting may be important, because separating disabled children from their peers may have an adverse long-term impact, and it repeated its call for research in this area.

The issue of mainstream or segregated education is often seen as a polarised argument, but it need not be. Supporters of a mainstream education for all advocate this on the grounds of children's right to non-discrimination and the understanding that, unless children go to school with their brothers and sisters, friends and potential friends from their local community, prejudice and discrimination will persist. At a time when schools are increasingly expected to provide personalised learning, there is no reason why tailor-made provision has to be offered in separate institutions.

Separate special schools were established at a time when disabled people were thought to have no place in mainstream society. Children learn from one another, as well as from adults, and establish friendships in school that can last a lifetime. No matter how excellent the facilities or how committed and experienced the staff may be, the fact remains that separate special schools are segregating institutions. In any discussion of children's needs, a sense of belonging in one's local community should not be overlooked. Supporters of special schools, on the other hand, argue that these are needed because they offer provision not regularly available in mainstream schools. The two positions do not contradict each other. The first represents a human rights position, the second a reflection of existing practice. In other parts of the world education has transformed and all children attend their ordinary local school (Hansen et al 2006).

Benefits of including disabled children and young people in ordinary schools have been well documented over many years (for example Jupp 1992, Thomas et al 1998, Hansen et al 2006). A rationale for developing schools' capacity to include disabled pupils has also been clearly presented from multiple perspectives (for example Oliver 1995, Rieser 2012, Sakellariadis 2012).

What is expected of schools has changed considerably over time. Until the 1960s children and young people categorised as "educationally subnormal (severe)" were thought to be "ineducable". Provision for them was made by health authorities, often in Junior Training Centres. The Education Act of 1970 transferred responsibility for these children to local education authorities and

many Junior Training Centres got renamed as “special schools”. A decade later, the Education Act 1981 abolished all previous categories of ‘handicap’, introduced in legislation the concept of special educational need and stated that every child has a legal right to be educated in a mainstream school, as long as certain conditions are met. A number of subsequent laws have amended the specific conditions over time, but the basic entitlement has been reiterated in all education laws, including in the Children and Families Act which has yet to come into force at the time of writing.

More than 30 years after children’s right to mainstream education was first enshrined in law, many schools do not feel able to provide for some types or degrees of impairment and receive no instruction or incentive to do so. This generates a vicious circle of not developing provision because such provision has not been developed before. Parents who wish to exercise their disabled child’s right to mainstream education can find themselves under pressure to accept a special school place, despite the government’s promise of parental choice. Without strategic leadership from the government and incentives for schools to develop capacity to include disabled pupils, the promise of parental choice will remain hollow. After all, offering an entitlement without developing capacity is like issuing a ticket but keeping the door locked.

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