



“Special” education revisited

Transcript of animated video available at www.youtube.com/watch?v=X00sJEbNo-s

This is a historical perspective on how educational policy and provision for children with learning difficulties and disabilities has developed in the UK.

Compulsory education for all children was introduced towards the end of the 19th century. Before then, there was only patchy elementary school provision. A few charitable institutions had also started emerging, for the education of children with physical and sensory impairments. For example, the London Society for Teaching the Blind to Read, opened in 1838. Later this society also opened schools in Nottingham and Exeter. Schools for children with impairments, which were harder to identify were slower to develop. In 1846 a small school for children with learning difficulties was opened in Bath, supported by donations and fees.

The Education Act of 1870 was the first ever Education Act and the first time the government set out to educate all children of all social classes. The Act stated that there would be 2,500 school districts in the country, with an elected School Board in each one. School Boards had to make sure there were enough school places for all children, building new schools if needed. The Darenth School, opened in 1878, was the first government-funded institution providing education for 560 “imbecile children” aged 5-16 years. The Education Act of 1880 made attendance compulsory for all children up to the age of 10. It took several generations, however, for regular school attendance to become established.

Voluntary organisations had been campaigning for state education for blind and deaf children, so a royal commission was set up, chaired by Lord Egerton. It reported in 1889, recommending compulsory education for blind children aged 5-16 and deaf children aged 7-16. The Royal Commission also identified three categories of mental handicap (imbeciles, idiots and the feeble-minded) and recommended state provision for the last two. An Act of 1893 required education authorities to make special provision for blind and deaf children. An Act of 1899 allowed School Boards to create additional special classes and schools, but only if they wanted to, for children who were labelled as having a “mental defect” and were thought unable to learn in ordinary schools.

In 1902 publicly elected School Boards were replaced by politically determined Local Education Authorities. Following the invention of so-called “intelligence testing”, the Mental Deficiency Acts of 1913 and 1914 placed upon Local Education Authorities the duty to assess children’s mental competence and provide appropriate education for all those who were labelled as “defective” but “educable”.

The outbreak of war in 1914 brought a temporary halt to educational developments. In 1923 a committee was set up to investigate so-called “mental deficiency”. The Wood Committee reported that this was far more widespread than people had estimated and recommended significant changes for education. It suggested that only children assessed as having IQs of 50 or less should be considered ineducable (the cut-off point before was 70); responsibility for these children rested with the local mental deficiency authority, not the local education authority. The Wood Committee also recommended that children with IQs of 50-80 should form a new category, labelled “retarded” and educated in ordinary schools. These recommendations, however, were largely ignored for nearly twenty years.

The Education Act of 1944 attempted to create a structure for the post-war British education system; it raised the age for compulsory schooling to 15, introduced selection by perceived ability and established ten categories of so-called “handicap”: blind, partially sighted, deaf, partially hearing, delicate, physically handicapped, epileptic, maladjusted, children with speech defects and educationally subnormal (moderate). Local Education Authorities were expected to provide for all children thought to fit these categories. There was one final category (educationally subnormal (severe)) for which Health Authorities were responsible; provision for these children was usually in the form of Junior Training Centres: environments of a mostly caring or nursing nature, whose staff came from a health, rather than an educational, background.

During the 1960s there was a growing feeling that no child was ineducable. The *Education (Handicapped Children) Act 1970* transferred responsibility for children labelled “educationally subnormal (severe)” from health authorities to local education authorities. Many Junior Training Centres got renamed as “special schools”.

In 1974 a Committee was set up, chaired by Mary Warnock, to review special education provision; it published its report four years later.

The Education Act 1976 introduced a duty for Local Education Authorities to educate handicapped children in mainstream schools, except where this was impracticable, incompatible with the efficient instruction of other children, or if it incurred unreasonable public expenditure. This, however, never came into force, probably because further law reforms were expected after the Warnock Committee’s report.

The Warnock Report of 1978 proposed a new way of understanding, and talking about, diversity. It suggested that learning difficulties should be seen as a combination of characteristics of the child and characteristics of the school. It also proposed abolishing the eleven categories of handicap and, instead, adopting the term 'special educational need' to reflect a continuum of need. It proposed a process of multi-disciplinary assessment in which parents would be active partners and which would determine whether a child should have a 'statement of special educational need'. It estimated that 2% of children would receive such a 'statement' whereas 20% of children would experience some degree of special need at some time in their school life. The report recommended that so-called "handicapped" children should be educated in mainstream schools with their peers in a process called "integration"; special education, it argued, should be seen as "additional or supplementary" as opposed to "separate or alternative".

Many of the Warnock Committee's recommendations were taken up in the 1981 Education Act, which adopted the term "special educational need" and defined it as "a learning difficulty, which calls for special educational provision to be made". This Act placed a duty on local education authorities to educate all children in mainstream schools, as long as this reflected parental wishes, did not hinder the education of other pupils in that school, and was compatible with the efficient use of resources.

The Education Act 1993 added one more condition to the duty to educate in mainstream: that the education received must be appropriate to the child's needs. It also introduced the Special Educational Needs Code of Practice, to which all schools should have regard but which was not itself legally binding. The Education Act 1996, consolidated a number of education laws and maintained all four conditions. Elements of this Act and the first ever Disability Discrimination Act in 1995 were combined in a national move towards greater disability equality in the Special Educational Needs and Disability Act (SENDA) 2001 which removed 2 of the previous 4 conditions and stipulated that all children should be educated in the mainstream, as long as this was consistent with their parents' wishes and with the efficient education of other children in the school. The Special Educational Needs Code of Practice was revised in the same year and has been effective since 2002.

However, "special educational needs" practice was criticised. In 2002 the Audit Commission stated: "The existence of separate structures and processes for children with special educational needs 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 labels 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."

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The Warnock report had warned against this back in 1978, when it said: “Without whole-hearted commitment by teachers to the reception of children with disabilities, particularly severe or complex ones, the most careful planning is unlikely to be successful.” The definition of special educational need has repeatedly been criticised as inadequate and, in the words of Baroness Warnock in 2005, is “the purest vicious circle you will ever know”. She added: “Well, that is not much of a definition but it is the only definition there is.”

Despite increased statutory duties detailed in the Disability Discrimination Act of 2005, the United Nations Committee on the Rights of the Child criticised the UK in 2008 for its lack of a comprehensive national strategy for inclusion of disabled children into society.

The 2009 Lamb Inquiry into parental confidence in the SEN framework called for major reforms to the system.

Calls for more inclusive education in mainstream schools were supported by the Disability Discrimination Act 2005 and the Equality Act 2010 placed a statutory duty on schools to promote disability equality and to make reasonable adjustments so that disabled pupils, or prospective pupils, were not treated less favourably than their non-disabled peers. From September 2012, schools had a duty to provide auxiliary aids and services.

In all of these developments, the spirit of the law appears inconsistent, as separate Acts are based on different ways of understanding disability. Education law is rooted in the belief that people are disabled because of their impairments; this is known as the medical model of disability. Equality law, on the other hand, is based on the understanding that people become dis-abled by society’s inflexibility to respond to their impairments; this is known as the social model of disability.

The issue of mainstream or segregated provision is often seen as a polarised argument that has yet to be resolved. Supporters of a mainstream education for all advocate this on the grounds of children’s rights: if we are to live in a society together we have to go to school together, otherwise prejudice and discrimination persist. Supporters of special schools, on the other hand, argue that these are needed because they offer provision that is not regularly available in mainstream schools. The two positions are not necessarily incompatible. The first represents a moral position, the second a partial reflection on existing practice.

As education policy and provision develops, it is anticipated that disabled children’s rights will continue to be strengthened in order to secure their inclusion in their local communities. In some parts of the world all children attend their local community schools.

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This resource was developed in collaboration between Dr Artemi Sakellariadis (Director, Centre for Studies on Inclusive Education), Dr Jackie Dearden (Associate Professor Special Educational Needs, University of Nottingham) and Clive Dearden (Director, Graphic Inclusion) in 2013.

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