POLICY
RESEARCH
FORUM

Policy for SEND and Inclusion: examining UK national and some European differences

November 2018

Policy for SEND and Inclusion: examining UK national and some European differences

SUMMARY
This paper addresses the question: what can we learn from policy and practice in other countries? Chris Robertson (University of Birmingham) compares the systems in England, Scotland, Wales and N.I.; Alfons Timmerhuis (Lid College van Bestuur) examines the Netherlands system; Professor Niels Egelund and Camilla Brørup Dyssegaard examine the Danish system and Cecilia Simón, and Gerardo and Echeita (Autonomous University of Madrid) examine the Spanish system. Participants views are summarised and in an appendix Richard Rieser covers a global perspective on inclusive education.

The paper focuses on four broad areas:
1. What steps are being taken to promote greater inclusion at national policy level?
    a. What is inclusion taken to mean?
    b. What is the historical and ideological context?
    b. What evidence is there of impact?
2. What is the role of local government/middle tier and other organisations (voluntary organisations etc) in promoting inclusion? And how is this influence achieved?
3. How does the accountability system work and what is its influence on inclusive education practice?
4. How is the role of parental preference / voice, both individual and through parent organisations, in relation to governmental strategy and regulation?

UK: Chris Robertson gives a broad overview of the systems in the four UK countries. Education legislation across the four countries has involved a strong mirroring of Warnock ideas that were set out in the 1981 Education Act that related to England and Wales at the time. With devolution school systems have diverged with the adoption of different language and practices that also reflect the wider influences of national school policy and political context. About **England**, he focuses on the 2014 legislation in which many of the key planned changes have met challenges in their implementation, from SEN identification and individual planning to inter-service collaboration, as shown in recent local area inspections. He concludes that the Act does not appear to be increasing access to mainstream education and may be encouraging, deliberately or inadvertently, the demand for specialist provision. Funding remains a cross-cutting concern. In **Northern Ireland** there has been a lengthy period of gestation in policy formation and legislative action. This had led to some stakeholder frustrations and concern about whether anything is going to happen. These difficulties stem from suspension of devolved powers. The Act is incremental rather than a radical departure with policy details still to be complete; a Code of Practice might not be published until the end of 2019. This may not happen if political circumstances do not allow it. In **Scotland** legislation in the early 2000s introduced changes that differed from other parts of the UK, especially England. The Additional Support Needs concept was broader than SEN in England. More recent reviews of how this approach was working have revealed increases of recorded additional support needs over a five-year period and concerns about ordinary school support. One Scottish government response has been to publish a new consultation (2018), that aims to bridge the gap between legislation policy and day-to-day experience. In **Wales** the comprehensive education tradition is overlaid in the Welsh heartlands by Welsh language education, which is very complex in a way that cuts across inclusive schooling. The Additional Learning Needs (ALN) and Education Tribunal (Wales) Act 2018 will come into force from September 2020. The ALN, term replaced special education needs but it uses precisely the same definition. The framework is also unified with a 0-25 coverage. Despite some of these national UK differences, Robertson identifies common elements in terms of the four broad dimensions being addressed in the seminar.

Netherlands: Alfons Timmerhuis outlines that a main characteristic of the Dutch system is its fragmentation along faith lines. One similarity to England is the focus on raising

standards, which is a major Dutch concern. European statistics show about 4% in special schools. So, there is a fragmented, differentiated system with different types of special schools for all types of disabilities. The government does not choose inclusion, leaving it to the regional federations of school to decide about inclusive education. They can close down the special schools and use the allocated funds in the mainstream school. The Netherlands system is presented as less inclusive than the Norwegian one because of population density and distances between schools. He concludes that there is a gap between rhetoric and practice that applies to Government plans for inclusion, despite subscribing to the Salamanca Statement and the UN Conventions. There is no national strategy about inclusion though he believes that they are making gradual progress despite the challenges.

Denmark: Niels Egelund and Camilla Brørup Dyssegaard present inclusion from a Danish perspective as a dynamic and continuing process with the purpose to develop possibilities for every child's to profit from being in a regular classroom. The Danish Act about the *Folkeskole* from 1958 made the establishment of special education mandatory for municipalities. **I**n further legislation in 2012 the Government set the goal that by 2015 only 4% of children to be in segregated settings (special schools and classes) compared to 5.8% in 2011. Special education as a term became reserved for Interventions of more than 12 lessons per week. Less frequent interventions were called *supplementary instruction and other academic support* and became the head teacher's responsibility. Danish parents have a right to mainstream education; they can refuse a special school placement. But they do not have a right to special education, only supplementary instruction which is time limited. The authors suggest that the reason why special school figures are relatively high is perhaps because many parents want their children in special schools.

Spain: Simón and Echeita outline the current legal framework in the 2013 legislation which has as its guiding principle an inclusive approach. Though inclusive education is understood to be relevant beyond SEN and disability, their account relates to this aspect. They also explain how the Spanish regional structure makes general progress difficult. Though the tendency across the regions is to support inclusive education, it is done to different degrees and ways. They conclude that the Spanish system is a multi-track one despite good intentions with special education remaining as the framework to deal with the inclusive education of pupils with SEN. Statistics show that there has been an increase of pupils with SEN in special school over recent years. Various reasons for this trend are proposed. They suggest that family responses to this situation can vary, some fighting for a better situation and some giving in. They conclude that families, social groups and organizations have an important role in the defence of the right to an inclusive education for the most vulnerable children such as pupils with disabilities.

The **discussion groups** focussed on inclusion, its definition, relationship to SEN and disability and the gaps between principles and practices across the country systems examined in the seminar. Some called for clearer state level inclusion policies, while some wondered if there was a shared national ambivalence about committing to this field. That inclusion was broader than SEN and disability was discussed as an issue by some. In some groups a radical review of the education system was thought to be necessary, while in another group the seminar was taken to illustrate that there was nothing new in education. In one group the value of cross-country comparisons was appreciated as giving an opportunity to examine assumptions and consider other practices, for example the school federation system in the Netherlands as having a budget to meet the needs of all the children in the area.

The policy paper also includes an appendix about learning from a global perspective on inclusive education by Richard Rieser of the World of Inclusion, a paper not presented but circulated tin advance o seminar participants.

CONTENTS

Section 1: Introduction

Topic: Policy for SEND and Inclusion: examining UK national and some European differences

19 June 2018: 10.15 for 10.30am start - 4.45pm end,
St Albans Centre, Leigh Place, Baldwin's Gardens, London EC1N 7AB.

The focus of this seminar was to examine national UK (4 home countries) and European (Netherlands, Denmark, Spain) differences in inclusive policy and practice. The general aim is to ask: What can we learn from policy and practice in other countries?

1. Chris Robertson (University of Birmingham) on a comparative account of England, Scotland, Wales and N.I)
2. Alfons Timmerhuis (Lid College van Bestuur): on the Netherlands system.
3. Professor Niels Egelund and Camilla Brørup Dyssegaard: on the Danish system.
4. Cecilia Simón, Autonomous University of Madrid: on the Spanish system

These questions were examined:

1. What steps are being taken to promote greater inclusion at national policy level?
    a. What is inclusion taken to mean?
    b. What is the historical and ideological context?
    b. What evidence is there of impact?
2. What is the role of local government/middle tier and other organisations (voluntary organisations etc) in promoting inclusion?
    a. And how is this influence achieved?
3. How does the accountability system work and what is its influence on inclusive education practice?
4. How is the role of parental preference / voice, both individual and through parent organisations, in relation to governmental strategy and regulation?

SEN Policy Research Forum

The SEN Policy Research Forum, which organised this seminar, incorporates the aims and work of the previous SEN Policy Options group in a new format and with some expanded aims. The Forum's website is at:

http://blogs.exeter.ac.uk/sen-policyforum/

The aim of the Forum is to contribute intelligent analysis, knowledge and experience to promote the development of policy and practice for children and young people with special educational needs and disabilities. The Forum will be concerned with children and young people with special educational needs and disabilities from preschool to post 16. It will cover the whole of the UK and aim to:

1. provide timely policy review and critique,
2. promote intelligent policy debate,
3. help set longer term agendas – acting like a think-tank,
4. deliberate over and examine policy options in the field.
5. inform research and development work in the field.
6. contribute to development of more informed media coverage of SEND policy

issues.

The uncertainties over what counts as 'special educational needs' and 'disabilities' in relation to a wider concept of 'additional needs' are recognised. These will be among the many issues examined through the Forum.

The Forum, which continues the work of the SEN Policy Options group has been continuing this work for over 20 years. It started as an ESRC seminar series with some initial funding from the Cadbury Trust. The Forum appreciates the generous funding from NASEN and the Pears Foundation to enable it to function, though it operates independently of these organisations.

Lead group and coordination of the Forum:
Dr Peter Gray - Policy Consultant (co-coordinator)
Professor Brahm Norwich - University of Exeter (co-cordinator)
Yoland Burgess, Young People's Education and Skills, London Councils
Professor Julie Dockrell - Institute of Education, University of London
Niki Elliott - Sheffield Hallam University / Special Education Consortium
Brian Lamb - Policy consultant
Professor Geoff Lindsay - University of Warwick
Nick Peacey, First Director , SENJIT. Institute of Education
Linda Redford - Policy Consultant
Penny Richardson - Policy Consultant
Chris Robertson, University of Birmingham
Professor Klaus Wedell - Institute of Education, University of London

Membership:
If you would like to join the Forum, go to the website and follow link to registering as a member. You will be invited to future seminars and be able to participate in discussion through the Jiscmail system. SEE SENPRF website for joining instructions.

For further information please contact the co-coordinators of the Forum, Brahm Norwich, Graduate School of Education, University of Exeter, Heavitree Road, Exeter EX1 2LU (b.norwich@exeter.ac.uk) or Peter Gray (pgray@sscyp) .

Past Policy Options Papers (see website for downloadable copies)
1. Bucking the market: Peter Housden, Chief Education Officer, Nottinghamshire LEA
2. Towards effective schools for all: Mel Ainscow, Cambridge University Institute of Education
3. Teacher education for special educational needs: Professor Peter Mittler, Manchester University
4. Resourcing for SEN: Jennifer Evans and Ingrid Lunt, Institute of Education, London University
5. Special schools and their alternatives: Max Hunt, Director of Education, Stockport LEA
6. Meeting SEN: options for partnership between health, education and social services: Tony Dessent, Senior Assistant Director, Nottinghamshire LEA
7. SEN in the 1990s: users' perspectives: Micheline Mason, Robina Mallet, Colin Low and Philippa Russell

8. Independence and dependence? Responsibilities for SEN in the Unitary and County Authorities: Roy Atkinson, Michael Peters, Derek Jones, Simon Gardner and Phillipa Russell
9. Inclusion or exclusion: Educational Policy and Practice for Children and Young People with Emotional and Behavioural Difficulties: John Bangs, Peter Gray and Greg Richardson
9. Baseline Assessment and SEN: Geoff Lindsay, Max Hunt, Sheila Wolfendale, Peter Tymms
10. Future policy for SEN: Response to the Green Paper: Brahm Norwich, Ann Lewis, John Moore, Harry Daniels
11. Rethinking support for more inclusive education: Peter Gray, Clive Danks, Rik Boxer, Barbara Burke, Geoff Frank, Ruth Newbury and Joan Baxter
12. Developments in additional resource allocation to promote greater inclusion: John Moore, Cor Meijer, Klaus Wedell, Paul Croll and Diane Moses.
13. Early years and SEN: Professor Sheila Wolfendale and Philippa Russell
14. Specialist Teaching for SEN and inclusion: Annie Grant, Ann Lewis and Brahm Norwich
15. The equity dilemma: allocating resources for special educational needs: Richard Humphries, Sonia Sharpe, David Ruebain, Philippa Russell and Mike Ellis
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31. Professional training in the changing context of special educational needs disability policy and practice. Neil Smith, Dr Hazel Lawson, Dr Glenys Jones.
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34. An early review of the new SEN / disability policy and legislation: where are we now? Brian Lamb, Kate browning, Andre Imich and Chris Harrison.
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36. A worthwhile investment? Assessing and valuing educational outcomes for children and young people with SEND. Graham Douglas, Graham Easterlow, Jean Ware & Anne Heavey
37. Changes in SEN / disability provision, pressures on ordinary schools and parental choice: a review of inclusive education and its prospects. Alison Black, Lizzie Harris, Jayne Fitzgerald, Claire-Marie Whiting and Jenny Andrews.

Copies of most of these papers can now be downloaded from the website of the SEN Policy Research Forum http://blogs.exeter.ac.uk/sen-policyforum/

Section 2

A comparative account of England, Scotland, Wales and Northern Ireland.

Chris Robertson, University of Birmingham

Introduction

The modern era of special education is characterised by the Government reports and legislation:

- 1970 Education Handicapped Children Act enshrined 'education for all', 'no child is ineducable' and 'zero rejection'. Responsibility was transferred from health to education authorities.
- 1974 -78 Warnock Committee/Report and Scottish Education Department (1978) set up to review provision for handicapped children and young people (influences included: stigma, civil rights, parent consumerism, 1975 US Public Law (Education of All Handicapped Children Act) and individual educational plans and least restrictive environment.
- 1981 Education Act (England and Wales) based on the Warnock Report.

The key principles involved the nature of special educational needs, the rights of children with special educational needs and their parents and the effectiveness of identification and assessment procedures for children with special educational needs (Goacher et al., 1988). Some of the key concepts involved education for all children, children with learning difficulties are like other children, the aims and goals of education are the same for all learners and good education requires effective identification, assessment and intervention.

The education legislation applying to the four countries involved a strong mirroring of Warnock ideas that were set out in the 1981 Education Act in pertaining to England and Wales at the time. In this paper I am not going to examine the strengths and weaknesses of that legislation or the underpinnings of it. I will now move swiftly forward to 1997/1998 with the advent of devolution. It is important to avoid assuming that there were congruent education systems in Northern Ireland, Wales and England before devolution. They operated very different systems with Scotland in particular having a very strong separate tradition. Devolution was really a trigger for an accelerated policy differences that is important to note at this point. I will present four snapshots of the countries doing this alphabetically rather than because there is an English dominance at play here. Far too often people write about issues to do with special and inclusive education as though English policy is UK policy; we all know that it is not so.

England

England has historically seen the dominance in recent times of consumerism, marketization and managerialism; with a growing distain and distrust for Local Authorities; a big move to academisation - over a third of schools being academized, mainly in the secondary phase and interestingly 73% of academy schools in England now are parts of MATs or chains. So, they are not necessarily even independent schools anymore, they belong to other organisations. There is also a very strongly established special provision system in England characterised by school but also unit provision. Sometimes that is registered as special schooling but not always. I would argue there has long been what I would call an equivocal approach to

inclusion in England, notwithstanding what I call ‘high water mark’ set out in *Excellence for All*, 1997, by a new Labour government. Thereafter, in my view we see a dilution of the commitment to inclusion.

Northern Ireland:
Northern Ireland has a history of conflict and segregation reflected in the education system in very powerful ways; whether it is grammar schools, schools by religious affiliation and language. It has also been characterised by long periods of policy or legislative ‘pause’. They are in one now, where nothing can be done to move things forward in special and inclusive education. The tradition of local authority known is known as Education and Library Boards, recently updated and rationalised into what is called the Education Authority. So, there is a single authority now that covers Ireland, but former Boards operate within it , with the aim of trying to achieve greater system coherence. A strong tradition of special schooling in the North – over forty Special Schools – and, over one hundred units attached to mainstream schools; has parallels there, by the way, with the Republic of Ireland in the south.

Scotland:
Here there has been a distinctive fast-paced policy development post-devolution. With an influence of social policy and welfare from places like Finland and Denmark, Ii responded quickly to the New Labour perspective on inclusive education in the late 1990s. More recently, after the Scottish independence referendum there has been a very significant decentring. There has been a very conscious “we don’t want to engage with policy that is called the English”. The strong difference has been in a stance that espouses a commitment to the principles of social justice and inclusion, within a very strong local authority tradition in Scotland. There has been a strong special school and unit provision tradition as well, which has been maintained despite an imperative of mainstreaming policy focus from 2000 onwards. But, also there has a very strong, well-established approach to parental and young persons’ rights.

Wales:
The Welsh experience is different again. There has been much experience of post-industrial poverty associated with rural issues; a third of people in Wales live in rural communities, and a third of Welsh primary schools have less than ninety children attending them. There is a comprehensive education tradition, overlaid in the Welsh heartlands, Carmarthenshire, Ceredigion, Gwynedd and Anglesey of tradition of Welsh language education, which is very complex which cuts across inclusive schooling and children and young people’s special educational needs. Policy issues have grappled with major concerns about pupil attainment in recent years. A lot of attention has been paid to improving standards and radically revamping teacher education. There are twenty-two local authorities, more recently overlaid with a regional structure designed again to bring a greater coherence with regard to improving the quality of education and adding value to the work of local authorities. A strong network of special schools, units, and perhaps due to rurality, a tradition of what I call ‘micro special schools’. So, you have in a mainstream school a separate ‘micro-school,’ with just half a dozen pupils in it. Again, like Scotland, there is a strong tradition of children and young people’s rights.

Recent policy development

In England, there was the Children and Families Act with an associated Code of Practice published at the start of 2015. In parallel, there was a new Education Act, 2016, in Northern Ireland with a Code of Practice not published yet. In Scotland there was the Education, Additional Support for Learning Act in Scotland, back in 2004, but updated in 2009, 2014 and 2016, with a new Code of Practice published 2017. There will be an Additional Learning Needs and Education Tribunal Wales Act, 2018, with associated Code of Practice – to be published at the end of 2018. I will now go through the four countries and highlight some issues to give a flavour of some of the challenges experienced across the UK.

More about English recent developments:
The Children and Families Act, 2014 strikes me as having an architecture and legislation guidance that is incremental rather than radical. It is recognisably like the original 1981 legislation. It could be argued that this aspect does not align with the aspiration of the original Green Paper (*Support and Aspiration*, 2011), which referred to putting in place a radically different system. There is an incremental approach to change rather than something that is about starting again. Whether one can actually do that is another matter. My view here is that it is actually intrinsically difficult in the English context to do that. Local Authorities have been weakened and it is actually difficult for them to meet some, if indeed all, of their statutory responsibilities with regard to special education and disability. In this respect, many have welcomed a new review, the House of Commons Education Select Committee Review.

It is worthwhile to be reminded of some of the headline proposals back in 2011; to extend cover from birth to 25 years of age and a new approach to identifying supported learners with SEN. This was about declassifying some children and young people; taking them off the old SEN framework and putting them back into the hands of teachers. This contrasts with what is happening in some other parts of the UK. The introduction of the Education and Health Care plans has parallels with other parts of the UK, strengthened inter-service collaboration; a local offer of services, again with wide UK parallels; personal budgets; choices or preferences for parents; giving young people a stronger voice, and there was a call, uh, back in 2011, for much greater independence to the assessment system. But, not all of these things have come to full fruition.

Now for some of my concerns about the reform implementation. There is a need for more consistent and effective identification and assessment for a wide range of learners (across the 0-25 age range) with better support and advice for school staff. Learners at SEN Support**,** who might be seen as a 'forgotten majority' require more help improve academic and wider outcomes with additional support, which is not just for learners with EHC plans. Inclusive assessment could also incorporate a breadth of learning and achievement, not just core curriculum progress, and be practised in a way that does not stigmatise learners *or* teachers. There are challenges about inter-service co-operation which needs further development and not focus on status quo policy (e.g. learners with complex needs or maintain service access thresholds). It also requires high level strategic leadership (42% of published local area SEND inspection reports (June 2018) indicated a Written Statement of Action was required that frequently involved more focus on inter-service co-operation associated with strategic leadership.

Co-production of EHC plans have been identified as limited in many areas (notwithstanding good examples) and person-centred practice has been tacked on to traditional 'assessment' practice. The personal budget 'project' has had minimal impact which raises the question of whether to drop them. There are also indications that parents are much less confident about how well the SEND reforms are working than senior local area professionals (Ofsted, 2017). Parents are particularly concerned about the quality of specialist teaching in mainstream schools. The Local offers have not been used to their full potential in many areas. They seem to be not as useful to parents or front-line professionals, with some evidence that parents prefer face-to-face advice and information sharing. Another issue is about too many learners being informally or formally excluded by schools and other settings, sometimes even before they are admitted. Transition for learners into post-16, post-19 education and training is a patchy experience, with little attention given to learners at SEN Support. Overall, the Act does not appear to be increasing access to mainstream education and may be encouraging, deliberately or inadvertently, the demand for specialist provision. Funding is also a cross-cutting concern.

More about Northern Ireland recent developments:
They are still working in Northern Ireland with the Code of Practice produced in 1998 and updated in 2005 to take account of disability legislation. It is recognisably a first Code of Practice as in the England version. In 2009, there was a major consultative review, called "Every School a Good School: the way forward for special educational needs and inclusion" (DENI, 2009). This was subject to wide consultation, including new policy details and on paper ambitious, and possibly seen as being a departure from England, as Northern Ireland look to the Scottish experience for lessons. But the consultation revealed major problems with parent feedback being very negative. Many professionals and academics saw a myriad of contradictions in some of the policy moves that were being suggested. So, with the Act, 2016, the policies became more dilute than the 2009 proposals and it has taken a long time to get to an Act. This is in part due to Northern Irish polity pause, where power has been taken away.

However, there are in the Act new duties on School Boards of Governors, the education authorities, to ensure that a better system operates and that parents have more rights. The authority must publish an annual plan of what is happening, which in a way might mirror the local offer experience in England. Personal learning plans replace a Statement for young people with health statements. There will be more emphasis on the views of children and young people and better dispute resolution services. Learning support coordinators will be mandated in mainstream schools; interestingly, in quite an Irish, north and south way. They are looking at training for learning support coordinators that focuses on ensuring that they are able in the future to be people who can carry out low level testing of children. So, that is a different perspective on a SENCO. Coordinated support plans are not included in the Act but will be set out in a Code of Practice when it comes to fruition, which will mirror developments in Education, Health and Care planning in England.

To summarise, there has been really lengthy period of gestation in the Northern Ireland, leading to some stakeholder frustrations and cynicism, an understandable concern about whether anything is going to happen. These difficulties stem from suspension of devolved powers and the 2009 major consultation was clearly flawed and contained visually contradictory messages leading to misinterpretation and erosion of confidence. The Act seems to me to be incremental rather than a radical

departure. Policy detail is still to be filled in with the possibility that a Code of Practice might not be published until the end of 2019. This may not happen if political circumstances do not allow it.

More about Scottish recent developments:
The 2004 legislation was based on 2001 legislation, which was around separation from developments in other parts of the UK, but England in particular. The Additional Support for Learning Scotland Act, was the crucial legislation, supported with a Code of Practice. The Code is now in the third edition, published in 2017. I will focus on one aspect about Scotland that I think is fundamental and interesting. It is about the definition of additional support needs, which was broader in 2004 than SEN In England. In 2016 it became broader still. Here is an illustration quoting directly from the current Code of Practice.

"A child or young person has additional support means, where, for whatever reason, the child or young person is likely to be unable without the provision of additional support to benefit from school education, etc." (Scottish Government, 2017)

Additional support needs list included having motor or sensory impairments, low birth weight, being bullied, children of parents in the Armed Forces, particularly able or talented, have experienced of bereavement, affected by imprisonment of a family member, interrupted learners, have a learning disability, have barriers to learning as a result of a health need, such as fetal alcohol spectrum disorder, looked after by a local authority or who have been adopted, have a learning difficulty, such as dyslexia, living with parents who are abusing substances, living with parents who have mental health problems, have English as an additional language, not attending school regularly, have emotional or social difficulties, are on the child protection register, are refugees and are young carers. The list is qualified by the statement that being on the list does not mean having additional support needs.

So, while there is an indicative list of who is eligible in Scotland, in England there was an attempt to move away from certain categorisation, as influenced by OFSTED (2010). In Scotland from 2004 and much more recently, identification has been embraced. Though it took off slowly, the Scottish government issued publicity in the middle of 2000s saying to families to ask for support - the "Just Ask" Campaign. This is the background to what has been happening since 2017. How is additional support for learning working in practice? That actually is the title of a Scottish Children and Education Committee paper published in May last year (Scottish Parliament, 2017). To my mind, what that paper does is identify what I would call a perfect storm of concern in the Scottish context. It notes an exponential increase of recorded additional support needs of 153% over a five year period. However, care is needed as one of the reasons for this exponential increase is very poor recording up to that point. The Scottish census was not counting everybody, but what it revealed was a big challenge in the sector – in schools in particular – with regard to how they would respond to a new demand for support. But, also what was revealed was a wide variation across Scottish authorities and in particular in some of the Scottish areas where major deprivation is a concern. But, there was a concern too as in some of the areas of deprivation, the increase was not identified.

There was also a concern about whether youngsters who are at risk of exclusion deemed to have a behavioural difficulty, were missing out with regards to what the

Act might be promising. The Committee report is also very strong in noting evidence that has indicated that there were just not enough resources to support this policy initiative. Too many schools were reporting no support and this is leading to youngsters being, and I quote, "The Committee received lots of evidence suggesting that, due to a lack of resources, some children feel more excluded in a mainstream school setting than they may have done in a special school. (Scottish Parliament, 2017: page 6: section 3). This has resonances of Mary Warnock's comments in the mid 2000s about the English system. There were also concerns about a reduction in support staff employed by local authorities, educational psychologists and staff who might be supporting a complaints procedure – advocacy, tribunal staff etc. Interestingly, considering a lot of money has gone into training and professional development, there were major concerns about the quality of professional development and a new compression of initial teacher education. Scotland's approach to initial teacher education has been to make it shorter because there are concerns about needing to refresh the teacher workload. There was a strong call from the Committee to report annually, to ask the Scottish government to report annually on its mainstream policy because it is a cornerstone of inclusivity.

One Scottish government response has been to publish a new consultation, "Excellence and Equity for All: Guidance on the Presumption of Mainstreaming" (Scottish Government, 2018) that aims to bridge the gap between legislation policy and day-to-day experience. This quote tries to capture Scotland's view of inclusive schooling.

'Inclusive education in Scotland starts from the belief that education is a human right and the foundation for a more just society. An inclusive approach, with an appreciation of diversity and an ambition for all to achieve to their full potential, is essential to getting it right for every child and raising attainment for all. Inclusion is the cornerstone to help us achieve equity and excellence in education for all of our children and young people.' (p.2)

However, consultation responses were 'mixed', but many are very critical. In addition, some Independent research is being undertaken to explore young peoples' and families' experiences of support – to identify what is working well and what can be improved.

More about Welsh recent developments:

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 will come into force in Wales from September 2020 (transition complete in 2023)

- Additional Learning Needs Code of Practice (draft 1) 2015, (draft 2) 2017, final draft and regulations will be in place by the end of 2019 and training rolled out early in 2020.

The emphasis is on equity and access to education – overall in Wales it is 22.6% of youngsters identified as having a special education need. There are wide variations in Monmouthshire – goes down to 16.6%, and Swansea –28.5%, Merthyr Tydfil, in the Valleys – also 28.7%. The call for change in Wales really started off at the beginning of the 2000s, with the Audit Commission Report around the time of developments in England and Wales. The Welsh Inspectorate called for change and also on account of that the Welsh government set up a really excellent research service (Dauncey, 2016) that has reported on what has happened in Wales very

effectively. The aim of the new system is to be more flexible, responsive, effective in identifying and meeting learner needs and also be person-centred. They actually invested over a period of time, quite a lot of money in person-centred planning related to Statements and so forth. The Act creates a new plan, framework, delivery framework, and its accompanied by a big schedule of workforce training, and £20 million has been put into preparatory work there, accompanied by regulations and a new Code of Practice. There has been a desire expressed through consultation to have a Code of Practice that has got much more teeth than previous versions. There are four key objectives; replacing the term SEN with additional learning need (ALN), which was actually recommended in 2006. In 2006, in Wales, they decided they were going to do what Scotland was doing and were going to have this much broader notion of additional learning needs – so they kept the term, but they have not used it in the way they have in Scotland. And, they introduced the idea of a single unified legislative framework across the age range and a more integrated approach to supporting children and young people with inter-service collaboration, and much better approaches to fairness and transparency. There is detail in the legislation and draft codes that map that out; but not too dissimilar to England.

I am not going to run through the nine core aims in the legislation, but just note them. Introduce term Additional Learning Needs; 0 to 25 Age range; A unified plan; Increased collaboration; High aspirations and improved outcomes, Simpler and less adversarial system, Avoiding disagreements and earlier dispute resolution; Clear and consistent rights of appeal, A mandatory Code, Increased participation of children and young people – UN Conventions on the Rights of the Child and Rights of Persons with Disabilities on the face of the Act and a bilingual system.

It is interesting that as a result of consultation and pressure the Welsh government decided to put significant references to UN conventions on UN Conventions on the Rights of the Child and Rights of Persons with Disabilities on the face of the Education Act. So, they sit there in Section 2, so almost the first thing you come to are references to the Convention. There are rights that are important and not surprisingly strong references to the importance of ALN services being delivered in a Welsh and English.

So, the term ALN, additional learning needs, formally replaces special education needs, but it uses precisely the same definition, but there is a little addition following debate to make sure that children and young people who might have a medical condition are included. The 0 to 25 age range extension legislation mirrors the developments in England. Also, there is a significant advantage linked to the use of the term ALN which I think was very sensible in the context of Wales, they knocked out post-16 legislation and changed it so there is a single legislative framework, 0 to 25. So, there is no LDD and SEN language to grapple with. From a family perspective, this is to be welcomed with the same kind of statutory plan available to all. The big idea is a unified plan to replace Statements as an Individual Development Plan (IDP). What is different and interesting about this is that every child identified as having an additional learning need will also have a statutory entitlement – entitlement to an IDP or the English equivalent to an Education and Health Care Plan. It will be really interesting to see how this extension of the statutory works in practice and conversations I have had with many teachers and others indicate that people are very interested in it but concerned too. So, there are concerns about whether you will get a one size fits all approach, whether a new

bureaucracy will emerge around planning, debates around a single template, or different versions; concerns around dilution of support for a minority group versus something that embraces a much wider group. Also, there are some concerns about whether external outreach education services will be included and concerns too around youth thresholds, 'gatekeeping' procedures and possible blanket policies operating in Welsh authorities.

Conclusions

I want to come back to the questions we are considering – here I am going to make some observations to conclude.

Nowhere in the UK do I detect what I would call an absolute commitment or policy to address the United Nations concern in 2017 about the persistence of dual education systems. It is nowhere in any of the legislative frameworks that I can detect. Scotland comes closest in policy discourse, but I have indicated that recent evidence suggests that the picture there is more difficult than some people might think is the case. It is also the case that Scotland has struggled financially to support some of its major policy developments. However, in parallel to the ASN legislation in Scotland, there is a tranche of other legislation to support vulnerable children; the 'Get It Right for Every Child' Act, which mirrors 'Every Child Matters' in England during the 2000s. That has been running for over a decade, and is now supported by statutory legislation, but of itis a big challenge. Wales has a comprehensive education system which adopts a more neutral view of an inclusive system to my mind, and so does Northern Ireland, mainly for very particular political reasons. And, in England, there is the espousal of choice and preference marketised system with few significant references to the further development of an inclusive education system.

Turning to the role of local regional government, England's Local Authorities struggle to meet the requirements of national legislation. The regional structures that we might think could help weaker Local Authorities, are weak too, and need further development. Some gaps, of course, have been filled; in England by a regional commission structure. This is not, I think, particularly effective in the area that we are talking about. Interestingly, some gaps are filled by the private sector and consultancy organisations. So, there is a lot happening there beneath the radar and I am unsure that we always know what might be happening. There are stronger local authority models operating in Northern Ireland, Scotland and Wales with regional structures too. But, what's interesting, I think, from the evidence we have going through Select Committee reports across all four countries is that local authority models still encounter challenges even in the context of strong local authorities. There is a risk of romanticise them.

The accountability systems: there is evidence across the countries of significant developments over a number of years to local authority area level accountability, to parents, children, and young people which is strongly reflecting in the policy requirements. The gaps seem to me to be operating between schools and families, and there is often in that regard a continual process of buck passing between schools, local authorities or other bodies, when it comes to who is responsible for what. Of course, it is important to note the cuts to health and social care provision. There is also strong evidence across all four countries of the role that inspection plays. Sometimes this may not always be helpful, but inspection has triggered changes in all four countries in significant ways. HMI Scotland really helped trigger

new Scottish legislation different to England at the end of the 1990s. Developments in the Welsh model of Education were strongly influenced by an Estyn report in 2003. Problems around educational transition for youngsters with complex learning needs in Northern Ireland were identified by the Educational Training Inspectorate in 2014. And, In England, we should not underestimate, for better or worse, the significance of OFSTED's report, 2010 on Statementing. So, inspection influences in quite significant ways across the four countries. We should remind ourselves of the important and growing important role that public scrutiny committees have at a high political level too - in holding politicians to account. And there is quite good evidence from parliamentary researchers at the University College London of how Select Committees sometimes can make ministers and members of DfE staff anxious.

Finally, parental preference and influence: there is strong evidence across the countries to show stakeholder influence growing in importance in a bargaining and conflict model. I think that parents and voluntary organisations are playing quite a strong role in softening the blows of some policy – changing it in significant ways, sometimes working very closely with government and sometimes 'outwith' through lobbying. Lastly, I think, there probably remains a concern around representation, preference and influence - whether disadvantaged families have a strong voice with regards to their experiences of systems.

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Section 3

Alfons Timmerhuis (Lid College van Bestuur): An account of the Netherlands system.

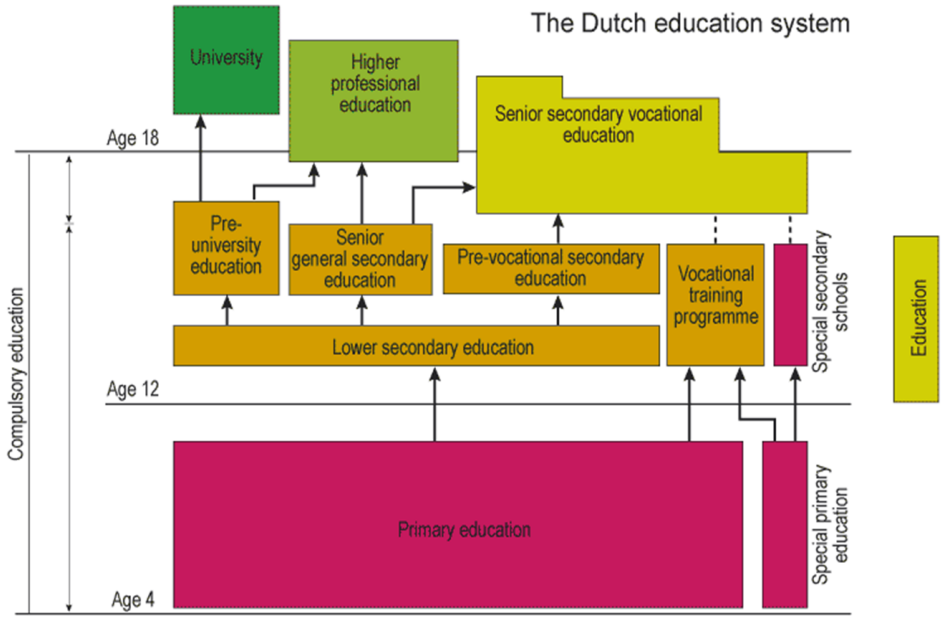
Introduction

This talk is from the perspective of someone who is Member of an Education Board in Netherlands, where there are a lot of Boards religious denomination and on for public schools. I am a member of the Executive Board for Public Schools with 32 public schools. In almost every Dutch town and every city, there is a Catholic Board, a Public School Board and a Protestant Board - those are the three main Boards. My background is a career in special education as a teacher and head of a Special School for 22 years. But I have also been a trainer and consultant at a national level and I have been teaching in a University too. So, my perspective is from different sides.

The main characteristics of the Dutch system is that it is very fragmented based on faith. This means that schools are rather small. It is unlike the UK where almost everyone in the neighbourhood visits the neighbourhood public school. However, in terms of PISA attainment scores we have one of the best performing systems (OECD, 2018).

We have very varied educational concepts, like Montessori, Dalton, Jenaplan, Steve Jobsschool and Freinet (a French system), all kinds of different educational concepts. We are fairly free to arrange our educational system according to these ideas. But, we have, unfortunately, a high percentage of segregation. The Netherlands is one of the countries with the highest rate of segregation (EASIE, 2016 / Meijer, 2003) (as shown in the international paper in Section 7 below). We have a system with early selection at age 12. In primary education children come together, apart from those in special schools. But at age 12 there is selection into different strands or streams, e.g. the vocation training programme. What I have learnt is that if you select too early, that works badly for inclusion (Sahlberg, 2011).

Figure 1: Dutch education system:



Freedom is very important in the Dutch system. This relates back to the School Struggle (1917) when we tried to bring all faiths together in one school but, some people did not recognise their faith in the school, so they demanded for own schools. In 1917 there was a new constitution that granted the freedom to establish and organise teaching based on conviction. So, that made it possible, if there were enough parents in the neighbourhood, to start your own school. There is a free parental choice for public or private school. Private schools in the Netherlands are not like private schools here in the UK. You do not have to pay a lot of money to go to them. Moreover, the amount you pay as a parent is voluntary.

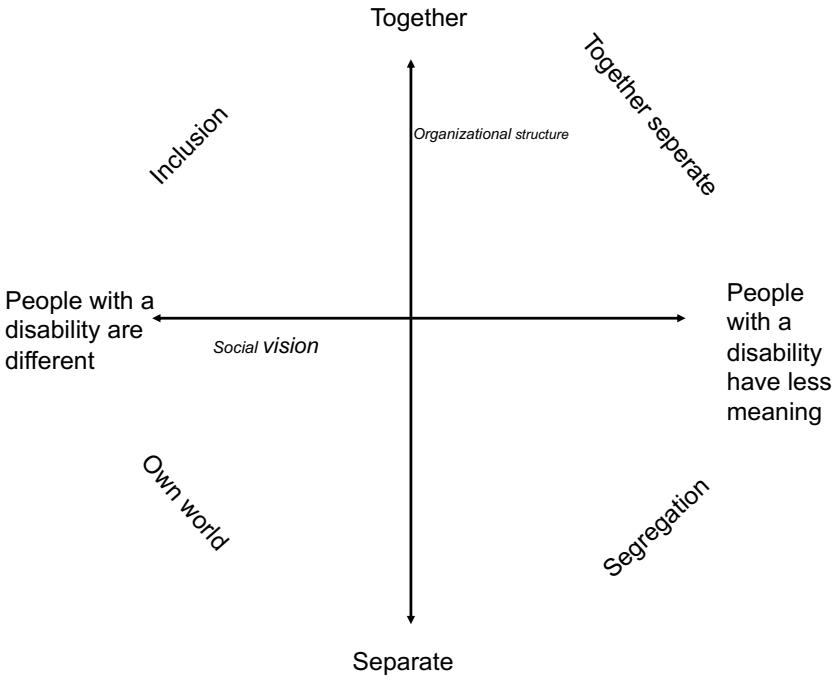
Similarities and differences to England;
One similarity is the focus on raising standards, which is a major concern in the Netherlands. There is a lot of testing with all the questions around it, and there is much diversity in big schools. There is also a strict inspection system, but not as strict as in England. There are also some differences, such as the national curriculum which is not as detailed in the Netherlands as in England. . With a broad curriculum we use all kind of methods and textbooks, that are themselves very detailed in their approach. This is point of difference from England; you do not use as many textbooks as we do. For every subject, there will be a textbook which is fairly prescriptive

There is less support in the classroom compared to some English authorities, e.g. in London Newham, which I have visited quite often to look at inclusive education. From my perspective I see many people working in schools, especially teaching assistants. We do have teaching assistants but they are fewer in number. The average Netherlands class is about twenty-five pupils and without teaching assistants; so, it is really a tough job to do inclusion. Support for schools is mainly on a commercial base, so private organisations provide the support for schools which have money to pay for services. We have SEN co-ordinators but this is staff function, which means they are not leading a group of teachers and teaching assistants. There are also few responsibilities for the local authority; pupil transport, school buildings and maintaining compulsory education. Talking about pupil transport, if you are, for instance, Islamic and you want to send your child to an Islamic school and there is not one in your city, then the local authority will provide transport to that school. As a parent right, this is costly. When it comes to segregation of children with SEN in special schools, European statistics show that the Netherlands has with about 5% segregation on base of SEN one of the highest levels in Europe (EASIE, 2016: more than 4% of the school population in special schools).

In my view this is about the national culture. With many different faiths and churches, in the past everything was organised within your own faith including schools, your free time and your clubs. Though it is breaking down now, that is the history and it determines our ideological context. We think all people are the same, but not all people are the same: so if you are different you should be somewhere else. Though this is slightly exaggerated this gives a sense of how separation comes about. So, if you are different, you are best to be with your fellow ‘sufferers’. If you look back in history, there were at the start of last century special schools for all kinds of disabled pupils. Disabled children were taken care of very well, when elsewhere in the rest of Europe, this might not have been the case (Schuman, 2010). So, what we have is a fragmented, differentiated system of different types of special schools for all kinds of

different types of disabilities. From this position it is very hard to get to inclusion. One way to represent this is in terms of the figure below with two axes: an organisational axis (together v separate) and a social vision axis ('people with disability have less meaning' v. people with disability are different). This results in four approaches; in my view in the Netherlands the system is dominated by the right-hand side of the figure (people with disability have less meaning. At the moment the system tends to go from 'segregation' to 'together separate'.

Figure 2: Two axes of organisation and social vision



An example of this social vision is illustrated in a TV programme in the Netherlands, about people with Down Syndrome. The son of the originator of the Voice of Holland programme has a TV programme involving people with Down Syndrome. What you see is a TV programme with these people around him to make it a little bit amusing. That is how some people tend to think about the programme. Though the people with Down Syndrome are seen as nice people, they are also seen as different, which is an example of the model in the Netherlands.

Development in the Netherlands:
At the end of the last century it was found that the percentage of children who were at special school was growing. There were two legislative initiatives to mainstream more children from special schools. The first one in 1998 (called WSNS) meant 'Back Together to School Again' (Meijer, 2004). It was focused on moderate learning and behavioural difficulties. The special schools for these areas of SEN had to work together with a Foundation or a Federation of mainstream schools. They had one budget for all the children with moderate learning and behavioural difficulties with the aim to help them as much as possible in mainstream schools. However, the percentage of pupils in special schools for moderate learning difficulties did only go down slightly and the number of pupils in other special schools grew.

There were also special schools for children with more severe problems, such as deaf, blind, medical conditions and physical disabilities etc. In 2003 there was new legislation called the 'The Backpack'. "The Backpack' was a personal budget for pupils with more severe special educational needs. However, this system resulted in financial problems in the Netherlands when parents learned that it was possible to apply for a 'Backpack'. Though there were detailed national criteria you had to meet before you could get that 'Backpack' the number of pupils in special schools and with backpacks in mainstream grew. The more educated parents were, the better they knew how to find a way to get a backpack, much better than the people who needed the 'Backpack' the most. So, what happened after 2003 was a growing number of children with 'Backpacks', some with a 'Backpack' in mainstream schools, and others with a 'Backpack' in special schools.

The Minister of Education stated that the balance between money spent on pupils in mainstream schools and money spent on special schools and backpacks was out of order. Because it was open end funding the system threatened to become bankrupt. That brought an end to the backpack.

Furthermore, research in 2006 and 2007 by the inspectorate for special schools had some troubling findings (Keesenberg, 2008). These schools were found to be strong on school climate, but weaker on academic results compared to mainstream schools. About 90 percent of children in special schools were found to end their school career without a qualification. This prompted for new legislation, but only ten years later in 2014, though the focus on results, raising the bar in special schools had grown before this year.

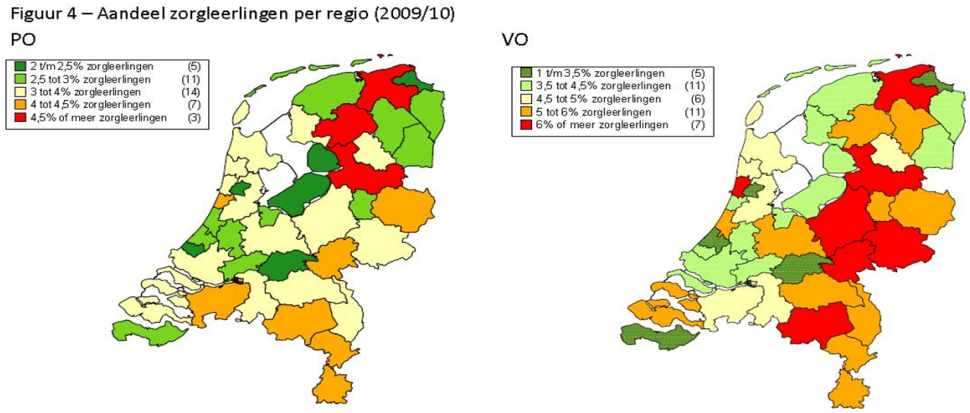
The gap between rhetoric and practice applies to the Government plans for inclusion. We subscribed to the Salamanca Statement and also the UN Conventions but there is no national strategy on inclusion. That means that there is not a principle of inclusion to inform national legislation. There is still a lot of variation in the country and there is also no significant pressure from parents for inclusion in the Netherlands. This may have something to do with the distances in our country; we are a small whole country with a lot of small schools, so special schools are always very nearby.

One way to put this is that there are two points of view: one point of view is "this child doesn't belong here", a view that I hear often and that I am struggling against.
It is a position that holds that: 'It's better to be normal in a special environment than special in a normal environment: it's better to err by putting the child with disabilities in a special school than by making the mistake to start with inclusion". The other point of view is: "they all belong to us." This goes with the view that: "Services should be brought to the students not the other way around: put the child in mainstream education and bring all the therapists to the classroom". Sometimes I hear this in the Netherlands as well; it is growing, but it needs a lot of time before the culture will change.

There are regional differences in the Netherlands in special school placements. In Figure 3 below, on the left are primary special schools and on the right secondary ones. These are data from 2010 before the 2014 legislation. The red stands for the percentage of SEN pupils in special schools higher than 4.5 % of school population; the dark green, stands for less than 2%. You might think that in bigger cities like

Amsterdam, Rotterdam and Utrecht, there would be a higher percentage of pupils in special settings, but that is not what is found. The map shows that Amsterdam has a lower percentage. However, it was difficult to find out an explanation for the different regional pattern of placements. But, there was a correlation between higher parental education and lower special school placements.

Figure 3: Map of regional differences in Netherlands special schools in 2010



So, this led to a policy change that involved re-allocating all the money for special educational needs away from the historical regional basis to the total number of pupils in a regional federation of schools (ECPO, 2010). This means that, for instance, in the region where I work, where the percentage of segregated SEN-pupils is above the average in the country, we will get less money, and Amsterdam, for instance, will get more money. So, by 2020, every region will have a budget calculated by reference to the national average resulting in a budget equalisation. It also means that every region will determine its own design of special provision and have a duty of care for federations of schools. This will imply a smaller role for parents.

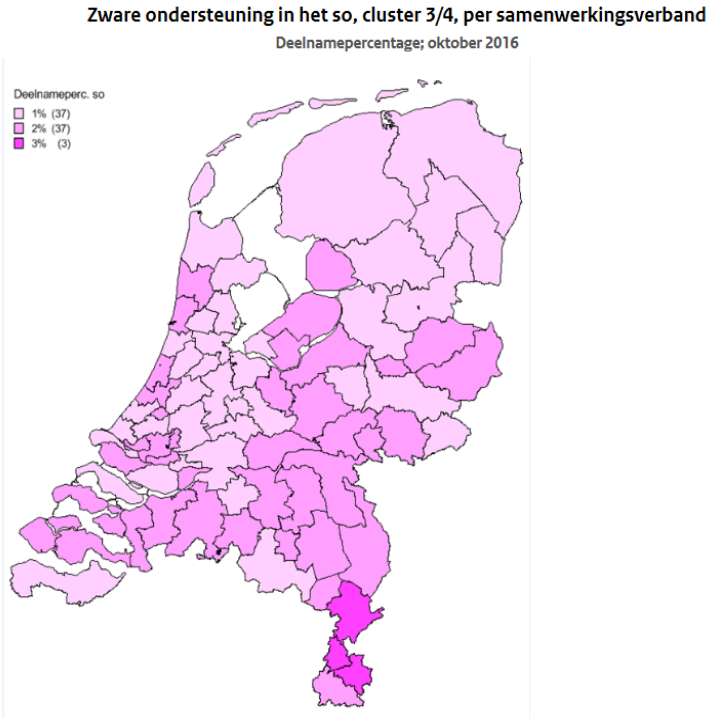
The government does not choose for inclusion, but leaves it to the regional federation of school. Each Federation of schools can decide to become very inclusive if they want. They can close down the special schools and they can re-allocate the money to the mainstream school. The duty of care for an association of schools is very important; it means that if parents come with their child, they are obliged to find a place where there is a match between what a pupil needs and what a school can offer. Some people in the Netherlands thought that this change would mean that schools have to be inclusive (even the news programme gave this interpretation); that you are able to have your child places in a mainstream school if you wish. But this is not the case. If the school thinks that they cannot meet the needs of the child, they do not have to accept and place the child. In this case parents will have to go to another school. The only duty is that schools help parents to find an appropriate place. So, this system sounds like you have significant parental choice, in practice there's not much choice. I meet a lot of parents who want their child to go to a mainstream school but if the child is not happy and the parents think that their child is not welcome at a school, they will make the choice to go to a special school.

Current trends

To understand what is happening in the system, a distinction needs to be made between two types of special schools: i. a regular special school for primary education (moderate learning and behaviour difficulties: SBO) and more severe

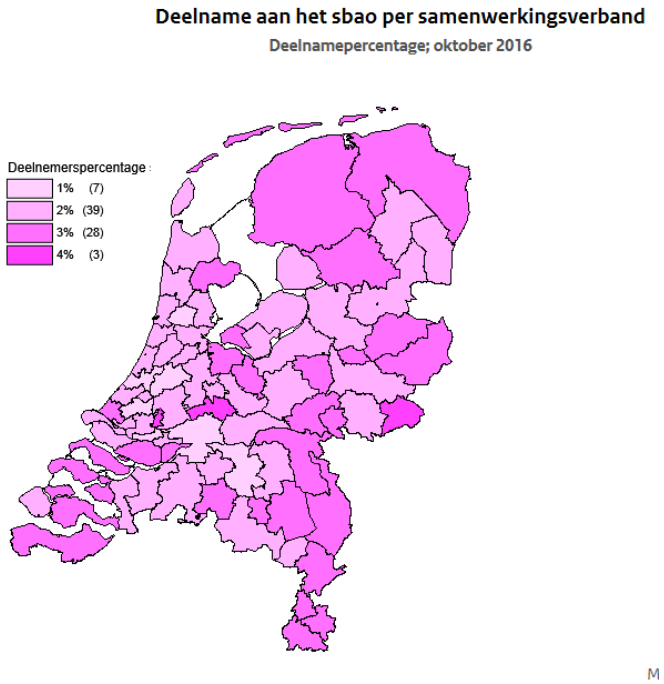
difficulties (SO: Visual and hearing impairment, behavioural/psychiatric disorders, intellectual disability and physical and multiple impairments). (www.onderwijsincijfers.nl).

Figure 4: Regional percentages of pupils in SO special schools 2016



The deeper purple represents more than 3% in SO specials schools.

Figure 5: Regional percentages of pupils in SBO special schools 2016



The deeper purple represents more than 4% in SBO special schools

Figure 6: Percentage of pupils in SBO and SO special schools 2000 to 2013

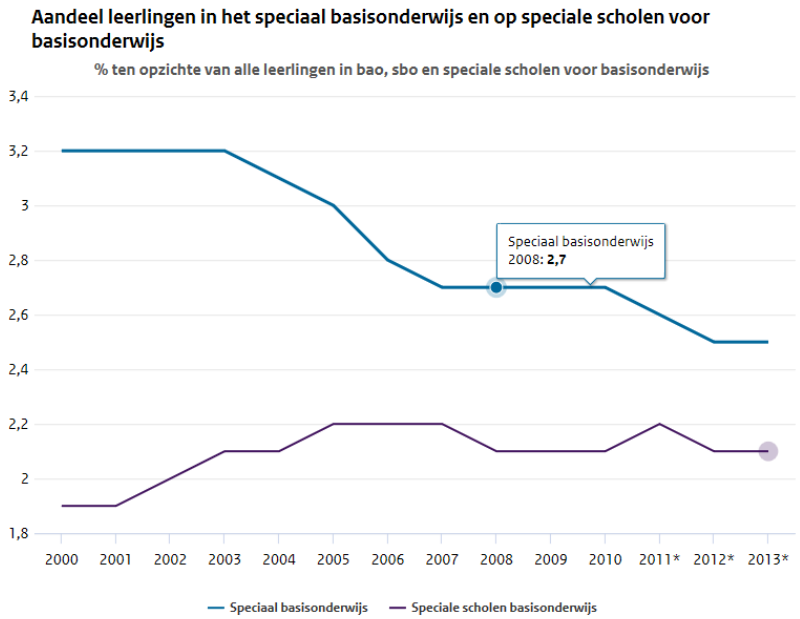


Figure 6 shows the change in percentage of pupils in the two types of special schools from 2000 to 2013.; blue line the SBO (moderate SEN) special schools and the purple line the SO special schools (more severe SEN). This indicates a decrease from 3.2% to about 2.5% nationally over this period. The purple one (SO) was going up during the period of the 'Backpack' (personal budget for more severe SEN) and then it started to stabilise. In my region it has been going down; this represents less money spent in special schools which can be spent in mainstream schools instead on SEN.

Figure 7: Percentage change in SO special school by the 3 types of SEN 2011-2015

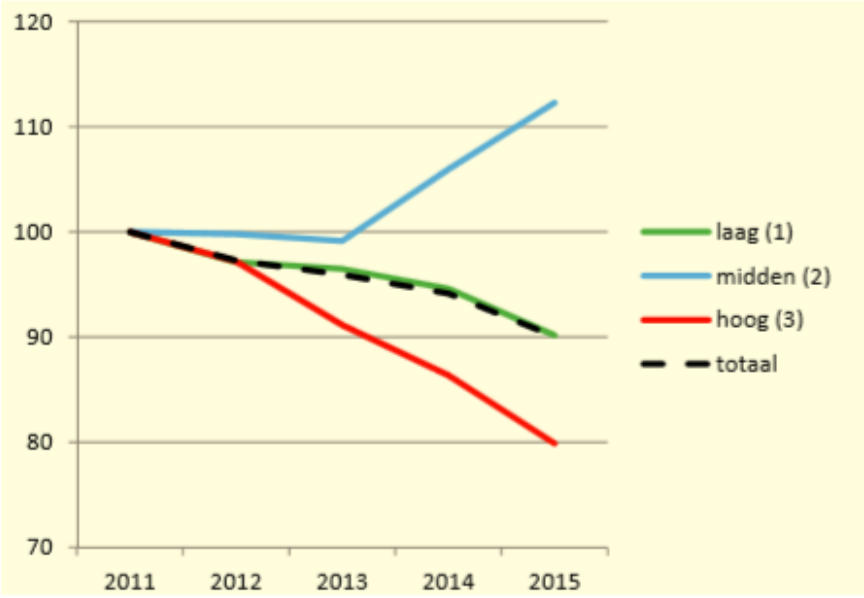


fig.4 Ontwikkeling TLV-categorieën. Aantal 2011 = 100

Figure 7 represents change in special schools by the three types of severe SEN. These types are based on the price of support per pupil: the blue line is for the middle category of physical disabilities and some intellectual difficulties too, the red one is for the high category of very severe physical and intellectual difficulties: children with IQ of 40 or less, and the green one is the low category for children with psychiatric problems, e.g. ASD. The red line represents a downward trend for severe SEN, which has been interpreted as a reflection of less people with disabilities being born. The blue line represents mid group of physical disabilities and some intellectual difficulties, which increased. The green line representing psychiatric problems is going down a little in the same way of the average trend across the three groups.

Figure 8: Percentage of pupils in SBO (moderate) and SO (severe) special schools 2011-2015

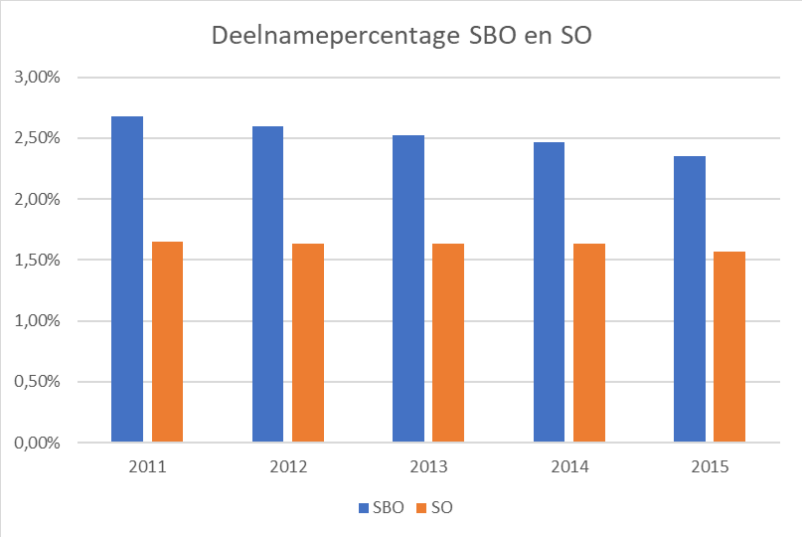


Figure 9: Overall percentage of pupils in special schools 2011-2015

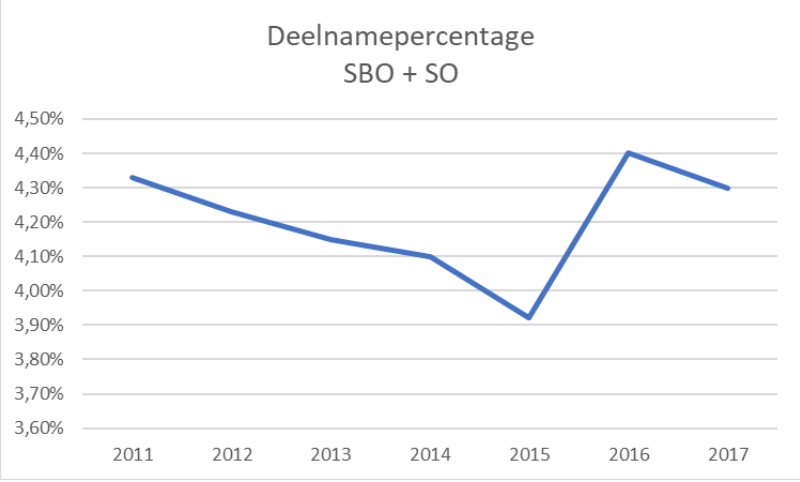


Figure 8 shows the continuing decrease in the percentage of pupils in Moderate special schools (SBO: blue bars) from 2011 to 2015. Figure 9 shows the overall change over time from 2011-2017. The decreasing trend represents the trends shown in Figure 8. The funding is based on the figures of 2011 and in 2014, the new law was implemented. By 2020, equalisation will be finished. For some regions, like mine, the equalisation will mean less funding and this will have effect in 2020. You will see the numbers going down slightly. The Figure 9 increase from 2015 is

something that has been observed before with new legislation. Special school percentages go down initially and then start to rise as ordinary schools find it harder to accommodate some pupils with SEN; they move to special schools.

European Agency research by Cor Meijer (EASIE, 2003) found out that physical distance does matter to the pattern of provision and special schooling. The Netherlands is a small country, and so it is quite very easy to arrange our schools for all kind of different disabilities, compared to Norway, for instance. That is a reason why their system is far more inclusive than the Netherlands one; they simply have to be inclusive because parents do not want their children to live in an institution. This is linked to the tendency that the presence of facilities ensures their use. Then there is the assumption that 'what is good for SEN-pupils is good for all pupils'. In my experience this is one of the reasons, that as member of the Executive Board, I support there being more children with special educational needs in our mainstream schools. But there is the counter influence of the inspectorate; which prescribes that pupils reach certain levels. This poses difficulties when there are all kinds of different disabilities in the school. Behavioural and social-emotional problems are the biggest challenge. Teachers are challenged to deal with those differences between pupils: this is the key challenge for teachers. I agree with Cor Meijer who says that what works in inclusive schools involves the following approaches: cooperative teaching (adults working together), cooperative learning (children working together), systematic prevention of behavioural problems, grouping heterogeneously and effective teaching strategies.

Although the Netherlands is a rich country, the money that is spent by the government to primary education is relatively low. We have to deal with less hands in the schools and with a rather big class size. Also, there are issues with decentralisation of youth care. The Youth Care system is organised in different regions compared to the federation of schools for special needs. This results in problems of collaboration between Special needs and Youth Care systems. This requires clear alignment between these services areas.

Concluding comments

From my visits to schools in Newham, I have learned that there are three elements to inclusive practices that need to be kept in balance: you need skills for teachers, staff resources and attitude which is to do with the school culture (Jordan & Goodey, 1996). To encourage more inclusive practice, it is not enough to focus only on attitude, also focus on skills and resources. Beyond that the concept of education is crucial. Does the concept involve teaching an average group and everyone has to come to be like the average or is the concept on of working with differences? This is very important. In the Netherlands. I believe that we are moving forward, step by step, but it is quite a challenge.

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Section 4
An account of the Danish system:
Professor Niels Egelund, Aarhus University and Dr. Camilla Brørup Dyssegaard, Copenhagen

Introduction

This presentation is by a former primary teacher, school psychologist and now a researcher in special education since 1976 (Niels) and a teacher, educational psychologist, head of the Danish Clearinghouse for Educational Research for many years but now works as a consultant (Camilla).

The guiding principles for inclusion in Denmark derive from the Salamanca Statement from 1994 that all children have a right to go to school, and also the 2006 United Nations Convention on the Rights of Persons with Disabilities which establishes inclusive education at all levels; this is very powerful in the Danish legislation. There is a saying in Denmark that a lovable child has many names. It has been a long process also in Denmark to find out what it is we think about inclusion. We started in the beginning talking about everyone being able to be in the same room, then we went from that to say that everyone has to be integrated.

In 2018 inclusion is understood as a dynamic and continuing process with the purpose to develop possibilities for every child's presence in and to profit from being in a regular classroom. In this process there is a focus on the quality of the individual child's physical conditions, social relations and assignment work within the regular classroom. Special consideration is given to children who are at risk of marginalization and exclusion.

What is very important is that it is not a focus on children with special needs or anything, but on all children. Though this is really an important point for them, we have to be a bit careful here, because they are getting very idealistic, It is very difficult if they say, “Now, we need you to do a paper on inclusion but you have to remember it’s about all children, but we’d like to look at dyslexia. And, if one says: “Well, if I can’t call it dyslexia – how am I actually going to work with it?” So, it’s a balance.

Historical and ideological context

The Danish Act on the *Folkeskole* from 1958 made the establishment of special education mandatory for municipalities. So, that is where it started. Severely handicapped students, deaf and blind students and students with mental retardation were cared for in state institutions under the Ministry of Social Affairs. In 1980 these institutions were transferred to the 14 Danish counties that existed at that time. In 1993 - a year before the Salamanca Declaration - an act was passed stating that all instruction should be differentiated to suit the needs of all children in the comprehensive school, thus minimizing the need for special education. And, finally in 2003, a change in the Act on the *Folkeskole* encouraged the grouping of pupils within and across classes as a means of differentiation. And from 2003 I (Neils) undertook a study for the Ministry of Education. This was a mixed method study that involved: i. a quantitative study that covered a random sample of 290 Danish public schools. The study showed that the prevalence of special education was 8.8% (SD 3.97) with a total variation from 0% to 26% and ii. a qualitative follow up study that

compared eight schools matched on demographic factors but with extreme levels (high or low) of prevalence.

These 8.8% were in regular classes, not in special classes or special schools. When we look at the qualitative results, there were surprisingly few relations between the prevalence of special education and factors often associated with the need for special education, such as resources for regular teaching, school size, municipality size, degrees of urbanisation and geographical location. In fact, school size appeared to be the only direct related factor, and surprisingly it was related in a way that contradicts traditional wisdom that small schools are most inclusive. They are not. In the more inclusive schools the low prevalence of special education they perceived it as natural that children are different, have different abilities, and adapted the regular educational programmes to take these needs into account .This was closely related to the schools being very flexible in a physical way and where rooms for group work were available and where walls between classes could be removed, rendering teaching of both large and small groups possible. There were like common and mutual hall where tall the children, for example, the third and fourth graders, could have their recess.

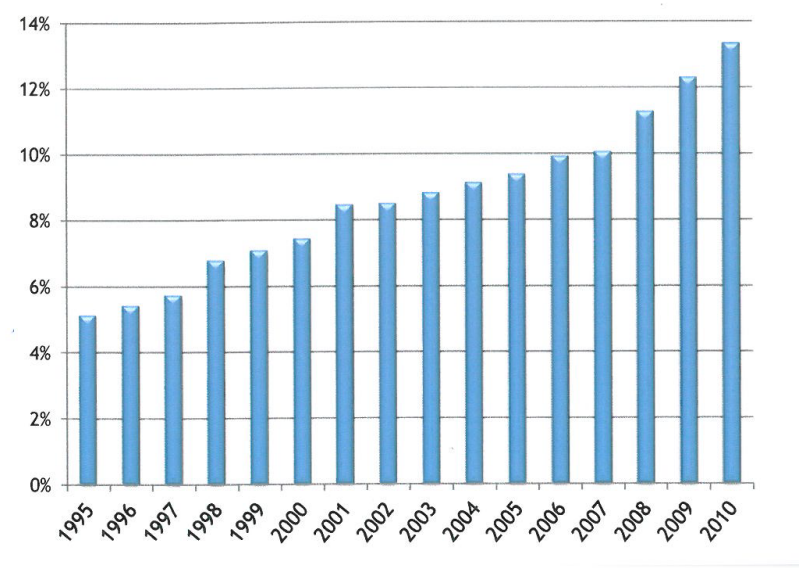
What was perhaps the most important was the presence of teachers with knowledge of special education and school psychologists as important resource persons who provided collaborative consultancy and supervision to subject teachers within the regular setting. Finally, both pupils and parents had positive attitudes towards diversity and provision for special needs within the regular educational programme. If specialised intervention was deemed necessary, it was looked upon as a welcomed effort, not as a stigmatising unavoidable solution.

What was the political response? The Ministry of Education proposed in the spring of 2004 that the term ‘Special Education’ should be only used for education in special schools and special classes. Teaching of pupils with special needs in regular schools was to be carried out in a flexible environment, where resource teachers and school psychologists work as consultants and supervisors – with the same resources as before. But this intention raised concerns that municipalities would gradually remove the 8 to 10% of the resources that had until then been set aside for special needs in regular classes. It was the teachers’ union and the school psychologists’ union - some said, “No, we won’t have this” - so nothing happened.

In 2007, there was a structural reform in Denmark, going from 275 municipalities to 98. In that connection the ownership and responsibility of the special schools was transferred from the counties to the municipalities. So, what happened, in the first five years after the merging process, segregation increased by 16%. And, this was because no one was watching the municipalities, so the teachers were perhaps a little relieved. But, after 3 years, somebody came and noted what was going on, the consultancy firm, Deloitte. It produced some statistics, which Niels helped them with. What you can see in Figure 1 below is the percentage of all resources spent in segregated settings in Denmark. If you go back to 1995, you can that it was about 5%, then you can see it rises, and it goes impressively up the last 3 years here.

Figure 1: Percentage of resources spent in segregated settings

Figur 1. Udgifterne til ekskluderende specialundervisning som andel af de samlede udgifter på folkeskoleområdet, 1995-2010



Then in 2012, there was the Inclusion Act. The Government stated the goal that by 2015 only 4% of children will be in segregated settings, opposed to the 5.8% there were in 2011. Special education was defined before that time as children receiving special education in the school. For this they had to have been through their educational psychologists or do some testing. But this changed so special education was now reserved for 10 lessons, for 9 hours, of weekly special education. Interventions of less than 12 lessons were now to be called "*supplementary instruction and other academic support"*) and became the responsibility of the head teacher. An assessment from the Pedagogical Psychological Counselling Centre was, and still is, no longer needed. So, now when this system has become much more flexible, what we can see now, also shown in our research, is that if you ask schools how many pupils receive special education, they can say it does not exist anymore. This is because it is too expensive for the schools.

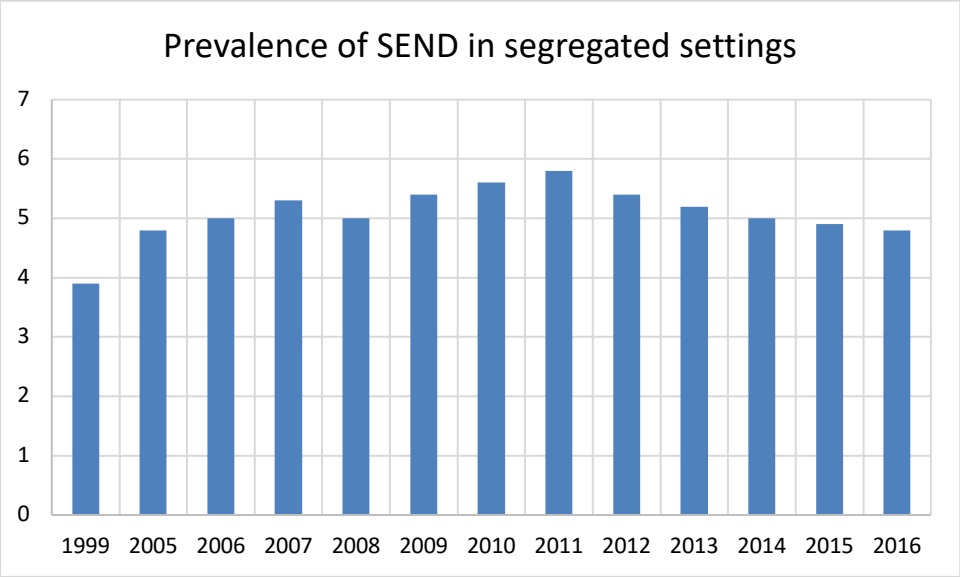
When we look at the evidence of the impact of this change, the prevalence of special needs education in regular schools from 1981 to 1990, it was 12 to 15% each year. This was for supplementary special education within the classroom or outside, but they were in regular classes. In 2003 there were some differences about how to estimate the prevalence; the Ministry wanted it done on half a year's basis, while Niels claimed that this was no basis for comparison and did what should be done and tried to keep going. Once the municipalities took over all special education the Danish Statistics department decided that it needed to know exactly what is going on in schools. So, head teachers reported how many students were planned to have special education on the 5th of September. In 2007, it was 3.4% and then started to rise; by 2011 it was 6.6%. More recently in 2015-16 supplementary instruction was now covering 10.8% of all children in regular classes. Special education (special schools and classes) was covering 4.8%. But we can also see that there were 8% of all students that have special educational needs and do not get support. And, if we add all these, we can see that this makes up 23.6%.

Table 1: Results from surveys in 2015-16

School type	Prevalence
Supplementary instruction (ordinary schools)	10.8
Special education (special schools & classes)	4.8
Students with SEN and no support	8.0
ALL	23.6

After the term 'special education' was changed *in 2013*, those who have special education in regular schools came down from 0.3% to 0.2% from 2013-2016. So, almost no children have special education in their regular classes. When we look at the segregated systems in Denmark (see Figure 2) and go back to 1999, it was 3.9% and rises to 4.7% in 2017. It rises to 5.8% in 2011 and then starts to fall because of this Inclusion Act.. So, there are 4.8% of students going to the segregated system in 2017.

Figure 2: Prevalence of SEND in segregated settings as % of all pupils



It is often said that Norway has relatively low percentages of pupils in segregated schools, which is true. But as mentioned earlier there is a geographical explanation of this. So, they may be in ordinary schools, they go there, but they may not be included. This view is based on Camilla's work in Norway. It is not a question of funds there, as they have plenty of funds. For them the problem is that children with SEN are attending regular schools, but they have teachers' assistants without any background in teaching blind children, or deaf children, or whatever other kind of SEN. They might also spend much time in segregated centres. In some work I did for the Norwegian Government, these were points we made. So, we have to be careful about saying only 1% are in special schools and Norway is really succeeding.

There was a qualitative study follow-up on the inclusion process from 2012 to 2015, in which Niels and I were also involved. What we could see there was that economic incentives are very effective at the start of an inclusion process. But over the time they can actually be counter-productive. What we noted was that schools were punished economically for sending children to special education schools, so they had them back and tried to do something. But then the tension rises as it became

more difficult and we can see in Denmark that schools started pushing the children back into special education programmes, not being really concerned about their school finances.

There was a also need to earmark a certain pool of hours for assistance to special needs students, including a reserve for acute interventions. One of the big problems we could see in the Danish communities was that they had very good resource people and qualified teachers. What happened was that some the teacher would say, “Oh, I can’t do this anymore – take them and go away and talk to them over there.” The resource people were constantly putting out fires and not doing what they were supposed to do.

We can also see in-service training that teachers are demanding: “We need more education; we need more courses; we don’t know how to do this; I don’t know what a child with autism is; I need more courses.” But, no matter how many courses these teachers were getting, it did not stop their frustration. What we also saw was when they had hands-on courses, where they were actually given tools and advice and were observed by resource people, this was not well received. Inclusion counsellors should have competences and time enough in their schedule for their consultative work and subject teachers should accept guidance. Again many teachers felt: “No, thank you. I’ve been a teacher for 20 years, I don’t need your advice. I can do it on my own.” Though many of the municipalities decided to train some inclusion counsellors, not all were very effective with some not really knowing what they were doing, or that they were actually counsellors. What was found was that many schools had segregated settings for some time, which were worked out well, where they were doing special things for some of the students for a short period of time. These students then came back to their classes, which could be seen to be working. So, we did not see using segregated settings for limited periods as in conflict with the inclusion strategy. It is some time a precondition for maximal inclusion in a regular class

The role of local governments and other organisations

Regarding local governments, they have the responsibility of promoting inclusion in their schools by setting up policies. So, a local municipality and schools have to write about what they are actually doing. In Denmark we have what is called pedagogical and psychological counselling, and we have very different ways of doing it. Some municipalities have organized themselves so the psychologists are actually working at local government level and not at schools. What we can see when they are in the schools and in the kindergartens, there is a greater effect when they are counselling. Individual school teachers have to promote inclusion in cooperation with the school board. The school boards consist of parents, so it is really important that the parents are actively involved in how inclusion is working in the schools.

A National Centre for Inclusion has been established at the University College South, in Denmark, They do a lot of consultancy work to promote inclusion in Denmark. It was established in 2012. The Ministry of Education has established a website and a group of consultants visiting schools in Denmark to promote inclusion. The Association of Municipalities in Denmark has established a *themesite* about inclusion. This Association is a very strong union that is the employers of all other municipalities. They are the organization that collaborates with the government about how to run the schools in Denmark, what their priorities are. The Danish Teacher

Organisation, has also published a book on cooperation and inclusion. As an organization it is very interested in inclusion and also very interested in promoting inclusion. There has been action about teachers' working hours and there has been further major school reform in Denmark, and this has resulted in the teachers not being especially happy with working with inclusion. The Association of Headmasters has also produced a guide to inclusion and have been very successful in saying to the headmasters in Denmark that you should be for inclusion. We conducted a survey in 2013, 2014 and 2015 that showed that about 80% of headmasters were for inclusion. But, when we did the same survey for the teachers, this showed that 10% of the teachers were for inclusion. The others were not because of this working time issue.

There is a large organisation called 'Schools and Parents', which has published an e-book on inclusion. This is the larger organisation that also covers regular children. What is interesting in Denmark – and, I am sure that this occurs here too - is for example, the Association for Autism is not very happy about inclusion and parents are very frustrated because they do not feel that their children are being taken proper care of in schools. And, one of the major issues right now, especially regarding children with autism is that they might not want to go to school: and some are not going to school. So, this is also one of the conflicts that are there.

In general, there is a lot of focus on inclusion and also much positive focus on websites, guidelines, pamphlets, and books being done on inclusion through the different organisations; conferences, networks and consultations. The government is very interested in working with these organisations, so in several research projects we have just done, they have all participated.

The accountability system

There are 10 Danish national tests, and they adapt the test from Grade 2 to grade 8 in Danish, Mathematics, English and Science. 10 tests over a time span of 10 years for the students. This was a part of a adjustments required in the Act of *Folkeskole* in 2006*;* but it took 4 years to develop and have it to work. Then we have school leaving grades in Grade 9 and 10. Grade 10 is the voluntary year that some students take, about 50%, to become a little more mature, to find out what they want to do in their life. Test results and marks are supplemented by corrections for students' social economical background, so teachers and headmasters can see what, "Well, my school is good, but when we adjust for social economic status, then it looks like this." We also have a national test in well-being from Kindergarten class to Grade 9; I think that there are not many countries doing this. Schools have to write Quality Reports for the schools every second year. If you go out and ask teachers and headmasters they will say, "Well, we do this, of course, because we should, but it doesn't mean so much." And then about the influence of inclusion; a quite high proportion of students with special needs will have a negative influence of the average test results for school. But, a high proportion of students with low socio-economical background will also have a negative influence on average test results, and the accountability system is primarily used for studying variation over time, so school head teachers can look at the test results and say, "Well, how is it this year, and which teacher has had this class in Danish, for instance in Grade 2 or Grade 3," and then he or she can see if there's a rise in the tendency, is it steady or if it is going down."

Parental preferences

There's lack of statistical evidence in the field. The parent organisation - the overall one for all parents have a positive attitude to inclusion, but only if supported by extra resources are there. So, in general, parents are positive. However, an extra student with SEN in their own child's class may cause resistance, if it is a child with behavioral problems. And, this is really consistent across research, which is also something that is important to take into consideration when considering how to involve all parents, if you want to work with creating an inclusive school. The inclusion strategy may be one of the factors behind the increase of percentage of students in private schools in the last 8 years, which went from 2.7% in 2010 to 17,1 %. In 2017. Also, in Denmark, like in the Netherlands, it is not expensive to have your child in a private school, it costs an equivalent to, about £120 per month. This could be one of the reasons, but there are other reasons also, such as the school reform and also the teacher conflict.

On the question of whether parents have a right to mainstream education, they do have so. They can refuse that the kid is sent to a special school, and say "Well, we want to have some supplementary special education. They do not have a right to special education, but they have a right to mainstream. They cannot, as in Norway have the right to special education in a mainstream school: they can say, "I want my child here," but they have to take what they get. As for why the special school figures are relatively high if parents do have a right to mainstream education, this **could be** because many parents want to have their children in special schools. They think it is the right thing for the child – they will have the special teachers and the small, nice environment and the close cooperation and seven students in the class with two teachers which is standard. The average class size in Danish regular classes is 21, and Denmark is number 1 in the OECD for expenditure on education. So, it is not about professionals pushing children out of mainstream schools.

Section 5

The Spanish System

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1. What steps are being taken to promote greater inclusion at national policy level: What is inclusion taken to mean?

There is no shared, consensual and agreed definition of inclusive education. When talking about inclusion, many teachers at all educational levels quite often just think about certain 'special pupils and measures'. It still remains an educational approach based on the belief that the most suitable way to improve the education of all, is through separate responsibilities: mainstream teachers would be in charge of 'normal' pupils and special teachers for the students with an official decision of special needs (Martínez, de Haro & Escarvajal, 2010; Moya, 2012).

There is still a dichotomous vision: the idea of inclusion linked to particularly vulnerable students vs. students without difficulties. Nevertheless, it is true that there is a growing idea of making reference to other particularly vulnerable groups, such as the situation of students whose families are immigrants or with socioeconomic difficulties (see for example Save the Children, 2018).

When we speak of inclusive education we are talking about **all pupils**. However, in this document we will focus our attention more specifically on pupils with special educational needs (SEN).

"Inclusion is understood by a large majority of teachers as a principle, trend or pedagogical method rather than as a right" (CRPD, 2018). If we bear in mind the UNESCO definition (UNESCO, 2005), inclusion is not yet seen as in UNESCO's broad vision as the transformation of "education systems and other learning environments in order to respond to the diversity of learners" (p.15).

This means that it is being forgotten, among other things:

1. to reinforce in the school the concept that the transformation of their culture, policies and practices is essential in order to bridge the gap between declared values and actions, as proposed by Booth & Ainscow (2011). As well as that, it is essential to innovate in the ways of teaching and evaluating so that what is finally done in the educational action that takes place in the classrooms (and other educational spaces) is "affordable and accessible" to the diversity of educational needs of all students.

2. To understand that this change is systemic, that it is to transform the educational system as a whole. Also, If we take into account what Ainscow, Dyson, Goldrick & West (2012) propose when talking about the "ecology of equity": in general we need a national and local policy consistent and aligned with inclusive education. Regarding the local community, we need to work hard to open the door of the schools to communities (already we have relevant projects in this line; e.g. the project developed by Parrilla et al -

Innovation networks for education and social inclusion (note 1), the Spanish Network learning service - Red Española de aprendizaje servicio (note 2) and we need to promote support networks between schools (we also have some experience with them, such as the Learning Community project - Proyecto Comunidades de Aprendizaje (note 3)

3. To promote greater real participation of students and families at all levels of school life, recognising their right to have their voices heard and understanding that without them the transformation of the school is not possible. We also have evidence and centres that are taking steps in this direction (see, for example, the Learning Community project, Susinos, Ceballos & Saiz, 2018; Simón & Barrios, in press).

4. To revise the curriculum (there is an imbalance in content, review the competencies that are given priority, closely related to what is assessed in international and national tests).

5. To support initial and in-service teacher training as also noted by the OECD (2018) in the report published this month. The best teachers for school that have the greatest difficulties.

What is the historical and ideological context?

It was no coincidence that the Salamanca Conference (UNESCO, 1994) was held in Spain, and Spain's efforts to move towards more inclusive systems (Saleh, 2004) were recognized. The reform of the LOGSE in 1990, even with a limited focus, represented an important change in the integration of students with special educational needs into ordinary classrooms. Without denying the limitations, the systemic reform proposed by UNESCO was at the heart of the educational reform that took place at the time. From the early 90's the Spanish educational system has been in the process of moving towards a more [1]equity and inclusive system, pioneering the integration project.

In a formal way, the current legal framework law the Act on the Improvement of the Quality of Education 8/2013 of 9 December (LOMCE, 2013)(4) has among its guiding principles a clearly inclusive approach: "Equity that guarantees equal opportunities for full personal development through education, inclusion, rights and equality of opportunities that helps to overcome any kind of discrimination and universal access to education that acts as a compensating factor for personal, cultural, economic and social inequalities, with special emphasis on those derived from disabilities".

The progress is not the same throughout Spain. The territorial structure of Spain has made it more difficult to make general progress in the same direction in the country as whole with regard to inclusive education. Ideologically, the tendency is to support inclusive education, but it is another thing how it is implemented in terms of coherence, intensity, etcetera. In fact, each Autonomous Community develops its own education policies within a framework of support for inclusive education in a generic manner, finding differences between them in terms of the implementation of the same. Spain has a territorial and political structure composed of 17 Autonomous

Communities and two Autonomous Cities (Ceuta and Melilla), with a wide range of management and direction of their own educational policies, within a common state law (LOMCE, 2013). Therefore, the differences between Autonomous Communities in terms of commitment to inclusive education are notable.

However, regulations related to a more inclusive than an integrated approach are beginning to be reviewed and challenged. Examples of the progress being made at the moment in this direction can be seen in the educational regulations of some Autonomous Communities such as those of: Cataluña, Comunidad Foral de Navarra, Castilla-León, Comunidad Valenciana, Principado de Asturias o Canarias.
Although initial support for inclusion has been maintained, progress has been limited. For example, reports on the situation of young people with disabilities in Spain consider sthat “according to the information available, the process of school inclusion of people with disabilities in Spain shows signs of stagnation” (INJUVE-CERMI/ Huete Quezada, & Caballero, 2016, p.25).

What is undeniable is that the Spanish education system with regard to pupils with SEN has a structure that the European Agency for Special Needs and Inclusive Education has named in some of its studies “multi-track”, where these pupils can be to place:

- In mainstream schools with almost full integration into all school activities and following the school core curriculum
- In ‘specific classrooms’ (with different names) for pupils in need of ongoing educational support in some periods of their timetable combined with mainstream classes
- In special schools for special needs education in both public schools and publicly funded private schools.

Despite good intentions, “special education” remains as the framework to deal with inclusive education of pupils with SEN. This is something that has been recognized and pointed out as incoherent with inclusive education as a right in the Inquiry concerning Spain carried out by the Committee under article 6 of the Optional Protocol to the Convention of the Committee on the Rights of Persons with Disabilities made public on 4 June last (answered to by the Government of Spain) (5).

As CRPD (2018, p. 7) notes in the LOMCE Article 74 (1) of the Organic Act on Education (No. 2/2006) is maintained which stipulates that:

> “Enrolment in special schools or units may continue up to the age of 21 years and shall be resorted to only when the needs of the pupil cannot be met by applying the measures that allow for diversity in ordinary schools.”

A key part of this process when placing the pupils with SEN “on one path or the other” is the existing model and practices of psycho-pedagogical assessment and the administrative procedures associated with the processes of schooling of students with SEN are anchored in an approach prior to the Convention on the Rights of Persons with Disabilities. They are convinced that "there may be students who cannot be integrated into ordinary schools" and, consequently, they order their actions to differentiate between them (Echeita & Calderón, 2014).

The study by Amor, Verdugo, Calvo, Navas and Aguayo (2018) focused on students with intellectual disability show, among other things that

> "The psycho-pedagogical assessment and schooling report…there are a distinct lack of up-to-date- knowledge about ID (i.e. obsolete terminology, lack of regard for adaptive behaviour and lack of specialist teams), which can lead to improper practice in the assessment and provision of supports, given excessive importance to IQ-over types of skills-or exclusively curricular support." (Amor et al., 2018, p. 43).

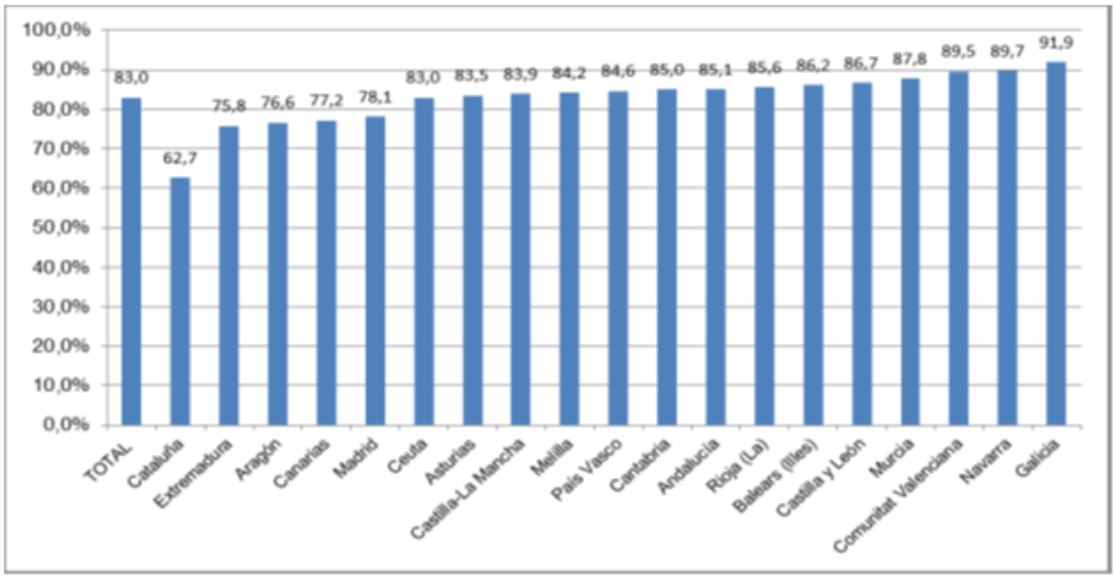
What evidence is there of impact?

This is one of the problems about which there is little evidence. We have evidence on some aspects, but it is data on isolated variables or factors. But the important question would be: *What is the impact?* We should agree on international policy on what the impact is:

- Is it percentage of schooling (for example of pupils with SEN)?: with regard to this we are in a good position compared to other European countries (EASIE, 2014), although we will now make some observations.
- Is it for achievement?: we do not know, we do not have information;
- Is it about emotional well-being and social relations? We don't have enough information. We have isolated data on some aspects. For example, there are documents that draw attention to bullying situations (e.g. Campoy, 2013; Hernández & Meulen, 2010)

Although some statistics (EASIE, 2014) speak of more than 90% of pupils with SEN enrolled in mainstream schools, the data are confusing. If we take into account other official statistics, the data point to approximately 17-20% of pupils identify with SEN derived from a disability in special education (see Table 1 and Graph 1). In 2015-2016 83% of pupils with SEN were integrated in mainstream schools. Also, there are differences between Autonomous Communities.

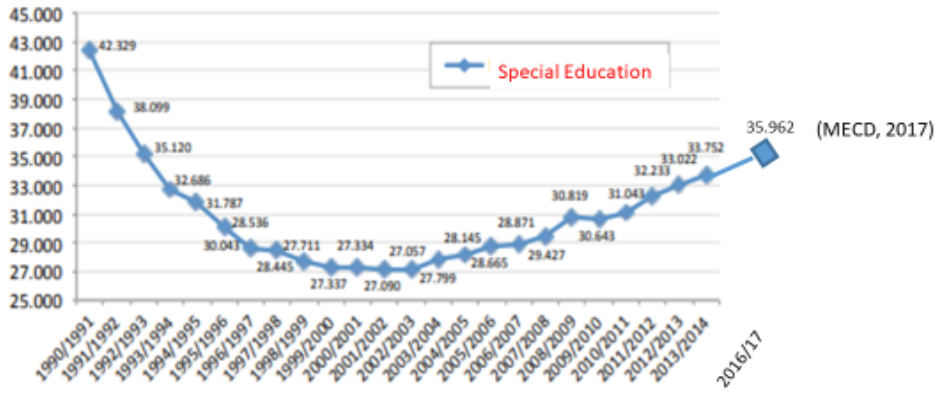
Graph 1. Percentage of pupils with SEN integrated by Community Autonomous. Academic year 2015-2016



Source:
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f20%2f5&Lang=en (p. 8)

Also, we can see an increase of pupils with SEN in special school over the year.

Graph 2. Pupils identified as having special educational needs associating from disabilities enrolled in special school and unit. Spain: 1990-2014



Fuente: Elaboración propia a partir de la Estadística de las Enseñanzas no Universitarias (MECD, 2015).

Source: INJUVE-CERMI/ Huete, Quezada & Caballero (2016, p.26)

- Also, the inclusion of pupils with SEN, particularly those more vulnerable (that is with intellectual or developmental disability) is stationary, particularly at secondary education level (Echeita et al., 2009; Verdugo & Rodríguez, 2012).

Table 1. Students with special needs associated from a disability enrolled in general education. 2015/2016

	%
Special Education*	17.0
Infant Education	10.1
Primary Education	39.3
Compulsory Secondary Education	26.8
Baccalaureate	1.6
Basic Vocational Training	1.8
Intermediate Vocational Training	1.9
Advanced Vocational Training	0.3
Professional Qualification Programme- Special education	0.1
Other training programs	0.1
Other training programs- Special education	1.1

*Special education: students in special schools and in specific units in mainstream schools.

Source: DISMET.F.ONCE

http://www.odismet.es/es/datos/3educacin-y-formacin-profesional/305tasa-de-alumnado-con-necesidades-educativas-especiales-derivadas-de-una-discapacidad-matriculado-en-enseanzas-de-rgimen-general/3-33/

There is a need to reconsider the model of intervention, counselling and support of the different Early Care Childhood Intervention towards the so-called family-centred approach (Giné, Balcells, Cañadas & Paniagua, 2016; Echeita et al., 2017). Initiatives in this direction are currently being implemented in some Autonomous Communities.

Some studies (Echeita et al., 2017) have pointed out with great concern the poor and limited training available for pupils with disabilities in relation to vocational training studies (basic, intermediate or advanced) (see Table 1).

With regard to the promotion of inclusive education at the university level, it has been reiterated that the model and action plans should follow the same approach and principles established for compulsory education. We need to overcome the multiple barriers of different types that there are (Fundación Universal/CERMI, 2016; Moriña, Cortés, & Molina, 2015). In relation to this last aspect in Spain, it should be noted that there is a network of services for pupils with SEN in universities in which 59 universities participate, which can be a useful resource in this direction (Disability attention services in universities -SAPDU network (6).

With regard to resources, there are more exceptional situations such as those of the visually disabilities, which are supported by the Spanish National Organisation for the Blind (ONCE).

At the same time, there are many inspiring examples of schools that show that inclusive education is a reality, is possible and demonstrate how inclusive education contributed to the development of a society with greater social justice (Flecha, García, & Rudd, 2011; Martínez & Gómez, 2013; Simón et al., 2016). Our experience and studies developed have shown that the conditions that are facilitating the transformation of these schools are similar.

2. What is the role of local government / middle tier and other organisations (voluntary organisations etc.) in promoting inclusion?
And how is this influence achieved?

In Spain we could say that we are in a process in which we have initiatives in some local government/middle tier and organisations, but they are individual initiatives that do not respond to a larger overarching plan for system wide reform.

City councils have a limited role to play in promoting inclusive education. Local governments in Spain have no legal power competence in education. They are more involved in aspects related to providing complementary activities. It would be desirable for them to carry out a municipal education project or a city education plan. In Spain we have experience in this area (see the State Network of Educating Cities, -RECE- with 196 member cities). But this is not compulsory, it has been done at the initiative of the cities themselves.

However, the role of local services as a resource for schools plays an important role, providing resources, means, spaces, aid etc., as some initiatives carried out in Spain have already shown (Parrilla, Raposo & Martínez, 2016).

There are initiatives of City Councils and social groups that come together to demand an inclusive education (see e.g.

http://eldiariodelaeducacion.com/blog/2017/10/18/39-ayuntamientos-de-la-comunidad-de-madrid-llevan-la-asamblea-una-ley-por-la-escolarizacion-inclusiva/)

3. How does the accountability system work and what is its influence on inclusive education practice?

In addition to the international assessments (PISA), each Autonomous Community carries out its own assessments. National and international performance assessments, as they are being understood and implemented, are a barrier to the realization of the right to inclusive education, with the consequent transformation of schools that it entails:

- They leave important competencies unassessed, such as those linked to the most social-emotional ones, or those related to citizenship.
- They generate a spirit of competitiveness between schools.
- In some cases there is a tendency to exclude pupils identify with SEN from these assessment tests.
- We do not have data on the outcomes of children with SEN in the international (PISA) and national assessments. We do not have indicators that show the performance of these pupils. There are no data that allow us to know their school history, where they started school, what the transition between stages has been like, if they have changed their educational modality, what has happened after the stage of compulsory education, etcetera.

Another aspect to which attention should be drawn is what have been questionably called bilingualism programmes in most of the monolingual Autonomous Communities as they are being implemented. Thus, Acción Educativa (2017) launched a research project to address the concern generated by the effects caused in our education system by the implementation of the Bilingual Programme in the Community of Madrid (PBCM). It is due to the selective nature of its implementation in Infant and Primary Education schools, as well as the segregation of pupils in Secondary Education Schools in two itineraries (Section and Programme). This occurs as a direct consequence of the level of English attained at the age of 11 (the result of a previous assessment test at this level). This report shows concern about the limited presence of pupils with SEN in these bilingual programmes, as well as the very limited access of this pupil body to the Section itinerary in the case of Secondary Education. That is why they point out the need to carry out a specific study on this issue.

4. How is the role of parental preference / voice, both individual and through parent organisations, in relation to governmental strategy and regulation?

What do families want?

Most parents and in general the organizations of family members with SEN wish to have an inclusive education, but not how it is being implemented. This support for inclusive education by families and organizations is maintained regardless of the type of disability of their children. This support is maintained in the case of more challenging situations such as pupils with intellectual and developmental disabilities.

But families are also aware of the educational realities that their children experience and this reality is more complex as we move towards higher education stages. In fact, families identify multiple barriers that increase when they reach Compulsory

secondary education (ESO), being greater in the case of pupils with intellectual and developmental disabilities (Echeita, et al, 2009). Among the barriers they identify are the following:

- Permanence of an overloaded curriculum.
- The perception of a lack of individualized attention.
- Concern for their children's participation, especially in relation to their emotional well-being and social relationships with their peers.
- Concern about training teachers to meet the needs of their children.
- Pressure from school performance and external evaluations (by Autonomous Communities or national governments such as PISA).
- Decrease in resources due to the economic crisis that has especially affected equity and inclusion policies (Save the Children, 2018).
- Weakness of counselling policies, training of schools to contribute to the transformation of schools (cultures, policies and practices).

It is precisely for this reason and among other things that we see a certain increase in segregated schooling. Families' responses to this situation can be very diverse: staying in the centre and "fighting" or looking for a better situation for their son or daughter elsewhere and "giving in".

The paradox that we can find in relation to this dilemma is that, some of the people who have promoted the principle of inclusive education (through their associations and organizations) and who, after so much effort, have managed to see it enshrined as a right at the international level, opt for segregated schooling in special schools. These situations have an impact not only on the quality of life of the pupils but also on the quality of life of their families, closely related aspects

What is the role of families? What about their voices?
Limited involvement of families in deciding on the form of schooling for their children.

When we talk about pupils with special needs, access to a type of school is conditioned by a decision on schooling issued by a psycho-pedagogical team. The family is consulted for the preparation of this “statement”: information on the family context is collected, the family is interviewed to return the decision on schooling and at the end of the “statement”, there is a section in which the family must sign their agreement or disagreement with it.

According to the study of the legal regulations on psychoeducational assessment of pupils with intellectual disability of the different Autonomous Communities (Amor et al.,2018),

> “Whilst almost all the Autonomous Communities highlight the importance of family participation for the inclusion of student with ID, they nonetheless assign families a passive role in this process. The two exceptions are: Andalusia, which counts on the active participation of families at the detection of needs stage (Junta de Andalucía, 2015); and Aragon, which regulates the creation of advisory monitoring commissions for policy improvement and inclusive practices (Gobierno de Aragón, 2015)”. (Amor et al, 2018, p.43).

The decision as to which school to attend is not a family decision but a technical-administrative decision. Each commission may act differently, taking into account to

a greater or lesser extent the wishes of families. The result of this “statement” is taken into consideration by a committee (Schooling Commission) which finally decides on the school and the type of schooling. The family may or may not agree with the “statement” and the verdict. If they do not agree, the way forward is to appeal against the ruling. If the parties do not agree, families have to initiate other means of recourse through the courts.

In order to defend their children's rights to inclusive education, families seek legal recourse in the courts of law

- Families who do not agree with rulings are litigating against these decisions, taking their children's cases to court. With the Convention on the Rights of Persons with Disabilities (UN, 2006) there are associations dedicated to the defence of the rights of persons with disabilities (for example, the Fundació Gerard or SOLCOM). These are helping families to initiate appeals against the resolution of the Schooling Commissions who proposed that their children go to special education schools. These judgments have not always been favourable, but those that have been very important, not only for the defence of the rights of a specific child, but also for the administration, the school and to raise public awareness. In addition, they set a precedent for future legal decisions. We have some good examples of it (note 7).

The voices/role of organisations?

In Spain, the organizations related to persons with disabilities are represented at the political level by the CERMI (Spanish Committee of Representatives of Persons with Disabilities), which is the interlocutor for of all of them and is the one designated by the Committee for the monitoring of the Convention on the Rights of Persons with Disabilities. To put it more simply, we can talk about two types of organizations:

1. Some organizations, with a long history in many cases, whose main functions include being service providers, special schools, occupational centres have a paradoxical position. They are advocates of inclusion but at the same time have links to the same segregated resources. Changing the structure of these centres is complex. However, some of these organisations are taking up the challenge of promoting the transformation of the centres, for example, special education school linked to them, in order to have a more inclusive setting (for example the project developed by Plena Inclusión on the transformation of special schools, Tamarit, 2016)
2. There are organizations whose main characteristic is their role in defending the rights of People with disabilities, taking political action and not so much as service providers (SOLCOM, Fundació Gerard, Plataforma TEA incluye Madrid, Todos sumamos creando inclusión). Recent evidence of the very relevant role that organisations in Spain are playing in this regard is the work carried out to inform the Committee of the situation of Spain about the article 24 of the Convention and they request that the Committee conduct an inquiry into the matter.

For their part, all of these organizations are supporting different studies related to the situation of inclusive education, providing families with documents informing them about sense and meaning of inclusive education as well as their rights in this regard, carrying out different events to train and raise awareness among families, organizations and public opinion.

This is good news. In Spain, families, social groups and organizations are having an important role in the defence of the right to an inclusive education for most vulnerable children such as pupils with disabilities, and together with many teachers dream that another reality is possible.

Notes:

1: http://inclusionlab.unican.es/riies/
2: https://aprendizajeservicio.net/
3: https://www.comunidaddeaprendizaje.com.es/el-proyecto
4. https://www.boe.es/buscar/act.php?id=BOE-A-2013-12886
5. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeCategoryID=7
6. https://sapdu.unizar.es/
7. http://www.fundaciogerard.org/?p=2795; https://asociacionsolcom.org/category/nuestro-trabajo/

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Section 6:

Discussion groups summary

The morning and afternoon summaries for each group are presented together.

Group 1:
Morning:
This group noted that there was no clear state level inclusion strategy in the UK nor the Netherlands. It was also noted about the Netherlands that though parents in general were said to support inclusion, there are always other factors like the child's well-being that might affect their decisions. There was much positive comment about the triangular model presented by Alfons (skills, attitudes, resources). The third point was about the rise in England of special schooling places. Here there was some variation of views within the group. This was discussed in terms of a reluctance to include a greater diversity linked to issues about resource reduction, academisation, performance management, and so on.

Afternoon:
This group gave a quick summary. There were two basic points. There was a sense among some in the group that parts of the UK were stagnating, with provision not moving forward confidently. Somebody recalled a previous policy seminar of several years ago, where there was a sense of more drive and commitment. This led to people thinking more positively, such as the Danish monitoring of well-being. Most in the group saw this as a very positive practice as it was not a league table type of monitoring, the second basic point. This was in keeping with the broadening of assessment and monitoring discussed at recent policy seminar. This group ended up talking about the renewed interest in positive mental health having very strong links to inclusion. That was the positive line taken in this group.

Group 2:
Morning
This group talked about the importance of a dialogue between parents and schools, and the limitations of the current parent/carer forum arrangements in facilitating that. There was a need to have a more local and more direct relationship facilitating those conversations about how they can work together to meet needs. This included discussion about the role of the SEN information report and its potential.

This group also discussed the capacity in the system for 'school to school' collaboration and some of the issues about recent changes in the way that schools are organised - increased academisation and accountability. Included in this were the challenges to local authorities' capacity to support and challenge schools. This was related to discussion about OFSTED, accountability and the focus on the narrow range of outcomes particularly in relation to attainment. Attainment was referenced to a norm in progress rather than thinking about a wider set of person-centred outcomes. The group also talked about concerns with the reality of joint working between health, education and care through the EHCP process. Finally, this group had a conversation about the importance of developing the capacity of the existing teacher work force in terms of doing that more systematically to understand inclusion. This also favoured the triangular model.

Afternoon

One of the general points was a disconnect between the international human rights instruments, such as Article 24 and the General Comment, no.4 (UN, 2016), which actually gives clear international working definitions of what is inclusion and how you achieve it. There is not a debate anymore, it is settled. There is an international human rights instrument, it is enforceable throughout the world, and it is the law. So, people need to wake up to that and to use it. But even if we use that, this group thought that there is a wider problem, the attitudes in society and schools. Societies are still full of *disablist* attitudes at every level. Despite some movement on that, the figures are clear; the gap in this country between disabled and non-disabled people in work despite the government throwing millions of pounds at it, it has not actually altered it at all. The gap goes from 48% to 83%, which is to do with the attitudes in society. So, those have to be tackled as well.

Of course, schools can be a force for change. So, schools needed better scrutiny. In this respect one member told about a commission back in 2009 that considered giving a much wider brief to the local government ombudsman, which had been shown to be very successful, but the government just buried it. So, the group thought that the ombudsman should have a much bigger role to hold schools to account; the Equality and Human Rights Commission should have more resources to take class actions against schools on the basis that they are mainly in breach of their equality duty, the duty to promote equality.

The group's view about parental views was that the parent/carer forums in this country are working well for the groups of people represented there. But they are not actually representing the majority of parents with children with SEND, particularly those on 'SEN Support'. So, there needs to be a move to school-based groups, which actually have some real power to change their school and to influence what is going on. However, there were some exceptions, for example, in Middlesbrough.

This group also discussed the zigzags of the government policy, both in this country, and we detected there was something similar in Denmark, where there was a Prime Minister who was a contrarian and against whatever anybody else seems to have done educationally.

This contrasted with the Norwegian situation, as described by one group member, where work done by some international educationists would carry across an election by all party agreement. This kind of stability is needed. It is too important to be left to Government zigzagging. Perhaps re-building can be done at the local tier. So, the group looked at school boards and elected school boards, which might be the answer. Some examples from the California Parent Partnership Boards might be useful. This group also thought that in the governance function of schools, whether school boards, governors or trustee boards, they should be democratically elected and there should be remuneration. These people are dealing with billions of pounds for nothing. Where else in society would that be happening?

Members of this group also thought that everyone had examples of good practice, and where the barriers had been removed. This indicated that barriers had to be identified and their removal put into policy to change, so long as there were resources for a long enough period for this to happen. The last thing the group discussed was that the presumption of inclusion in British and English law did not

seem to be holding anymore. The majority of those with a Plan or Statement are not in mainstream schools. It follows that something has to challenge this. This is about local authorities not enforcing the legal duties when they place a child in a school. Instead they ask the schools, “Will you take this child?” Schools tend to not take them. In one authority where a group member is working it is reported that for every one that is agreed, thirteen are rejected. This is not a system that is fit for purpose.

Group 3:
Morning
This group discussed the concept of ‘special needs’ and that it was a difficult driver for inclusion; that the concept of ‘disability’ would perhaps have more power with the use of the Equalities Act. It was noted how little use was made of this legislative provision.

The importance of leadership in promoting inclusion was examined in terms of the different horses that school leaders have to ride in terms of accountability. That led onto a discussion about whether ‘skills’ was a key issue. The group believed that the focus should be broader than skills as culture and celebration were important too. They discussed individual schools that are very inclusive but actually hide that fact because they want to serve their community but do not want to attract an imbalance of needy pupils. They saw this as a perverse situation, with some schools doing really well but staying quiet about it. Also discussed was how hard it is to get a funding system that promotes inclusion right. The group found it bizarre that the 2013 funding system came in before the 2014 Act. Funding ought to be designed to promote the objectives of the Act.

Afternoon
This group did not follow the guidelines. But their discussion could be linked to the questions. The first point was that the claims of social justice and inclusion are reflected across much policy in the UK and internationally. But, in many ways, inclusion is not about money, it is not about policies nor about skills; it is about people wanting to do it. What happens frequently is that the complexity allows people to hide behind.

The group then thought about how the growth in pathologizing; the increase in labels associated with autism, and mental health and so on. This can be attributed to the sources of knowledge that parents and the professionals have. It is also linked to professional diagnostic services and who is undertaking the assessments. This has a knock-on effect on parent choice. So, parents start to see this is an explanation for their child’s poor experience of school. This made them think about the child as being like a canary in the coal mine. The increasing levels of children identified with mental health problems, with autism, dyslexia and all the communication challenges are revealing some deep problem within our education system.

Finally, this group talked about how a top down curriculum can restrict a teacher’s capacity to do things; so, it therefore takes a very brave teacher to kick against that. But what is seen as our outcomes of the education system, that we need A Levels, GCSEs, as a measure of success for the school is, putting huge pressure on what is possible within the school system.

Group 4:
Morning
This group had a long discussion about their definition of inclusion and differing views on inclusion. Some talked about it in its broadest sense, and not just being around SEND, in line with the Scottish model. They also talked about the different views about mainstream and special schools, with some expressing the view that special schools can be inclusive too.

This group also talked about the Equality Act, in the same way that Group 3 did. The Act was seen as very important to underpin a lot of people's leadership and vision around inclusion. The importance of initial teacher education and the National Award for SENCOs. The importance of being able to know how to draw in resources from the local community for enabling inclusion was also discussed, in the context of the economic environment and austerity. This group's final point was abouthe t difference between operating local policy and the actual law around inclusion which can lead to a tension.

Afternoon
Like Group 6 this one reflected on the presentations to give a distillation of the extensive discussion that they had. They felt that education has become a product and it is no longer a process. So, they were attracted to the idea of broader metrics to measure children's outcomes. They talked about an emotional well-being scale that was fed back to parents but not published, so no league tables.

This group also believed that in order to attain inclusion, there is a need to consider radically overhauling what it is we do in the education system. There was also some discussion about what is going on at the moment in terms of standards and testing. The importance of teachers as researchers was seen to ensure that they are enabled and empowered to research within their own settings and to feed that back as well. This group wanted to end on a positive note. They felt that we know that inclusion is working in some settings, everyone could think of places where it is successful and children are being fully included. There is a need to look at what their key to success is.

Group 5:
Morning
This group had some debates around the meaning of inclusion and its benefits. There was some discussion about how valuable an event which looks cross culturally to examine your fixed point. There is a tendency to have one's own assumptions within one's own country about how things have to be. This event gives an opportunity to examine existing barriers to inclusion in this country compared to other countries: what is causing those barriers and what policy factors could be used to reduce some of those barriers. Allied to the removing barriers agenda is a notion about being guided by examples of bad practice. Perhaps we need to look more at positive practice, where those barriers are removed. Alfons, for example, brings a number of teachers over to Newham to look at some of the things that happen in mainstream schools there. This is to challenge some of the beliefs and cultural thinking for some of his teachers.

There was also some questioning about comparing Scotland and the Netherlands where levels of special school use varies significantly between the big cities, like

Glasgow and those areas which are more demographically dispersed. But it seemed like we have a bit of an opposite trend in the Netherlands with Amsterdam having fewer children in special schools. I think the benefit of this seminar is to make those comparisons.

Afternoon
This group started by looking at national governments who had a policy on inclusion, but the common theme was that none of those governments were pushing through that policy in a coherent way. There also seemed to be a vacuum for a national policy on inclusion and what it means in practice. It was suggested that national governments might find it hard to commit to a strong social justice agenda in the political environment they find themselves in. Alternatively, there may be much more ambivalence about social justice and so less willingness for governments to really strongly commit to this area.

In the absence of a strong national government lead, this group was interested in differences between the countries in terms of the strength of local government. Here it seemed like there were some different models. In Spain though relatively limited nationally, but stronger in some regions. Denmark, which seemed to have a more rational relationship between national and local government, there did not seem to competition between these levels. But there were questions about how far both of those levels were moving forward. Then, in England, local government has been considerably weakened politically and in terms of resources. However, there are still some local authorities that have played a very influential role in policy in the past.

This group was interested in the Netherlands and its local federations of schools, which are different from Multi-Academy Trusts MATS, because they have a more local flavour to them. There was interest in that model of responsibility operating at the Federation level that Alfons described in terms of their responsibility to meet the needs of all the children. There was speculation about if funding was available to a group of schools, that in the end that would disincentivize the schools to go for unnecessarily more expensive solutions. It might also incentivise more mainstream provision. This group found these ideas to be very interesting. But they had a final observation that many of the difficult issues that were being debated are really to do with mainstream education policy and not really SEN specific. They felt that we should be debating nationally what mainstream schools are and what kind of education they should be providing.

The second area that this group talked about was about parent power in this area. The group considered that there were differences between different countries in the degree of influence by parents for more inclusive opportunities. They were trying to understand what that was about. In Spain, there seemed to be stronger groups, acting as pressure groups from parents pushing for inclusion. In England there had been something similar in the past. It might have moved in a slightly different direction over the last few years. But, in Denmark there did not seem to be that much pressure coming for parents for more inclusive opportunities. So, the group wondered whether that might be because of who we are nationally in England. This was about culture and other factors that led to different degrees of parental pressure in different countries for this kind of opportunity.

Group 6:
Morning
This group believed it had a very interesting conversation. They wanted to add to Alfons' 'attitudes, skills and resources', the importance of values for what we mean by inclusion. So, one of their main points was that getting it right at the universal level is important, before you starting to consider about targeted and specialist provision. The second point was about accountability as in our current system those measures are against inclusion; we need values at the heart of inclusion. They discussed that the current accountability measure do not value wider outcomes. Their final point of discussion was about the government's huge expenses from a life-long provision perspective. For example, what happens to youth offenders – 60% of those have got language and literacy difficulties; when you think about mental health issues, the expenses for hospitals and prisons? So, this puts the onus on really getting it right at the early point. This group focussed on what does that mean?

Afternoon
This group reflected on the presentations rather than address the questions. There was a sense in the group that there is clearly nothing new in the world, because others were also struggling with some of the same issues and that they saw some similar back-sliding trends. This led them to consider the possibility that perhaps working together on how to reverse these back-sliding trends and so move into a more positive space. One thing that many in the group - because one of the questions is clearly "What's your definition of inclusion?" – is that being present is not the same as being included. So, everyone seems to be struggling with a genuine definition of inclusion, both literally physically writing it down but also how does inclusion then demonstrate itself in practice, so potentially another area that we could work on together.

The conflicting pressures that have been and are now on schools from many quarters are requiring schools to be all things to every child. For example, in the newspapers this morning the issue of hygiene poverty and schools is raised. Add to that, the financial pressures on the schools are pushing hard against inclusion efforts. The group wondered if there are spaces to be thinking about how to demonstrate more effective leadership? How do schools work with the Regional School Commissioners (RSCs), for example? Some think that the RSCs are open to influence which is relevant because there is very little room for manoeuvre around the inclusion agenda. How do we help schools be comfortable as regards inclusion?

This group's last reflections were the lack of systematic implementation of what we know that works. It was expressed that there is a genuine lack of systematic implementation of what 'good' looks like. The group wondered if that told us that there is a lack of strategic leadership?

Group 7
Morning
This group spent time thinking about how geography impacts on inclusion and levels of segregation for reasons other than disability or ability both in the Netherlands and in Northern Ireland. But, the three key points are in the context of what has been happening in the last few years, in terms of the marketisaton of education, particularly in schools. Their focus was on the senior policy level, about who is deciding now what is the right thing to do for education? There was a sense that

there seems to be a free for all, where people are trying out all sorts of things, and there does not seem to be any value or ideological thinking behind it. It could be said to be happening as a scatter gun approach.

There were also huge concerns about exclusion and also the hidden exclusion that is happening. There is some new statistics coming out in the summer that deserve attention. The group also considered the cost of not doing inclusion right, not just financial but also the human costs of not doing it right. This is about families who have to regard their life as one continuous battle after another from the minute their child has been identified as a having a difference

Afternoon

This group discussed some ways to promote school self-evaluation, which related to question 2. They considered that local authorities needed to apply the law and name local schools in EHC Plans instead of fudging the matter. Authorities should also provide comprehensive advice, guidance and challenge for schools. In relation to question 3, it was suggested that through SEND tribunal case law was being established which could influence schools' decision-making. The group also thought that it is essential to have preventative layers of intervention ahead of a request for tribunal. In the experience of a person in the group even mediation which goes ahead of SENDIST is a fairly anxiety making process and should be avoided. This means that local authority officers have to work with parents who have gone through a system and essentially won their case. Finally, the group suggested that there needs to be incentives to improve the quality of SEND provision in mainstream schools.

Section 7: Appendix: an additional paper not presented at the seminar Learning from a Global Perspective on Inclusive Education: Richard Rieser of World of Inclusion.

Despite efforts from governments, policymakers and practitioners to ensure inclusive quality education for all learners, disability continues to be one of the primary causes of educational exclusion (Impact Initiative, 2018) .

According to one estimate, 19 million of the 58 million out of primary school children are those with disabilities (Oslo Summit on Education for Development, 2015). Others put it at 30 million with far fewer disabled children attending school than non-disabled. While increasing numbers of children with disabilities are making it into school in some contexts; they continue to be the most vulnerable, showing low rates of attendance and retention. The much larger group of secondary age children with those who drop out of primary schools show a disproportionate number of young people with disabilities among the estimated 260 million not in school.

Over the last 25 years, several global initiatives have acted as a stimulus to the development of inclusive education for disabled children and young people. In 1994, the UNESCO Salamanca Statement was adopted by 94 governments and 25 NGOs (UNESCO, 1994). In 2006, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPPD) and in particular Article 24 (UN, 2006) . This was further clarified in 2016 with General Comment No 4 by the UNCRPD Committee (UN, 2016). The 2015 Sustainable Development Goals replaced the Millennium Development Goals, which had largely ignored disability though progressing on gender equality in education. Goal 4 to **'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**' (UN, 2018) makes specific reference to disabled children in terms of equal access and accessible infrastructure. Current attempts to tackle the slow progress include, most recently, Inclusion International's Catalyst for Inclusion (Inclusion International, 2018) and the forthcoming Global Summit on Disability (July 2018) co-chaired by the International Disability Alliance and Department for International Development (UK).

In June 1994, representatives of 92 governments and 25 international organisations formed the World Conference on Special Needs Education, held in Salamanca, Spain. They agreed a dynamic **Statement** on the education of all disabled children, which called for **Inclusion** to be the norm. The Conference adopted a new **Framework for Action**, the guiding principle of which is that ordinary schools should accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other conditions. All educational policies, says the Framework, should stipulate that disabled children attend the neighbourhood school 'that would be attended if the child did not have a disability' (UNESCO, 1994) . The Statement begins with a commitment to Education for All, recognising the necessity and urgency of providing education for all children, young people and adults 'within the regular education system.' It says those children with special educational needs 'must have access to regular schools' and adds:

“Regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system”.

Like the Standard Rules on Equalisation of opportunities for people with disabilities adopted by the UN General Assembly in December 1993, though not a legally binding instrument, the Standard Rules represent a strong moral and political commitment of Governments to take action to attain equalization of opportunities for persons with disabilities. The rules serve as an instrument for policy-making and as a basis for technical and economic cooperation (UN, 1994). They urged inclusion of children and students with disabilities with exceptions for the deaf and deaf blind and use of special schools only where the mainstream did not have capacity.

In December 2001, after a great deal of lobbying and collecting of examples of discrimination against disabled people, Ecuador and Mexico put a motion to the UN General Assembly to develop a comprehensive and legally binding treaty on human rights for people with disabilities, including Article 24 on the right to inclusive education. There are now 177 countries who have ratified the Convention. By ratifying the Convention on the Rights of Persons with Disabilities, States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities, without discrimination of any kind on the basis of disability. The Convention outlines specific steps to be taken by States Parties, including the implementation of laws and administrative measures, to ensure the enjoyment of these rights and to promote awareness of the capabilities and contributions of persons with disabilities (UN, 2018).

UNCRPD Article 24 (See Annex 1 for full wording)
Article 24 of the Convention unambiguously recognises the link between inclusive education and the right to education of people with disabilities (the term used at the UN, unlike in the UK where we use ‘disabled people’). Its approach was based on a growing body of evidence showing that inclusive education not only provides the best educational environment, including for children with intellectual impairments, but also contributes to breaking down barriers and challenging stereotypes. This approach will help to create a society that readily accepts and embraces disability, instead of fearing it. When children with and without disabilities grow up together and learn side by side in the same school, they develop a greater understanding and respect for each other (UN, 2007).

The adoption of the UNCRPD, in particular Article 24, which requires the development of an inclusive education system for all children, has presented both a challenge and an opportunity to the countries of the world. State parties must plan and develop their capacity in line with the Convention from the moment of adoption. Even if they do not have the resources to fully implement what they need to adopt these rights … *to the maximum of its available resources and where needed, within the framework of international*

co-operation, with a view to achieving progressively the full realisation of these rights. (Article 4.2- Progressive Realisation). In education, this means examining current legislation, practices and procedures to ensure the continuing development of their education systems so that all disabled children have access to education within an inclusive education system. The priority is to encourage disabled children to attend school at all levels with their non-exclusion on grounds of disability (para. 2a). It asserts the best way to do this is to focus on the best interests of the child in local schools in the community in which they live (para. 2b); providing support and reasonable accommodations (adjustments) (2c); providing the support they require (2d); providing individualised support measures to maximise academic and social education. Article 24 addresses the adequate training of teachers, the recruitment of disabled teachers and those with knowledge of Sign Language and Braille and the educational needs of the large number of disabled adults who are uneducated or under-educated because they were unable to access education as children. Therefore, the importance of lifelong learning is recognised (para. 5) (Rieser, 2012).

The European Foundation Centre identified key obligations which states parties have through ratifying the Convention and Article 24 in particular (European Foundation Centre, 2010):
"*States Parties should carry out a screening exercise to ensure that legislation is in place to promote the right to education for persons with disabilities of all ages and is directed at providing equal educational opportunities at all levels of education (primary, secondary, general tertiary education, academic, vocational training, adult education, lifelong learning, or other).*
• *States Parties' legislation should advance inclusive education systems that allow children with disabilities to learn alongside their peers in inclusive schools (at primary and secondary school levels), for example through individual educational plans.*
• *States Parties should adopt specific measures to ensure persons with disabilities are not excluded from the general education system. Specific measures may include, inter alia, the specific development or strengthening of laws and policies enabling persons with disabilities to reach their fullest potential in mainstream educational settings.*
• *States Parties' legislation should provide for persons with disabilities to benefit from reasonable accommodation to facilitate their ability to learn in general education settings. Legislation should also provide for the provision of individual support in the classroom. Legislation should further require that persons with disabilities have the right to receive education in a manner that is accessible to them (e.g. Braille, sign language or other appropriate means).*
• *States Parties should employ teachers who are qualified to teach persons with disabilities. To best promote inclusive education, States Parties should ensure that all teachers are well trained in teaching methods for persons with disabilities and that teacher training schools are encouraged, and given incentives, to provide quality inclusive education training.*
• *Furthermore, States Parties should provide disability-specific training to all staff working in the education system*".

The UN CRPD Committee (CRPD, 2018), elected by state parties and currently comprises 17 out of 18 disabled people, regularly requires states to report to them on implementation of the CRPD duties. In 2017, an analysis of 86 country reports in English to the CRPD Committee, found 68 had an explicit reference to an entitlement to inclusive education in their laws or constitution (Leonard Cheshire, 2017). However, the UNCRPD Committee found in their reports on the countries that nearly all required a good deal of change to effectively implement Article 24. See analysis from World of Inclusion, (2014, Table 1) (Rieser, 2018). There was considerable confusion about what inclusive education was and how to implement the duties in Article 24. This led to a General Day of Discussion, submissions and the publication of General Comment No 4 in September 2016 (UN, 2016).

This document is now the most useful guide to state parties and others on how to understand and implement Article 24. Clarifying the meaning of inclusion is crucial.

"*The Committee highlights the importance of recognising the differences between exclusion, segregation, integration and inclusion.* ***Exclusion*** *occurs when students are directly or indirectly prevented from or denied access to education in any form.* ***Segregation*** *occurs when the education of students with disabilities is provided in separate environments designed or used to respond to various impairments, in isolation from students without disabilities.* ***Integration*** *is a process of placing persons with disabilities in existing mainstream educational institutions, as long as the former can adjust to the standardized requirements of such institutions.* ***Inclusion*** *involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences. Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion. Furthermore, integration does not automatically guarantee the transition from segregation to inclusion*". (para. 11)

The General Comment provides core features of an inclusive education approach:

1. **Whole systems:** education ministries must ensure that all resources advance inclusive education.
2. **Whole educational:** committed leadership introduces and embeds the culture, policies and practices to achieve inclusive education at all levels.
3. **Whole person**: flexible curricula, teaching and learning methods adapted to different strengths, requirements and learning styles.
4. **Supported teachers**
5. **Respect for and value of diversity:** everyone welcomed equally. Effective measures prevent abuse and bullying.

6. **Learning-friendly:** accessible environment where everyone feels safe, supported, stimulated and able to express themselves, with a strong emphasis on involving students in building a positive school community.
7. **Effective transitions:** learners receive support, reasonable accommodation and equality regarding assessment, examination procedures and certification of their attainments on an equal basis with others.
8. **Recognition of partnerships and monitoring** (para.12).

It is recognised that the development of inclusive education is a process. At the core of the Convention and the Sustainable Development Goals is the transformation from a medical/charity model to an empowering social/human rights model. Article 24 and the General Comment do not talk about *special educational needs* choosing to focus on access, universal design, reasonable adjustments, support, individual programmes and alternative forms of communication and curriculum, assessment and differentiation. This is because the Disabled People's Movement and Human Rights' principles oppose segregation and impairment-based labelling and categorisation.

There is considerable evidence from research in the UK and around the world that placing disabled children and young people with the full range of impairments in mainstream is successful, particularly where well planned and funded, with well trained staff (Alana Institute, 2016; Jackson, 2008; Maryland Coalition for Inclusive Education, 2010; Grzegorz, Smogorzewska and Karwowski, 2017).

Since 2006**,** the European Agency **has** been pioneering a shift in methodology and data collection, moving away from special school and segregation to mainstreaming in line with the UNCRPD. An operational definition of an inclusive setting refers to education where the pupil with SEN follows education in mainstream classes alongside their mainstream peers, 80% or more of the school week. This allows for withdrawal for 1 to 1 and small group work 20% of the week. Not all countries are able to provide exact data relating to the 80% of the time placement benchmark. Therefore, proxies have been identified, agreed upon and applied as needed (European Agency for Special Needs and Inclusive Education, 2016). The 2014 Report is based on 2012/2013 data and a report on 2014/15 date is expected later in 2018 (European Agency for Special Needs and Inclusive Education, 2014).

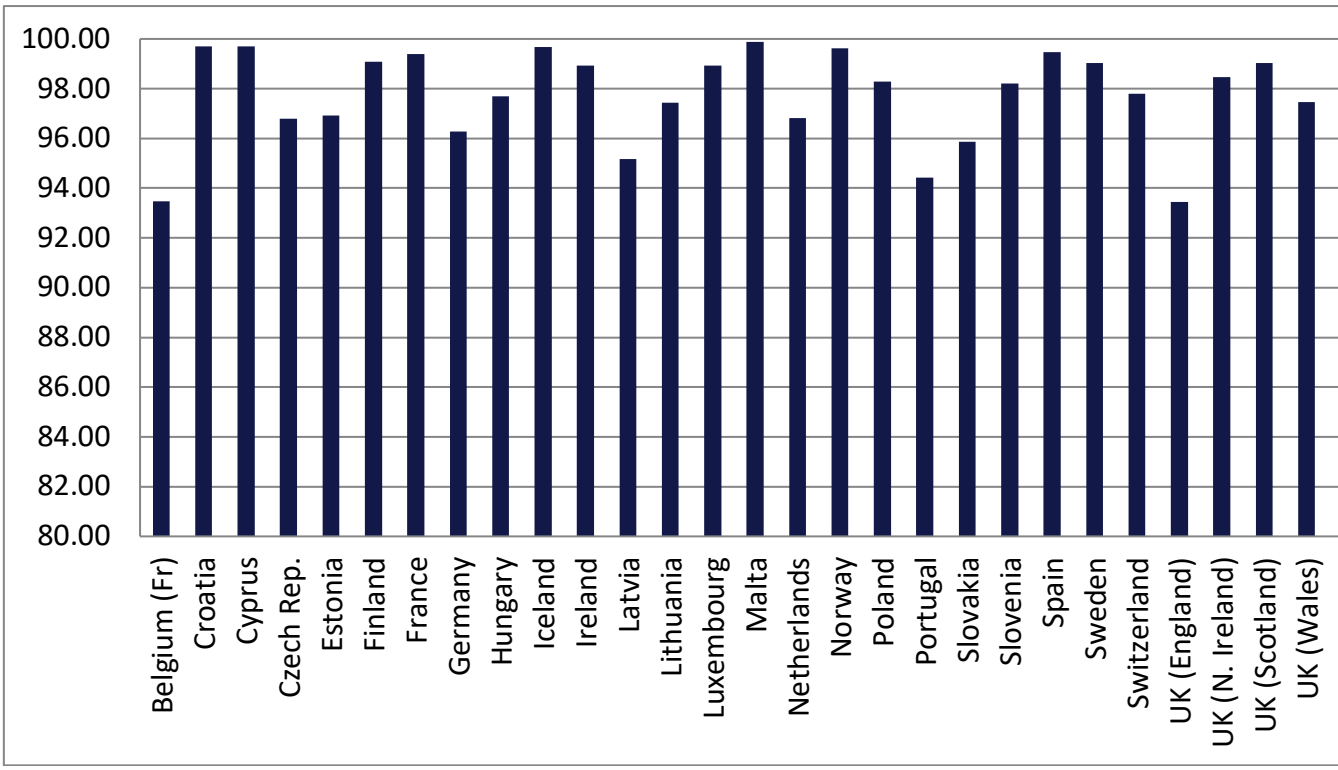
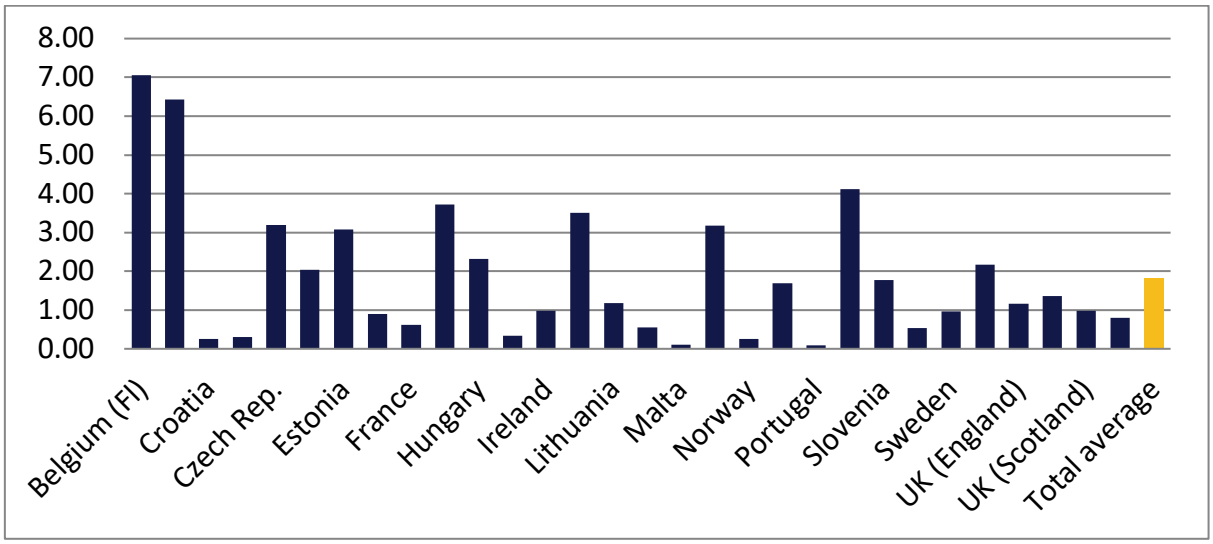


Figure 1 Enrolment rate in mainstream education, based on the enrolled school population (%)2012-13 school year. Source European Agency for Special Needs and Inclusive Education. This indicator has been calculated as follows: The number of pupils that are enrolled and educated in mainstream classes with their non-disabled peers for at least 80% of the time. The number of pupils that are enrolled in all formal educational settings x 100.

Italy is not included. They have had 'integrazione scolastica' ie. all children in mainstream schools since 1977, with the exception of hospital schools and some religious schools. In accordance with other observers, I have noted that students are located in mainstream classes with an additional support teacher, but the approach is very medical model and little real inclusive practice academically or socially was observed on school visits (D'Alessio, 2007)). This should act as a caveat to interpreting the data above and lead to viewing the data as a rough indicator of trends.

EASIE data shows a very uneven picture across Europe with the numbers still segregated in special schools. Figure 2 shows that there are still a number of school systems in Europe with high segregation. The Belgium (Flemish) system comes out highest, followed by the Belgium (French) system, then Slovakia, Germany, Latvia, Czech Republic, Netherlands and Estonia. Least segregating are Malta, Portugal, Norway, Croatia, Cyprus, Iceland and Spain, all at 0.5% or less. In 2018, Portugal has just promulgated a new approach to curriculum and assessment, following rapid moves to inclusion in the last decade.

Fig 2 Percentage of pupils with an official decision of SEN in special schools, based on the enrolled school population (%) 30 countries. The special school enrolment rates range from 0.09% to 7.06%; the total average for the 30 countries is 1.82%. 2012-13. Source EASIE, ibid.

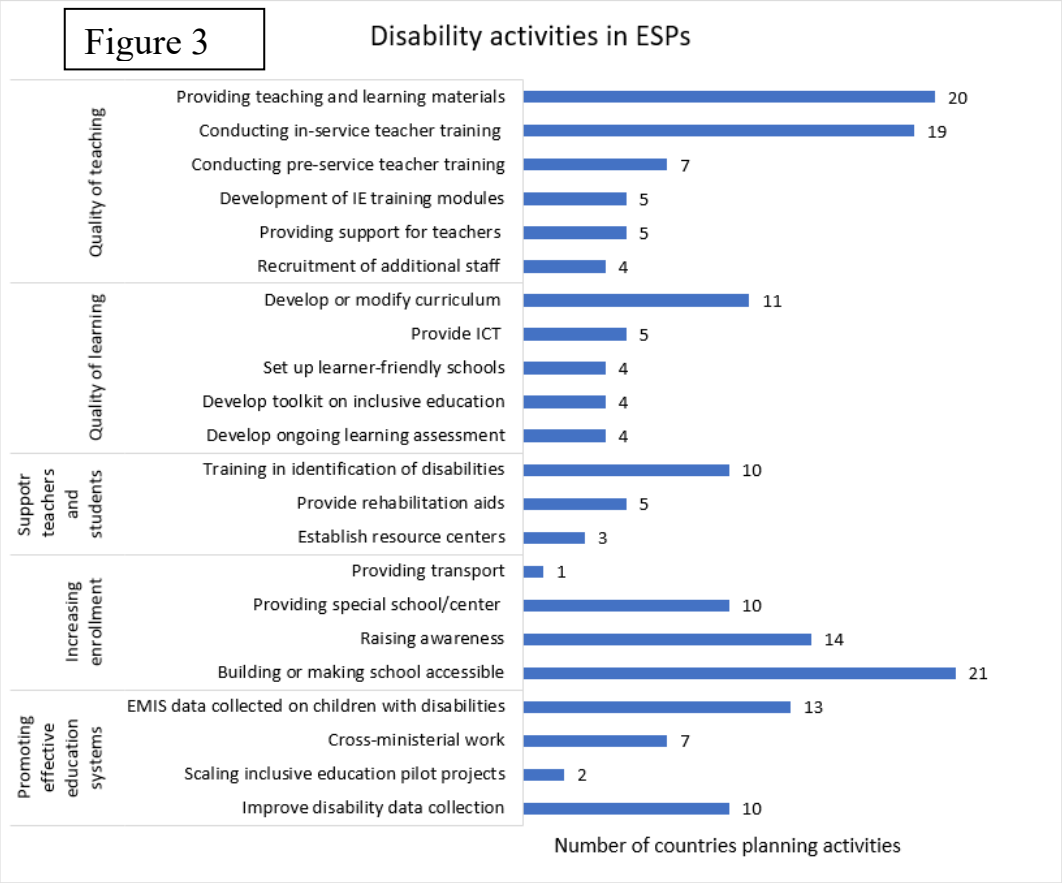


Portugal: Even where statistically a country looks inclusive, there is still a long way to go. In May 2018, the Government issued ***Inclusive Education and Curriculum Flexibility -*** Portugal is still a country with low rates of inclusion of students in education, with a significant number of young people subsisting in schools, in segregated physical or curricula spaces. They promulgated a law based on *"the construction of procedures for an inclusive school centred on access to the curriculum;*
• *Equal opportunities as a starting point;*
• *The multilevel approach to identifying measures of access to the curriculum and learning;*
• *Cooperation and teamwork in the identification and promotion of work for students with specific needs;*
• *Promotion of the relationship between the special education teacher and the teachers in the class;*
• *The reinforcement of intentionality in the transition to active life".* The aim is to end the different value given to academic and vocational qualification for students with disabilities (World of Inclusion, 2018).

Beyond Europe the progress towards Inclusive Education is very uneven. E.g. Brazil (Rieser, 2013) has managed to go to scale on providing resource centres at more than 35,000 schools, providing administrator and teacher training, but still have a large majority of children with disabilities out of school. South Africa, despite early high hopes, has more disabled children in special schools than when it set out White Paper No 6 in 2006. New Zealand has a national structure of Inclusion that is making substantial progress. New Brunswick in Canada remains the only school system where all children go to mainstream schools with the support they need.

India in 2008, started Sarva Shiksha Abhiyan (SSA) programme with funding from the World Bank, DfID and 90% from the Indian Government. This has facilitated substantial progress towards setting up a federal structure in each state to support inclusion, with specialist teachers, infrastructure changes and making schools accessible towards its goal: "*SSA will ensure that every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment. SSA will adopt zero rejection policy so that no child is left out of the education system. It will also support a wide range of approaches, options and strategies for education of children with special needs." (*Sinvgh and Agarwal, 2015). Considerable placement in school has been achieved with 90% of the 3.02 million children identified as having 'special needs' enrolled in school or provided with home-based education (Department of International Development, 2013). Despite many initiatives from the Government, barriers remain to achieving the desired objective of inclusion.

Recently, the Global Partnership for Education who coordinates aid grants for education has belatedly begun to recognise inclusion of children with disabilities as a priority. In a recent study, 51 national education sector plans of the poorest countries were reviewed for inclusion of children with disabilities (Global Partnership in Education, 2012). The study goes back to 2012 and shows that since that year, GPE has provided a total of US $439 million to support the implementation of education sector plans. From that amount US $5.07 million has funded specific activities supporting children with disabilities. Twelve countries (Cambodia, Comoros, Eritrea, Ethiopia, the Kyrgyz Republic, Lao PDR, Liberia, Nepal, Tajikistan, Tanzania, Uganda, and Zimbabwe) have received grants from GPE to support the education of children with disabilities. The main activity to address disability and inclusion is providing equipment and learning materials to children with disabilities.



As can be seen from Figure 3 the number of country education sector plans do not in the majority mention disability. This is despite the SDGs and UNCRPD commitments. Much more effort will be needed to increase the total states parties spend on education and much greater focus by GPE on inclusive education. This has been strongly pointed out by International Disability and Development Consortium (International Disability and development Consortium, 2017) who also call for the decline in aid needs to be reversed, with total overseas development assistance rising 11% per year by 2030 and GPE needs strengthening to play a more pivotal role in promoting the funding of disability inclusive education. Pooled and blended financing mechanisms and debt relief linked to improved inclusive education spending are options that need to be further investigated, while better harmonisation of aid with national inclusive education plans is vital.
The Catalyst for Inclusion is an important initiative from Inclusion International which is a programme designed to assist families of learners with intellectual disabilities with around the world 200 federations in 115 countries. The aim is to build bottom up larger education reform efforts and support the development of leaders to effectively bring about inclusive education for people with learning difficulties (Catalyst for Education, 2018).

These last three initiatives plus an increased focus from Unicef, UNESCO, the World Bank and the increased voice of Disabled People's Organisations through the International Disability Alliance (IDA) (Rieser, 2018)) will ensure that disabled children are not left out, as they were in the Millennium Development Goals (1990 – 2015). IDA has set up The Global Action on Disability (GLAD) Network which is a coordination body of bilateral and

multilateral donors and agencies, the private sector and foundations working with IDA and IDDC to enhance the inclusion of persons with disabilities in international development and humanitarian action. The first major initiative is the Global Summit on Disability in the UK on 24th July 2018 co-hosted by DfID and IDA with 600 delegates in London with DPOs from Africa and Asia, funders and Governments. Mini Summits are being held in Bangladesh, Ghana, Kenya, Malawi, Nigeria, Pakistan, Uganda, Zambia, the outcome of which will feed into the Summit.

There is much concern about the lack of involvement of UK DPOs in the Summit as they have made considerable representations to the UNCRPD committee who have accepted these including that the SEND system is not complying with the UNCRPD in England and is not working (30).
Inclusive education is on the agenda (Impact Initiative, 2018).

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Annex. 1 Article 24 UNCRPD

"1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

c) Reasonable accommodation of the individual's requirements is provided;

d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.