A review of policy in the field of special needs and inclusive education since the 1990s

Lorna Selfe, Robin C. Richmond

with Peter Gray and Brahm Norwich

WholeSchool SEND

SEN POLICY RESEARCH FORUM

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INTRODUCTION
AIMS AND CONTENT

This review of policy in the field of special needs and inclusive education since the 1990s is based on a selection of policy papers from the SEN Policy Research Forum, which has held policy seminars and released over 40 policy papers since its start in 1993 (these are available on its website http://blogs.exeter.ac.uk/sen-policyforum/). It has been developed to support the work of the Whole School SEND Consortium to embed good SEND provision in schools. This project was funded by the Department for Education.

The review of policy in this field aims to provide a unique overview of key themes and trends in SEN policy and practice since the early 1990s. In doing so it will illustrate the policy analyses, deliberations and recommendations of the SEN Policy Research Forum over a period in which there have been major changes in legislation and practice. It is intended that the review acts as a policy record of the analysis and recommendations of key contributors to the field. These contributors draw on their experience in policy advice and consultancy, school management and leadership, academic research, university teacher education and training, professional association leadership and education administration. It focuses on the continuities in the challenges faced in the field and how these policy and practice issues have been addressed and resolved.

This publication consists of 7 sections, of which 5 will be about some of the key themes covered by policy papers at least twice over this period, so showing some trends of change and continuity. It is also hoped that the review paper will act as an introductory source about issues in SEN policy and practice to those interested in the field, teachers, advisors, policy makers, academics, researchers and those in initial training and continuing professional development.

This review paper will cover these 5 topics and draw on selected policy papers since 1993:

1. **Special schools and settings.** With reference to the papers by Max Hunt in 1994, Philippa Russell in 2007 and Alison Black in 2018.
2. **Markets and Governance.** With reference to the papers by Peter Housden in 1993, Peter Gray in 2010 and Alison Black in 2018.
3. **Accountability.** With reference to the papers by Brian Lamb in 2013 and Jonathan Roberts in 2019.
4. **Exclusions.** With reference to the papers by John Bangs in 1997 and Louise Gazeley in 2019
5. **Teacher Education.** With reference to the papers by Peter Mittler in 1993 and Hazel Lawton in 2014

THE ESTABLISHMENT OF THE SEN POLICY RESEARCH FORUM (SENPRF)

This Forum has aimed to contribute intelligent analysis and the use of knowledge and experience to promote the development of policy and practice for children and young people with special educational needs and disabilities.

As a Forum it is concerned with children and young people with special educational needs and disabilities from pre-school to post-16 (0-25 years). It has covered the whole of the UK, though with an emphasis on England, with the aims to:

1. Provide timely policy review and critique
2. Promote debate
3. Set longer term agendas – acting like a think-tank
4. Deliberate and examine policy options in the field
5. Inform research and development work in the field
6. Establish robust routes to media outlets

In the use of the term 'special educational needs' it recognises the uncertainties over what counts as 'special educational needs' and 'disabilities' in relation to a wider concept of 'additional needs'. It also recognises and examines these among the many related issues relevant to the Forum.

The establishment of the Forum builds on over 25 years of work and experience by the SEN Policy Options Group since the early 1990s. The Policy Options Group organised a seminar series funded by the Economic and Social Research Council and the Cadbury Trust on policy options for special educational needs. The success of the series led to further seminars supported financially by nasen (the National Association for Special Educational Needs), the leading UK professional organisation in this field. Since 2015 the Group changed its name to the SEN Policy Research Forum but continued to be supported and funded by the Pears Foundation as it expanded its activities, including a website at http://blogs.exeter.ac.uk/sen-policyforum/.

The original organising group, now called the lead group, has consisted of policy consultants, local authority professionals and officers, voluntary organisation officers, academics, researchers, teachers and parents. The Forum plans to continue with the seminars and policy papers, while extending its range of activities which are especially appropriate in the current policy context.

PAST POLICY AND RESEARCH FORUM PAPERS
The following is the list of all the Policy and Research topics. These can be downloaded from the NASEN Policy and Research Forum site:

1. Bucking the market- LEAs and special needs: Peter Housden 1993
2. Towards Effective Schools for All: Mel Ainscow 1993
3. Teacher Education for Special Educational Needs: Professor Peter Mittler 1993
4. Allocating resources for SEN: Jennifer Evans and Ingrid Lunt 1994
5. Special Schools and their Alternatives: Max Hunt 1994
6. Meeting SEN: options for partnership between health, education and social services: Tony Dessent 1996
7. Provision for SEN in the 1990s: from users' perspectives: Micheline Mason, Robina Mallet,

Colin Low and Philippa Russell 1996

8. Independence and dependence? Responsibilities for SEN in the Unitary and County Authorities: Roy Atkinson, Michael Peters, Derek Jones, Simon Gardner and Phillipa Russell 1997

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 1997

10. Baseline Assessment and SEN: Geoff Lindsay, Max Hunt, Sheila Wolfendale and Peter Tymms 1997

11. Future policy for SEN: Response to the Green Paper: Brahm Norwich, Ann Lewis, John Moore and Harry Daniels 1998

12. Rethinking Support for more Inclusive Schooling, 1999: Peter Gray, Clive Danks, Rik Boxer, Barbara Burke, Geoff Frank, Ruth Newbury and Joan Baxter 1999

13. Developments in Additional Resource Allocation to Promote Greater Inclusion: John Moore, Cor Meijer, Klaus Wedell, Paul Croll and Diane Moses 2000

14. Early years and SEN: Professor Sheila Wolfendale and Philippa Russell 1999

15. Specialist Teaching for SEN and inclusion: Annie Grant, Ann Lewis and Brahm Norwich 2000

16. Equity dilemma 2001 paper 2 March 10(1): Richard Humphries, Sonia Sharpe, David Ruebain, Philippa Russell and Mike Ellis 2001

17. Standards and effectiveness in special educational needs: questioning conceptual orthodoxy: Richard Byers, Seamus Hegarty and Carol Fitz Gibbon 2001

18.Disability, disadvantage, inclusion and social inclusion: Professor Alan Dyson and Sandra Morrison 2002

20. Rethinking the 14-19 curriculum: SEN perspectives and implications: Dr Lesley Dee, Christopher Robertson, Professor Geoff Lindsay, Ann Gross, and Keith Bovair 2002

21. Examining key issues underlying the Audit Commission Reports on SEN: Chris Beek, Penny Richardson and Peter Gray 2003

23. Future schooling that includes children with SEN / disability: Klaus Wedell, Ingrid Lunt and Brahm Norwich 2005

24. Taking Stock: integrated Children's Services, Improvement and Inclusion: Margaret Doran, Tony Dessent and Professor Chris Husbands 2006

25. Special schools in the new era: how do we go beyond generalities?: Chris Wells, Philippa Russell, Peter Gray and Brahm Norwich 2007

26. Individual budgets and direct payments: issues, challenges and future implications for the strategic management of SEN: Christine Lenehan, Glenys Jones Elaine Hack and Sheila Riddell 2008

27. Special educational needs has outlived its usefulness: Chris Wells, Philippa Russell, Peter Gray and Brahm Norwich 2007

28. Personalisation and SEN: Judy Sebba, Armando DiFinizio, Alison Peacock and Martin Johnson 2009

29. Choice-equity dilemma in special educational provision: John Clarke, Ann Lewis and Peter Gray 2010

30. SEN Green Paper 2011: progress and prospects: Brian Lamb, Kate Frood and Debbie Orton 2011

31. A school for the future – 2025: Practical futures thinking: Alison Black 2012

32. The Coalition Government's SEN policy: aspirations and challenges?: Peter Gray, Brahm

Norwich, Philippa Stobbs and Sharon Hodgson 2012

33. How will accountability work in the new SEND legislation?: Camden parents, Penny Richardson, Brian Lamb and Jean Gross 2013

34. Research in special needs and inclusive education: the interface with policy and practice: Peter Blachford, Rob Webster, Liz Pellicano, Simon Ellis, Janet Tod, Geoff Lindsay, Julie Dockrell and Brahm Norwich 2014

35. Professional training in the changing context of special educational needs disability policy and practice: Neil Smith, Hazel Lawson and Glenys Jones 2014

36. Governance in a changing education system: ensuring equity and entitlement for disabled children and young people and those with special educational needs: Peter Gray, Niki Elliot and Brahm Norwich 2015

37. School Commissioning for Send: New Models, Limits and Possibilities School commissioning policy paper: Tom Jefford, Debbie Orton and Kate Fullon 2015

38. Early review of SEN legislation: Brian Lamb, Kate Browning, Andre Imich and Chris Harrison 2016

39. Preparing for adulthood: developing provision for children and young people with SEN and disability: Yolande Burgess, Justin Cooke, Ellen Atkinson and Gill Waceba 2017

40. A worthwhile investment? Assessing and valuing educational outcomes for children and young people with SEND: Graeme Douglas, Graham Easterlow, Jean Ware and Anne Heavey 2017

42, 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 with Claire-Marie Whiting and Jenny Andrews 2018

43. Policy for SEND and Inclusion: examining UK national and some European differences: Chris Robertson, Alfons Timmerhuis Niels Egelund, Camilla Brørup Dyssegaard, Cecilia Simón, Gerardo Echeita and Richard Rieser 2018

44. Exclusions, barriers to admission and quality of mainstream provision for children and young people with SEND: what can be done?: Jules Daulby, Louise Gazeley, Nicola Furey and James Roach 2019

45. Accountability, performance management and inspection: how to enable positive responses to diversity?: Jonathan Roberts, Nick Whittaker, Jane Starbuck and Robin Banerjee 2020

LANDMARK LEGISLATION

Since the forum has been in existence there has been significant shifts in ideology mainly, but not entirely, emanating from the policies of whichever government was in power. Understanding some of the changes in legislation that preceded or took place during the period covered by this review is useful to understand the influences on and contexts of the changing policy and practice for children and young people with SEN. There have been many Enquiries, White papers, Green papers, Acts and subsequent guidance and Codes of Practice relating to special education produced by government over this period. The five most far reaching and important are briefly reviewed here.

The 1981 Education Act

The 1981 Education Act represented a paradigm shift in the way special education was conceived and it remains profoundly influential today, forming the basis for the current legislative framework. Under the provisions of the 1944 Act eleven categories of 'handicap' were described and a child with learning difficulties was allotted to one and assigned to a special school catering for their 'handicap'. Until 1971 children with severe and complex difficulties were deemed to be 'ineducable' and were placed in institutions designed to offer care under the Health Service. The most far reaching recommendation of the Warnock Report which led to the 1981 Act was to abolish the categorisation of children in terms of their handicap and to instate the concept of special educational needs. The child's individual needs were to be assessed in order to make suitable provisions to meet them.

The 1981 Act set out the formal procedures for making an assessment of the child's special educational needs. For the first time the assessment was multi-professional and at all stages parents were to be involved in the assessment and consulted. Once the assessment was completed, if special educational provision was thought to be necessary, the Local Education Authority made and maintained a legally binding statement of the child's special educational needs and specified the provisions to meet those needs.

The 1981 Act recognised that a much broader range of children could experience difficulties with learning during their school career. It was stated in the Warnock Report 1978 that, *'The frame-work is intended to establish once and for all the idea of special educational provision wherever it is made as additional or supplementary rather than, as in the past, separate or alternative provision'.* The traditional view of special education as exclusively separate and different from ordinary education was abandoned. The Warnock view of special education was much broader and more positive. The report advocated that the majority of children with special educational needs should be educated in ordinary mainstream schools along with their peers. The principle of educating children with learning difficulties and disabilities and other children together became the principle of inclusion. This was in harmony with an international movement that promoted the aim that all children should share the same opportunities for self-fulfilment enjoyed by others. The idea that no child should be educated in a special school who could satisfactorily be educated in an ordinary one became a guiding principle for the next thirty years.

The 1988 Education Reform Act

1988 Education Act was rather different to the 1981 Act and in this lies many of the concerns and contradictions evident in the papers examined in this publication. Whereas the 1981 Act was intrinsically child-centred and individual needs based, the 1988 Act was designed to bring schools:

- into a kind of marketplace,
- to make them competitive,
- to raise academic standards,
- to make schools more responsive and accountable to parents as consumers.

The philosophical stance of the 1981 Education Act was about education as a right; the 1988 Education Act saw education more as a commodity.

Until the 1980s there had been a succession of governments which were largely wedded to the fundamental notions of the value of state intervention. This involved the development of the Welfare State and ideas of collective responsibility and public ownership. State education was part of this ethos. In the 1980s Thatcher's government challenged this, drawing on the ideas of Hayek and others, who advocated the importance of free enterprise and consumer choice with the operation of market forces. This Government adopted monetarist and neoliberal economic policies, which were then introduced and adapted to public services like education. These education policies were sometimes referred to as involving parent choice and school diversity, with the successful schools attracting parents while the less successful schools became less popular. The first paper discussed in this review entitled 'Bucking the Market' by Housden critiqued the dominant ideology that free, unregulated competition would ensure better outcomes for all and especially for pupils with SEND. After the 1988 Reform Act, education was increasingly viewed as a product in a competitive market in which parents could exercise choice.

The principal provisions of the 1988 were the introduction of a compulsory National Curriculum, changes to parental choice, open enrolment of pupils in schools, and financial delegation whereby schools would be responsible for their own budgets and be funded by their pupil numbers. Schools were required to publish results and a new inspection regime was established (OFSTED). The Act set up the mechanisms whereby schools could opt out of LEA control and be maintained by central government as grant maintained. Academic results became increasingly important in the judgements made about a school's performance. Since pupils with special needs were unlikely to enhance a school's academic results it was inevitable that there would be disquiet about their position in the new marketised system.

Special Educational Needs and Disability Act 2001

From 1981, and for the next thirty years, the principle of inclusion was reiterated and strengthened in legislation. The Special Educational Needs and Disability Act 2001, also known as SENDA, was intended to extend the Disability Discrimination Act, 1995, to encompass all educational organisations. The aim was to discourage discrimination against disabled, learning-disabled and special needs pupils and to help them achieve social inclusion.

The Act stated that discrimination occurred when the school or other educational establishment either failed to make 'reasonable adjustments' to accommodate individuals with SEND, or when they gave them less favourable treatment. The Act described 'reasonable adjustments' as alterations to normal practices and procedures, alterations to the physical environment and the provision of extra support. This may be extra equipment for a physically disabled pupil, or in the case of a learning disability, it may be the provision of specialist support staff, changes to the curriculum, or providing alternative teaching and learning materials. The Act covered many areas of pupil and student services, from access and provision of learning resources, exams and assessments and the arrangement of work placements.

Under the Act discrimination in education was deemed unlawful. Schools could not treat disabled pupils less favourably than others and it is instructive to compare this legislation with

the discussions about exclusion and the paper presented by Louise Gazeley. Section 28A of the Disability Discrimination Act 1995 was amended by the Special Educational Needs and Disability Act 2001 and it stated:

(1) It is unlawful for the body responsible for a school to discriminate against a disabled person:

(a) in the arrangements it makes for determining admission to the school as a pupil;

(b) in the terms on which it offers to admit him to the school as a pupil; or

(c) by refusing or deliberately omitting to accept an application for his admission to the school as a pupil.

And:

(4) It is unlawful for the body responsible for a school to discriminate against a disabled pupil by excluding him from the school, whether permanently or temporarily.

Headteachers were faced with imperatives that were difficult to reconcile. On the one hand, achieving academic standards and demonstrating good results in league tables were the measure of a school's success. On the other, discrimination on the grounds of learning difficulties and disabilities was made illegal and inclusion was strengthened. These dilemmas were aired in several of the papers. (See Black and Gray, Elliot and Norwich, 2015).

The Academies Act 2010

Academies were fist established in response to concerns about the poor results of some inner-city schools. Under a Labour Government, they were taken out of LEA control and funded directly from the Department of Education. They had sponsors from a wide range of backgrounds: educational trusts, charities, the business sector and faith communities. The first academies – called sponsored academies - opened in 2002 and by 2010 there were 203 in 83 local authorities. The 2010 Act enabled all maintained schools to apply to the Secretary of State to become academies. Schools which have been judged 'outstanding' by OFSTED were approved automatically for academy status – called converter academies.

Primary and special schools were also encouraged to apply to become academies for the first time. Originally academies were required to have a curriculum with an emphasis on a particular subject or subjects. For secondary schools, this requirement for a specialism continued, but it was not extended to primary schools.

The Act made the process of applying to become an academy as simple as possible and without a requirement for Local Authorities to be consulted. The aim was to greatly increase the number of academies and for the number to continue to grow each year. Academies were expected to be funded at a comparable level to maintained schools, but they were set up as trusts/ charities. As they had considerable autonomy, decisions on funding were the prerogative of the trustees.

Many more LA maintained schools became academies following the Act. By 2014 their number had risen to over 4000 which represented most secondary schools and a quarter of primary schools (the discussion of Alison Black's paper (2018) focuses on these matters in more detail). With greatly increased autonomy, competition between schools for pupils increased and this was planned to drive up academic standards. Some schools became increasingly reluctant to spend time and their scarce resources on pupils with SEND. As a

result, alternative provisions for pupils with SEND, including special school placements and PRUs, have been increasing together with the exclusion of pupils with SEND (see the discussion in exclusion in the paper by Louise Gazeley; 2019). LAs had a duty to provide for pupils who had been excluded as well as having major responsibilities for pupils with a statement. At the same time, LA budgets were being reduced. Pupils with SEND and their parents were in an unenviable position in this new education system and many of the papers produced after 2010 reflected a growing disquiet.

The Children and Families Act 2014

The Children and Families Act 2014 had a very broad remit encompassing the care and education of all children but especially vulnerable groups. Part Three of the Act was concerned with children and young people with SEND. The Act repealed previous legislation on assessment of SEND and set out wide ranging duties for Local Authorities. An aim of the Act was to make children, young people and parents much more involved in decision-making at individual and strategic levels. The act extended the age of LA responsibility for young people with SEND from 19 years to 25 years. The Act required the LA to devise and publish a Local Offer of support for children and young people with SEND. This was intended to give parents a better understanding of available provisions (see the paper by Brian Lamb, 2016).

For children and young people with more complex needs, the LA was responsible for a co-ordinated assessment process and the new 0-25 Education, Health and Care plans (EHC Plan) replaced Statements of SEND. A graduated approach to identifying and supporting pupils and students with SEN was emphasised. However, the non-EHC Plan levels of SEN, School Action and School Action Plus, were replaced with a single category: SEN Support. As previously, there was a duty to keep education and care provision under review and to secure special educational provision and health care provision in accordance with the EHC Plan.

The Act called for joint planning and commissioning of services to ensure close co-operation between education, health and social care and reiterated the duty of health authorities to bring certain children to the attention of the LA. The Act also required LAs and Health Authorities to consider the option of a personal budget for children and young people who are eligible for an EHC Plan if parents request one. Finally, the Act laid out provisions for parents to appeal decisions and to have access to mediation and dispute resolution services.

LAs were faced with new duties and to cater for a much wider population range (0-25 years) at a time of austerity and severe budget cuts. One impact has been to raise parents' expectations but with very little change in the availability of resources. Many of the papers presented here discussed the problems confronting LAs as their powers and budgets waned and evaluated the impact this would have on special education and inclusion.

CONCLUDING COMMENTS

The following five sections illustrate the impact of legislation, changing ideologies and other factors on the identification of children and young people as having SEN and the provision for them. The review will end with a concluding section which presents an overview perspective

of the field as integral to all aspects of school education, on the one hand, but also as a specialisation, on the other. This dual aspect reflects some of the tensions between basic values and principles that inform the field. These tensions between different values and principles will also be identified as relevant to the way that policy options can play out in the future.

SPECIAL SCHOOLS AND SETTINGS

CONTEXT

Policy and practice relating to special schools and integrated provision in ordinary schools for pupils with special educational needs is examined in this chapter with reference to the work of the NASEN Policy Research Forum. Three seminars held by the forum are discussed. All three considered the role of special schools in the light of the 1981 Act and the move to more inclusive practices. The first forum was held in 1994, over a decade since the Warnock Report and the 1981 Education Act, which had radically reformed special education. Children with learning difficulties and disabilities were at this time assessed to determine their special educational needs rather than being assigned a category of 'handicap'. The focus changed from 'ascertainment of handicap' to the individual human rights of the child and this included the right to be educated alongside the child's peers.

In a contribution by Peter Mittler, he said, *'During the 1970s and 80s educational integration was seen by many as a moral imperative and its attainment took on some of the elements of a crusade. [...] Special schools came to be portrayed as inherently bad [...] conversely ordinary schools were sometimes portrayed as ipso facto providing a better environment both socially and educationally'*. However, he concluded, *'Today the issues are presented in a less polarised light and are recognised as exceedingly complex.'*

In the ensuing decade after the 1981 Education Act, children were increasingly placed in ordinary schools and the numbers educated in segregated special schools declined. Hunt quoted government statistics to show the impact of the 1981 Act. Between 1981 and 1991 the total number of special schools (including non-maintained) fell from 1530 to 1393. During the same period, special school pupil numbers fell from 124,900 to 96,600. The number of pupils with statements of SEN who were placed in ordinary primary and secondary schools rose from 35,800 to 70,900. The role of the special school was under scrutiny. However, during this decade and under the Thatcher government, a further change in the educational system occurred. The aim was to 'marketise' education and diminish the power of Local Education Authorities (LEAs), making schools more competitive and accountable for their budgets.

The main features of the 1988 Education Reform Act were as follows:

- Local Management of Schools was introduced. Primary and secondary schools could apply for Grant Maintained (GM) status whereby financial control would pass from the LEA to the headteacher and governors. The school would then be funded by central government. (This was the precursor to the establishment of academies).
- The National Curriculum was introduced along with key stages. At each key stage a number of educational objectives were to be achieved.
- An element of choice was introduced, where parents could specify which school they preferred.

The terms inclusion and integration have been used in this chapter interchangeably because the discussions cover a considerable time period when the concepts were evolving. The Warnock Report and the 1981 Education Act used the term integration and early debate fixed on this term. Later a distinction was drawn between integration as a state, whereby the child with SEN was located in an ordinary school, and inclusion which was more about the process of enabling participation in all aspects of the school's activities. Inclusion became the term of choice in later discussions.

IDENTIFYING CONCERNS IN 1994

Contributions from Peter Mittler, Max Hunt and Philippa Russell informed the discussion in the first forum. Max Hunt, as the Director of Education of a large urban authority, considered the role of special schools and their alternatives. He commenced his paper by discussing the notion of inclusion. He pointed out that over the previous decade there had been *'conscious efforts to break down the barriers between special and mainstream education'*. However, classes in ordinary schools have always contained children with SEN, particularly children with learning difficulties. Early in his paper Hunt presented the problem of an incompatibility inherent in seeing children with SEN as having inalienable rights and the notion of children being 'funding units' in the new arrangements of the 1988 Act. He said that inclusion as a general policy objective derived from an essentially moral position. *'For many pupils with SEN their progress is unlikely to go beyond working towards level one'*. They were unlikely to enhance the school's league table scores.

Hunt presented six models of organisational options for pupils with statements of SEN at this time, these being:
- Ordinary school placement without special help
- Ordinary school with ancillary help
- Ordinary school specifically resourced offering part-time withdrawal
- Special unit offering part-time placement in ordinary classes
- Special unit within the premises of the ordinary school
- Special school with mainstream links.

Hunt suggested criteria for evaluating these models and listed six factors which are linked to success and positive outcomes:
1. Resources
Hunt described the dilemma that existed for all administrators at this time that provisions made in mainstream schools were usually more cost-effective than in special schools but the inexorable rise in the rate of statementing nationwide (from less than 2% of the pupil

population in 1981 to 2.5% in 1994), meant that resourcing of SEN was seen to be out of control.

2. Health and other agencies

The success of any model was often influenced by the provisions available from the Health sector and this was especially important in the mainstream settings. Hunt said, *'There is little point in trying to move pupils out of segregated special schools and into mainstream provision if the medical and paramedical attention they need cannot be planned and managed in parallel to support the integrated placement'.*

3. Teachers

Hunt stated that the paramount factor influencing successful outcomes is a positive attitude among all the teaching staff involved. However, having sufficient time and training is essential.

4. School Management

Many studies have concluded that a key concomitant of successful mainstreaming is the quality and attitude of the management team responsible for the pupils involved. Autonomy in special schools was another concern. Such schools catered for pupils with statements and there was little to promote building links with mainstream schools.

5. Parents

Beyond any requirement of legislation, educational provision which meets parental wishes is much more likely to succeed.

6. School Governors

The 1981 Act imposed a clear duty on governors with regard to the education of pupils with SEN and Hunt said that successful policy development was associated with governor body support and commitment.

Hunt concluded that an abiding theme for successful integration was careful and coherent planning.

Hunt went on to consider the impact of the 1988 Education Act on inclusion. He stated that although there were a number of positives in the legislation following the 1988 Reform Act and the introduction of the Code of Practice in 1993, nevertheless, '*the overall effect may be hostile to the fostering of inclusion'.*

The new Code of Practice introduced in 1993 established school-based stages of assessment and Hunt predicted that the staged procedure was likely to operate most effectively when school budgets clearly identified elements of funding linked to the incidence of SEN. Hunt welcomed the role of LEAs in monitoring provision under the statement and Annual Reviews procedures but this was balanced against perceived threats to inclusion. The 1988 Act established an option for LEA schools to apply for GM status with financial management outside of LEA control. Hunt lamented the impact of this on schools' attitudes to inclusion and claimed that evidence was already available to show the 'freezing out' of children who might prejudice the school's league table scores. He said of the newly created school independence, '*If the essence is of an autonomous institution competing for custom in an educational market and with its survival contingent on keeping numbers up, how can this be in any way compatible with the furtherance of mainstream options?'*

In the 1994 forum, Philippa Russell argued that special schools would continue to form part of the diverse range of options available. She suggested that, as the epidemiology of disability changed, special schools would need to change.

Her future options for special schools included:

- The special school as a service
- Providing a regional service
- A training resource
- Providing a safe place.

Special schools were perceived as having a wider role and this was picked up by several of the contributors to the forum. However, Russell felt that there was widespread concern about the fact that children rarely transferred from special schools to mainstream. Russell also aired concerns about the fact that special schools were increasingly catering for social needs as well as educational ones. Finally, she lamented the fact that special schools were likely to become very isolated if they had autonomous financial status.

Peter Mittler took a positive stance suggesting that the newly introduced National Curriculum had provided teachers in both ordinary and special schools with a common language and a framework for progression for all children. Special schools had adjusted, too, by building local links to offer the 'broad and balanced curriculum' required by the 1988 Act. The new Code of Practice outlining identification, assessment and meeting needs of pupils with SEN was welcomed as it helped to provide a framework for SEN in ordinary schools but had less impact on special schools since pupils already had such assessments.

Mittler concluded with the following list of aspirations:

- *Parents must be allowed genuine choices*
- *LEAs must continue to plan for a range of options*
- *The option of inclusion should be the starting point for every child and Annual Reviews should consider the possibility of a greater degree of integration.*
- *It has to be recognised that there are individual children whose needs would genuinely be better met at a special school and that special schools must be part of the spectrum of choice*
- *What is needed is a new partnership between special and ordinary schools.*

IDENTIFYING CONCERNS IN 2007

The second forum entitled 'Special Schools in a New Era' took place in 2007. The forum provides us with the perspective on special schools and progress towards inclusion over the intervening years. It was clear that ideas and attitudes about SEN had changed and the impact of the 1988 Act was more apparent. Three contributions from national experts in the field are considered here; Philippa Russell, Chris Wells, and Peter Gray and Brahm Norwich.

A number of government initiatives and a report on SEN by Ofsted (2006) prompted the forum. Debate had intensified with the publication in 2005 of Baroness Warnock's report *Special Educational Needs: a new look*, in which she questioned the primacy of inclusion. This prompted an enquiry by the Education and Skills Select Committee. Much of the debate on SEN had focused on the single issue of where children were taught. Following the Select

Committee report, the government focussed on the quality of children's experiences - how they were helped to make progress with their learning and participate fully in the activities of their school and community. Ofsted's report '*Inclusion: does it matter where pupils are taught?*' was published in July 2006. It concluded that good provision can be found in a range of settings. The report highlighted the benefits of resourced SEN provision in mainstream schools in producing consistently good or better outcomes for children with SEN and disabilities.

Chris Wells set out the government position at that time and posed some questions about special schools and inclusive education. The government made clear in its response to the Select Committee that it had no plans to change the statutory framework which provided for children with statements to be educated in mainstream schools wherever possible.

At a strategic level, local authorities (LAs) retained the responsibility for securing special educational provision for pupils who had statements of special educational needs. Wells said that the key to moving beyond the traditional special versus mainstream debate was in building capacity across the system to meet a diverse range of needs. This involved several key, interrelated elements:

1. Better strategic planning
The government made clear that it expected LAs to develop a flexible continuum of provision to meet children's SEN. This included mainstream schools, special schools and specially resourced or unit provision in or attached to mainstream schools with access to a range of specialist provision and services.

2. Specialist teaching and support
A skilled workforce was regarded as key to ensuring that children with SEN and disabilities fulfilled their potential and drew maximum benefit from educational facilities on offer.

3. Stronger collaboration between schools and services
Sharing knowledge and expertise was seen as key to improving outcomes. Schools were expected to work collaboratively with strong networks, where appropriate in federations or partnerships, to meet the needs of children with SEN and disabilities.

Philippa Russell said that the debate about inclusion had to be put in the wider context of a refocusing of public policy on longer-term outcomes and 'life chances' rather than short-term interventions across the children's sector. She stated that inclusion was too often presented as a challenge rather than the hallmark of a successful school. She also recognised that the SEN population was growing and changing, e.g. to include children with ASD and behavioural difficulties. Russell suggested that what was needed was:

- Better identification and early intervention
- Access to appropriate specialist advice and support across all children's services
- Recognition that the number of children with low incidence disabilities or SEN is increasing, with corresponding pressure on expensive out of area services unless mainstream and local capacity is enhanced.

Russell was particularly concerned with the parental voice and parental choice and how this might shape future developments. At this time there were strong feelings amongst parents and their advocates that their preferences for their children were often ignored. The

assessment process often felt like a constant battle. Russell questioned how much choice existed in the education economy, where there were seldom surplus places and market forces often applied. Evidence confirmed that many parents opted for special schools in order to get non-educational provision for their children. The provision of '*auxiliary aids and equipment'* remained a constant challenge for many disabled pupils. There were widespread differences in the availability of therapy, provision of equipment or personal assistance within different LAs. Russell noted that over 50% of LAs reported difficulty in accessing advice or non-educational support from health or social services.

Russell referred to an Ofsted report (2006) which identified the factors that promoted good outcomes across a range of different provision for pupils with SEN and disabilities. The report stated that effective provision was *'distributed equally between mainstream and special schools when certain factors were securely in place'.* These key factors included:
- Ethos
- Leadership
- Access to specialist staff (and focused professional development for all staff)
- Flexibility and responsiveness to individual needs, i.e. personalised learning
- Good data collection and analysis to inform pupils' learning and progression.

These factors applied equally to both special and mainstream schools, but Ofsted found that *'these features were present and more easily put in place in resourced mainstream schools than any other.'* Russell stated that a range of evidence presented to the Select Committee made reference to the implications of an increasingly delegated funding system and the implications for the previously centrally managed support systems. With regard to special schools, Ofsted concluded that whilst they had real strengths in matching staff skills to particular children, teachers in mainstream schools had better knowledge of the National Curriculum. Ofsted regarded support and outreach services as *'promoting inclusion and improving the life chances of many vulnerable children.'* However, both Ofsted and the Select Committee expressed concern at the impact of delegation on some support services. Russell concluded that, *'The 'direction of travel', i.e. increased inclusion alongside increased capacity across the mainstream sector, is clear. But there are challenges (and opportunities) for the future'.*

Brahm Norwich and Peter Gray contributed a paper looking at conceptual and strategic perspectives. They considered the various conceptual and value issues that have implications for local and central government agendas. They contended that '*Inclusion is a process and more needs to be said about stages in that process'.* They advocated that the relative autonomy of special schools needed to be examined and for closer connections between schools and their locality established.

A clash of values was identified between the positive social aims of inclusion versus the individualised, medical model which focused on ameliorating disabilities. But Norwich and Gray argued that appeals to social justice as an argument for inclusive practices were not sufficient to justify all-inclusive

provision. What was needed was a recognition of differences in ideas about the aims of education, what they termed as a *'values plurality'* and that meant also accepting and promoting a variety of provisions. LAs should be responsible for overseeing a *'flexible interacting continua of provision'* to meet the variety of presenting needs.

Historically special schools had enjoyed considerable freedom in deciding the nature of their provision. Generally, the emphasis had been on care rather than learning, and expectations for their pupils were low. The advent of the National Curriculum led to greater communality. Ofsted inspections shifted special schools' accountabilities to the school rather than the LA. Norwich and Gray argued that connections need to be strengthened. Special schools should see themselves as part of a local network and to be part of the LA's inclusion process. There should be a clear view of outcomes for pupils and recognised inspection arrangements.

Norwich and Gray concluded: *'The strategic path towards greater inclusion is not easy. But, in our view, it would be assisted by clearer national principles, which can offer a framework for local interpretation'.* These principles should include:
1.   Greater consistency between a 'market' view of autonomous schools and LA planning and control through more regulation of the 'market'.
2.   Greater inclusion of special schools as part of a local authority service offering provisions for a range of needs.
3.   Clarification about what is meant by 'complex and significant' SEN/disabilities in process and functional terms.
4.   The linking of all special schools (including non-maintained schools) to ordinary/general provision in organisational and governance ways.
5.   Exemplification of the range of, and limits to, options available at LA and school levels in terms of 'flexible and interacting continua'.
6.   Accountability of LA and school provision (through the Ofsted system) based on clear and specific indicators of desired outcomes, including outreach and support activities from separate settings.

IDENTIFYING CONCERNS in 2018
The 2018 forum concerned with inclusion and special school developments was held in the aftermath of several major changes in legislation related to SEN. Perhaps the two most important being the 2010 Academies Act which extended the number of schools with academy status and the 2014 Children Act which overhauled the assessment and statementing process. The impact of the changes are the subject of a very recent Select Committee Report (2019). The seminar addressed the following questions:
 1.Why has the number of pupils in special schools risen significantly nationwide over the last few years?
2. What pressures are mainstream schools experiencing in trying to work inclusively?
3. Do parents have a real choice for mainstream?

4. What role are LAs and other organisations able to play in promoting inclusion, in a context of greater school self-determination and the absence of clear national policy?

Alison Black presented data to illustrate trends and the impact of academisation on inclusion. She considered the data available from 2011 to 2017. She draws on a number of resources for her data analysis and cautions about inconsistencies. Her main findings, however, are indisputable. The number of pupils in special schools had risen from 94,275 in 2011 to 113,610 in 2017; a growth of population in special schools of 23%. The increase is not accounted for by a growth in the pupil population. The increase in population accounts for only a small rise in special school placements but Black states that this indicates a trend towards segregation. Further analysis showed that the number of primary aged children in special schools was increasing at a faster rate than the number of pupils of secondary age in special schools.

Black asked what might explain the apparent growth in segregated provision? The identification of SEN had changed due to the implementation of the 2014 Children Act, the introduction of Education Health Care Plans (EHCPs) and the telescoping of a two stage model of provision (School Action and School Action plus) into SEN Support. The percentage of children with either a statement or an EHCP was relatively static but the percentage of pupils with SEN Support fell across all types of school. In the 2010 Education Act academisation had been promoted and extended. This had resulted in a large number of schools opting for academy status and taken out of LA control. From 2011 to 2017 the number of LA maintained primary schools fell by 22%. The number of LA secondary schools fell significantly. By the end of this period the majority were academies. Only 33% of secondary schools were LA maintained.

Black looked at the proportions of pupils with SEN in the recently established academies and free schools as compared with those proportions in LA schools. Black cautions that there was considerable local variation, nevertheless, in primary schools the proportion of pupils with a statement/EHCP as compared with those primaries that had become academies or free schools, was roughly similar. In secondary schools, maintained schools had a larger proportion of pupils with a statement/EHCP compared with academies in 2017.

Trends were repeated for the pupils who were placed on SEN Support following the 2014 Children Act. In all schools the number of pupils on SEN support had dropped significantly. In primary maintained schools the number of pupils on SEN support fell from 24% in 2011 to 14%, but in primary academies the figures were lower with 18% of pupils with SEN support falling to 12% over the same period. In secondary schools the picture was more dramatic. In maintained schools 26% of pupils were on SEN support in 2011 and this had fallen to 13% by 2017. In academies the number on SEN support was considerably lower at 15% in 2011 and this had fallen to 12% by 2017.

Black concluded that there is variation in the proportion of pupils with SEN in the different types of schools created by the 2010 Academies Act. The data demonstrates that there is a larger proportion of pupils with a statement of SEN in maintained schools at secondary

level. Similarly, there are more pupils with SEN support in mainstream schools at both primary and secondary levels than in academies.

Two further papers delivered at the seminar discussed inclusive practices in mainstream settings and discussed the benefits to inclusive practices of working collaboratively. Lizzie Harris presented an account based on her professional experiences of working in an inclusive school and concluded with some necessary conditions for successful inclusion:

1. Funding that enables appropriate support;
2. Access to experienced subject teachers with high expectations of pupils;
3. A rich curriculum;
4. SEND expertise that has high status;
5. All schools have an expected quota or admission for SEND to bring fairness and balance.

Jenny Andrews presented a comprehensive and historical overview of the Manchester system. She described how local schools collaborated to provide additional support for their pupils with SEN. She stated, *'Successful inclusion always depended and continues to depend on successful partnership working. In the current educational landscape, it is crucial that LAs work collaboratively with others.'* She also drew attention to a growing concern that children and young people in mainstream schools with social, emotional and mental health needs were most at risk of exclusion and marginalisation.

KEY ISSUES: KEY TRENDS

The work of the three NASEN Policy and Research Forums, which spans 25 years, provides a unique overview of the evolution of policy, practice and trends in special education. These key issues have emerged:

1. The commitment to inclusion

Peter Mittler said in 1994 *'The option of inclusion should be the starting point for every child and Annual Reviews should consider the possibility of a greater degree of integration'*. This was restated regularly in the seminar and indeed was government and Ofsted policy up to 2009. Although not overtly acknowledged as an aim in recent legislation, the effect of academisation and other recent measures has been the growth of SEN pupils placed in segregated special provision and this has been underlined by the recent decision to open 53 new special schools (2019). This is not in accordance with the UNESCO Salamanca Statement (1993) which sees inclusion as a human right.

2.The role of special schools

Mittler stated in 1994 that *'It has to be recognised that there are individual children whose needs would genuinely be better met at a special school and that special schools must be part of the spectrum of choice.'* He argued that what was needed was *'a new partnership between special and ordinary schools'.* In the same seminar Hunt called for SEN policy to focus on support for schools, with special schools retained as centres of expertise and outreach. Fourteen years later Gray and Norwich said that all special schools (including non-maintained schools) should be linked to ordinary/general provision in organisational and

governance ways. Special schools, as part of an LA service, should move towards greater participation in their local area and the meeting of a range of needs. The debate was about finding a role for special schools that would bring them closer to the communities where their pupils lived and had futures. Today the importance of developing inclusive provisions is in retreat and exclusion and segregation are increasing.

3.Incompatible ideologies

In 1994 Hunt expressed considerable disquiet about the fact that, although the 1981 Act had championed integration as a human right, educationalists were faced with changes that extolled competition and autonomous schools. '*The developments and diversity seen in educational provision was not the result of market forces but rather the result of shared vision building on the principles of the 1981 legislation*'. Hunt said that it is through the shared process of local planning and local partnerships that best practice is fostered. Similarly, Gray and Norwich said in 2007, '*There is a need for greater consistency between a 'market' view of autonomous schools and LA planning and control through more regulation of the 'market'*'. We are now in an era when opportunities for inclusive provisions in ordinary schools are diminishing and exclusion has increased as a consequence of the market ideology which has been extended by the 2010 Academies Act.

4.The role of the LA

The power of the LA has been in retreat since 1994 and this has accelerated since 2010. The diminution of power and control by the LA was anticipated by Hunt who said that, '*LEAs must continue to plan for a range of options [...] I continue to believe that the maintained education service has a critical contribution to make to the wellbeing of society as a whole.*' This view was amplified by Russell who called for strategic planning and commissioning by the LEA. In 2007 Gray and Norwich called for exemplification of the range of options available at LA and school levels, linked to clear and specific indicators of desired outcomes. In a situation in which LAs have no control of academies and severely reduced budgets but the responsibility for meeting the education of children with SEN, Gray and Norwich argued for a role for LAs in planning and regulating the market. Currently there is an unsustainable situation whereby the LA has little or no role with academies and savagely reduced budgets but retain responsibility for meeting pupils' special education needs.

5.Other agencies

A number of contributors in the earlier seminar called for joint planning arrangements with other agencies. Russell said it was necessary for ensuring secured investment from health and other agencies whose contribution may be essential to successful educational inclusion. A joined-up approach by all the agencies remains an aspiration rather than a reality.

6.Parents

The role of parents has been a central issue for all three seminars. Russell called for parent (and pupil) participation in assessments and placement options. '*We know how to engage the whole community of parents (and pupils) in purposeful participation both in individual assessment and learning and in the role of the whole school community*'. Several commentators to the earlier seminars stated that parents valued inclusive provisions but that parents must be allowed genuine choices. However, where mainstream options have

been increasingly under threat, parents have sought other options where specialist resources are more readily available. Currently academy schools have little incentive to invest in pupils who may impact adversely on school test results. The fact that LAs retain responsibility for the education of children with SEN, have little influence over academy schools and have experienced severely reduced budgets has led to limitations on parents' rights and choices. Parents also discover that there is a financial implication of taking their cases to a SEND tribunal.

All the papers presented in the three seminars offered an optimistic and positive view of special education and the expectation of progress in the development of provisions and interventions. This view lies at the heart of education; the belief in the potential for improvement for all children. The result of forty years of this humanistic approach has been a quantum leap in our understanding of cognitive development and learning. The right of a child to be educated alongside peers has been fundamental to this view and consequently the role of the special schools has been under debate. Currently inclusion and the optimistic endeavour that is special education is in crisis due to the imposition of a view of education that is far less about realising every child's potential and more about fitting children for a role in a competitive marketplace.

MARKETS AND GOVERNANCE

CONTEXT

The direction of public education policy over the last three decades has been from historic and longstanding Local Education Authority (LEA) control towards a consumer market in which increasing consumer choice and competition between providers have been the main features. The change has had significant implications for the education of vulnerable children and young people with special educational needs. Three papers from the SEN Policy Research Forum inform this section on markets and governance (1990-2018) and the effect on services and provision for special educational needs. Peter Housden's 1992 paper *Bucking the Market: LEAs and special needs* writes from the perspective of an LEA Director of Education who experienced the first moves towards more school independence brought about by legislation in 1988 for the local management of schools (LMS). He was concerned about the impact that a marketised education system would have on resources and provisions for children with SEND in a situation where their status and capital as consumers was likely to be low. In the intervening decades the focus changed from fears about the impact of marketisation on inclusion and SEND to concerns about equity and the fair distribution of provisions and resources in the new market driven system. Peter Gray, 2010, in *Choice equity dilemma in special educational provision,* argued that there was no easy solution to balancing consumer choice and equity for all in planning and delivering services and provision for children with SEND. He was concerned that the choices that parents as consumers made could lead to distortions in the distribution and development of provision and resources. He proposed some ways in which this incompatibility could be resolved.

Alison Black in 2018 examined evidence of the effects of the changes on the incidence and provision for special educational needs in *Changes in SEN provision, pressures on ordinary schools and parental choice: a review of inclusive education and prospects.*

SPECIAL EDUCATIONAL NEEDS IN 1992

Ever since universal public education was established responsibilities had been shared between national government, local authorities in one form or another, and schools. In 1944 responsibility for schools passed to elected LEAs who were responsible for overseeing, proposing the opening, closing of, or any changes to, schools in their local area. It was the Secretary of State for Education's responsibility to accept or reject these proposals. Head teachers and governors were generally responsible for the curriculum and how it was taught. Thus, a public education system existed, for some 50 years, regulated and supported by LEAs in which state schools were, at least in principle, rooted in the communities they served, democratically accountable and where parents and the public were consulted. The 1981 Education Act introduced the concept of assessment of needs rather than ascribing a category of disability to children with learning difficulties. The principle of inclusion, the right to be educated alongside peers in ordinary schools, became general policy for all schools and LEAs.

Writing in 1992, Peter Housden argued that education policy had always been determined by the needs of the able majority of children. He said that '*deeply held traditions of segregation and vested interest had grown up*' and that '*the dominance of ideas associated with segregation and categorisation has been markedly powerful over a long time'.* Housden stated that '*the needs of children differ and resist categorisation'.* He claimed that '*a minority of children effectively educate themselves',* a large number with appropriate teaching make sound progress but a third group existed who he referred to as '*vulnerable' who need a large degree of support and resources and who correspond with the 20% of children* as *having special educational needs'* and identified by Mary Warnock in her Committee of Enquiry (1978). Of that latter group he stated that:

1. *They are children drawn overwhelmingly from socially disadvantaged backgrounds*
2. *They are not a race apart [...] their education and life chances are inextricably linked to the main currents of British education*
3. *A small percentage of these children will have needs that are manifest, complex and lifelong.*

He concluded that their needs '*are most likely to be met in maximising their inclusion in the mainstream of the education service'* and put forward the following reasons:

- *Adult life is comprehensive and inclusive*
- *Young people learn together and from each other thus raising expectations and achievements*
- *Because power is unequally divided the social pressure for integration benefits equity in the education system as a whole.*

MAINSTREAM SCHOOLS AND INCLUSION

Many children and young people with special educational needs, particularly those with mild learning difficulties and who often experience difficulties in learning to read, have always been educated in ordinary schools. Housden stated that integration meant that other children with more complex special needs now attend the local community school. For all children with SEND and their parents, inclusion in the curriculum and the community life of their local school had been a major issue and advocates have argued that diversity and communality are important features of a thriving society. Inclusive schools are representative of society as a whole.

In a climate which recognised that the goals of education were the same for all children, legislation throughout the 1980s and 90s positively encouraged LEAs to include children with special needs along with all other children in mainstream community schools. The relatively new education regulator, the Office for Standards in Education (Ofsted) in 2000, although highly focused on school test scores for its inspection judgements about schools, had stated that inclusive schools are educationally effective schools.

During much of the fifty years or so that public education had been regulated by a shared responsibility between central and local government and school governing bodies, developments in education, including special education, had been driven by a number of historically significant informed enquiries and reports, often initiated by the government of the day. Over the same period steady progress had been made towards educating more children with special education needs in mainstream schools, particularly children not only with more demanding learning difficulties but physical and sensory disabilities. Housden cited two examples of the progressive power of LEAs. One was the successful extension of educational opportunity to children with severe learning difficulties in 1971. The other was the development of comprehensive schools but he said, *'the concepts of defensive segregation in the interest of the clever child were uppermost and that no one seemed to make the connection between the liberating concept of the universal neighbourhood school and the scope for minimising the exclusion of vulnerable children'.* Housden claimed that the comprehensive school system was conducive to the further development of inclusive strategies. The other was the development of post experience training. Housden said that *'the whole structure of in-service training and professional development that had grown up in LEAs had been an enormous service to the interest of pupils with SEN enabling sharing of techniques, information and confidence on a wide scale'.* In the years 1982 to 1990, to greater extents in some authorities than others, segregation was declining, and integration increased by 8%.

Before 1989 LEAs could effect change within the service, determine the expenditure, appoint headteachers, provide quality assurance through statutory local inspection powers and organise and manage a structure of in-service training. Housden said that *'local ideology stressed parental involvement and a school's links with its community rather than consumer choice'.* However, further change to the traditional division of responsibilities between central government, LEAs and schools was on the way. For example, the curriculum had always been traditionally the responsibility of schools but, in 1985, LEAs were required to develop an LEA curriculum policy.

EDUCATION 'REFORMS' AND SPECIAL EDUCATION

The Education Reform Act (ERA) 1988 was to bring about considerable change in the governance and management of English education which had been relatively stable since the 1944 Education Act. Central government was to take a much greater directive role in education. A National Curriculum was established. Local management of schools (LMS) introduced new financial arrangements for the funding of schools which required schools to take responsibility for the major part of their budget. LEAs were required to allocate 75% (later 80%) of school budgets based on pupil numbers. Ordinary schools could apply for Grant Maintained (GM) status, although few did, which gave direct funding from central government and full independence from the LEA. The central purpose of the ERA was to encourage schools to compete for pupils. Schools that attracted more parents would grow, attracting greater funding. Economies of size would allow for greater flexibility of staffing and resources. Less attractive schools would wither.

Education reform, along with restrictions on LA budgets, had considerable implications for the education of children with special educational needs although Housden said, *'the implications of the ERA for the education of children with special needs was mixed. Special schools had been spared the horrors of formulae funding and the* [introduction of] *a National Curriculum gave identity and status to their own curriculum work that it hitherto lacked in many eyes'.* At the same time the number of children with statements was rising nationally and there was concern about the resource implications. One effect of the new LMS funding arrangements for Housden's *'vulnerable children'* was to restrict the ability of LEAs to give preferential resources to schools serving disadvantaged populations. However, LEAs were required, perhaps for the first time, to develop specific funding schemes within LMS for special educational needs.

Housden said that, *'as a necessary response to the new conditions imposed by the Reform Act […] to stand any chance of getting it right on the big questions posed for special needs by the Act, we had to clarify our own thinking, consult across the service and move ahead purposefully'.* A strategy called 'Children First' was developed in the LA where Housden was the Chief Education Officer, bringing together the resource structure of the LEA: LMS formula, special schools and units in mainstream, support services and resources allocated to the support of individual children. The initial focus in the new approach adopted was to '*increase the capacity of mainstream schools to meet the needs of children with moderate learning difficulties'.* The features of the new policy were to:

- *Reduce reliance and expenditure on out of county special schools*
- *Use staffing capacity freed in […]special schools to support pupils in mainstream*
- *Provide additional resources but use mechanisms other than statements to distribute resources*
- *Involve mainstream and special school headteachers in the holistic management of the overall additional resources in the locality.*

Firmly of the view that government strategy had been '*to end the LEAs' monopoly'* and *'progressively restrict'* the powers of the LEAs *'to plan and manage the system* [of public

education] *overall,'* Housden said that the new policy of devolved budgets demonstrated that even in times of profound change, LEAs can achieve progress in the education provided for vulnerable children. The changes brought about by Nottinghamshire's 'Children First' strategy led to a 23.9% reduction in placements in special schools for pupils with moderate learning difficulties, a 40% fall in out-of-county special school places between 1990-92 and he said, '*Special education had a raised profile and vigorous well-informed debate had been encouraged'*.

Peter Housden was writing at the time when the proposals were published that eventually led to The Special Educational Needs and Disability(SEND) Act 2001 which strengthened the statutory assessment processes, recommended a Code of Practice and gave parents of children with SEN the right to express a preference for placement. Housden said at the time the demand for formal assessments and statements was rising nationally putting strain on LEA budgets and the government was seeking ways to reduce the demand. The SEND Act changed the criteria for formal assessments, producing in Housden's words *'a more restrictive definition of SEN'*. The future of provision for most children with special needs, those in mainstream schools but without statements, was left to the full force of the new education market which Housden said would have '*a major implication for vulnerable children'.*

During the 2000s legislation further reinforced the direction of travel towards a marketised but publicly funded education system with more autonomy for state schools independent of LEA control. Following concern about stubborn underachievement in some LEA schools serving disadvantaged areas, The Learning and Skills Act 2000 established a restricted number of City Academies (in the 2002 Education Act renamed as Academies) which were schools outside of local government control sponsored by private individuals in disadvantaged communities. Academies were not required to teach the National Curriculum but provide a *'broad and balanced curriculum'*. The Academies Act 2010 introduced arrangements whereby all publicly funded schools in England could become Academies. Any significant responsibilities for education were removed from LEAs but they retained responsibility for the formal assessment and placement of children with special educational needs. Education Departments were to be much reduced and reconfigured as Children's Services. The control of publicly funded state education in England is now largely centralised and in the hands of the Secretary of State for Education with Ofsted acting as a powerful central regulator.

CONSUMER CHOICE AND EQUITY IN THE EDUCATION MARKETPLACE

The argument for a market in state education is framed around the notion of increasing choice for parents. The power relationship between parents, schools and the LA was altered by consumer choice. Children with SEND along with their parents were often underestimated and devalued and this was reinforced by hierarchical ideas about professional knowledge and expertise. But the notion of choice was empowering. By 2010 LEA managers *'had generally accepted the notion of choice'* but a preoccupation with parental choice, as Peter Gray pointed out, *'has tended to marginalise other voices: pupils' views and schools as users of services'.* Tensions may also occur between what schools and

teachers think parents need and value and the actual experiences and aspirations of children with special needs and their families.

For parents of children with SEN, Gray drew attention to the positive trend in entitlements since 1970s from 'involvement' through 'expressing views' in statutory assessments; rights to indicate a preferred school and to enhanced rights to choose a mainstream school. Gray considered the value of choice. He said that advocates of a marketised system valued parental choice and argued that the benefits included:
- recognising that parents now viewed themselves as consumers who had choices
- parental involvement shaping services and provisions
- shifting the balance between users and professionals.

Equal choice does not lead to equitable access with its notions of fairness and justice. Gray pointed out that *'choice remains uneven'* and equity is the casualty. He discussed some of the factors that have led to distortions and inequalities in the availability of provisions and resources for pupils with SEND. Due to the uneven distribution of provision choice is often limited by home address so that meeting needs becomes a postcode lottery. Gray also argued that '*Choice is more relevant to some parents than others because they know how to work the system and are far more resourceful and persistent'.* He illustrated this with evidence from the National SEND Tribunal data which showed that appeals were skewed towards particular disability groups such as autistic spectrum disorders and dyslexia. The data also showed differences based on social class factors. He concluded that *'the focus of Tribunal decisions is on the suitability of provision for individual needs rather than equity issues.'* Gray said *'the risk here, as is already the case in the mainstream market, is that resourceful and knowledgeable parents will gain as less advantaged parents and children increasingly access less successful provision'.*

Discussing the notion of equity Gray said that there are a range of values and judgements that need clarification and consensus:
- How far do we agree that those children with the greatest needs should attract the highest level of funding?
- Are some individuals more deserving of resources than others?
- What level of priority should be given to strategic goals such as inclusion?

EQUITY: CHOICE AND ENSURING FAIRNESS

Gray distinguished between equity in parents' ability to 'access' services and provision and equity in relation to the availability of services and provision between localities: a *'sort of postcode lottery affecting equity'.* Equity of 'outcome' concerns variability in the quality of the education children actually experience as evidenced, for example, by the progress of children with SEN.

Gray raised several general concerns about ensuring equity. The first concerns moderation of users' individual choice to ensure fair access to available services and provision by families. Gray said that *'it is possible to imagine some level of local moderation to weigh up*

the relative merit of competing different claims for provision and resources'. Previously LAs had assumed this role but some saw LA decision making as acting against user choice. Gray said '*a significant source of parental dissatisfaction with the current system (as evidenced by SENDIST appeals} relates to local authority refusal to initiate statutory assessments.'* Central government had shown some sympathy for assessments, independent of LAs, *'not constrained by the resources and provision available'.* Gray said this would require '*a more equitable and consistent approach across the country'* to defined criteria and there was uncertainty as to who might do the independent assessments. He suggested that LA professionals, with their knowledge of the provision available locally, may not present an independent view but assessments by independent private professionals might emphasise 'within child' deficits at the expense of awareness of curricular and contextual barriers to learning and comparative needs. Gray quoted evidence which suggested that '*resourcing determined on the basis of pupil characteristics tended to work against inclusion in the broadest sense.'* Independent assessments could also prove costly, diverting resources from children with the most complex needs.

EQUITY: INDIVIDUALISED VOUCHER SYSTEMS

Ensuring equity is a considerable challenge in a marketised education system for children with special educational needs. Two ways of responding to the challenge were discussed by Gray. One solution maintained that equity can be protected within a framework of individual choice. This would involve some level of local moderation to weigh the relative claims on provisions and services with parents being able to purchase the provision they need. LAs have a natural place in this. The model could be extended to giving a needs assessment *'shopping list'*. This might involve a financial voucher system which could be used by parents to buy from different providers although experience of vouchers in Austria and Netherlands encouraged parents to amplify the difficulties their children experienced to maximise the value of the voucher. The voucher system also tended to encourage providers to raise both access criteria and prices, reducing choice for some parents. A response to controlling costs might be means-testing for vouchers. Gray argued that this would *'challenge the traditional welfare assumption that established special provision costs would be met in full by the state'*. Affluent parents would be able to top up with their own money or even propose and open new provision after the style of free schools. Gray also said that a voucher system, with the focus on individual children, emphasised 'within child' factors rather than barriers to learning emanating from the school environment and encouraged children to be perceived as separate and different from other children and hence worked against inclusive provision. Gray pointed out some crucial issues which would need to be resolved:

- Who would do the needs assessment?
- How are thresholds for additionality to be defined?
- How could perverse incentives be avoided where the parent has to emphasise their child's difficulties in order to get the best deal?
- How would the escalating costs of a more flexible system be managed?

EQUITY: A COLLECTIVE MODEL

Gray claimed that a more collective model, as opposed to a free-for-all individual model of consumer choice, has the potential to benefit all children and families competing for available provision. The model draws on communitarian ideals and cooperative notions of community and social responsibility. A collective model has equity at its heart. Cooperative endeavours do operate successfully in free markets but involve voluntary agreement of how they will operate within the market to a shared mutual benefit of the co-operators.

Gray stated that *'assessing what is equitable becomes a process of judgement.'* The concept of equity becomes more democratic in the collective. Decisions would be taken based on *'judgements linked to the values of a broader set of people rather than being the preserve of an aristocratic elite.'* Collectively the group would recognise and agree democratically that some groups or individuals have a higher priority for resources, for example, those more likely to make more progress or whose difficulties can only be ameliorated by an expensive resource. The community would have a stake in the priority given to local and national policies and inclusive provision. The model could encourage equity through collaboration between schools in the targeting of resources to pupils with significant needs. Gray said there could be *'difficulties in asking individual parents to prioritise equity over their natural desire to achieve the best possible provision and outcomes for their own particular children'* even though they would be involved in decisions about provision and services and be aware of the demands for fairness when resources were finite.

Gray was concerned that a deregulated market for special needs could:

- *Prove more expensive of limited resources where uptake of provision was unpredictable and less popular options were maintained*
- *Reduce inclusive provision and emphasise difficulties as residing in the children themselves rather than the contexts in which the difficulties occur*

Gray concluded that there is *'no easy resolution to balancing the principles of 'choice' and 'equity' in planning and delivering services and provision for children with SEND. The idealised individual choice model […] presents considerable issues which could probably only be satisfactorily addressed through a much stronger system of national regulation and prescription than is acceptable within a free market 'philosophy.'*

THE LONG-TERM EFFECTS OF MARKETISATION ON INCLUSION

Housden's experience of the effect of the LMS in 1988 and GM schools independent of LEA control led him to speculate that as the market took hold, a loss of equity would occur as former comprehensive schools competed for the most able children. A more selective state education system in which schools prioritised more able children would devalue the inclusion of children with special needs. Gray predicted that equity would be adversely affected by a free market approach unless there were robust measures and regulations to ensure fairness. Since then, the vast majority of English formerly LA controlled schools have become independent and autonomous. Alison Black discussed the evidence of the effect of these changes on the education system and parental choice on the proportion of children

identified as a having special educational needs and in special schools and the effect of this on inclusive provision. Black also investigated the trend in the proportion of children without a formal statement of need or an EHC Plan but subject to school action or school action plus/SEN support. (Since 2014 it has become SEN support only in the different types of schools established by the Academies Act).

The proportion of children in special schools was falling up to 2007, remained steady in the early 2000s but increased slightly from 2007-14. There is evidence of a significant increase since then. Black states that '*the increase started before the academisation policy but may have been influenced by the further policies extending the education market'.* The SEND Code of Practice, with its more restrictive definition of special needs, might also have had an influence. The population of all pupils 0-19 did increase between 2007-2013 by 3.5% but the increase in the special school population was 4.6%, suggesting that the rise in population may only account for a small increase in the special school placements and '*indicating a trend towards segregation'.* In 2011 65% of the special school population were of secondary age (11-16). It was similar in 1978 and 1984. The proportion of pupils of secondary age in special schools had been relatively stable over a long period of time. However, the number of primary age pupils (5-10) in special schools appeared to have been increasing at a faster rate than those of secondary age. The trend overall was for the numbers in special schools to be increasing and this was more pronounced for children of primary age.

Black explored changes in the proportion of pupils with SEND in two groups:
1. Changes in the proportion of children identified with more complex needs (those with Statements/EHCPs resulting from formal assessment by LEAs).
2. Changes in those identified as having SEN by schools without a formal plan (subject before the new Code of Practice (2014) to school action, school action plus and after 2014 what became SEN support).

The proportion of children with a statement or an EHCP between 2011 to 2017 remained constant at 2.7% to 2.8%. In contrast, the proportion of children with SEN but without a formal assessment fell from 17.8% in 2011 to 11.6% in 2017. The greatest fall was in 2014-15. Black considered that this was probably explained by the combining of school action and school action plus into 'school support' in the revised Code of Practice, and by Ofsted criticisms of over-identification by schools. There was some variation between different LAs.

Black investigated the proportion of children with special needs in the different types of schools that are now common in public education in England. Most secondary schools are now academies, but most primary schools are maintained by LEAs, though the proportion is declining. Black said that overall, there was evidence that between 2011 and 2017 maintained schools and academies differed in the proportion of children with Statements/ECHPs. The higher proportion were in maintained schools. The proportion of children with Statements/ECHPs in primary maintained and academies were similar. The percentage on SEN support has been falling across all types of schools and the fall since the new Code of Practice (2014) was particularly noticeable in sponsored academies, that is academies required to convert as the result of poor inspection reports and governed by an outside sponsor. Free schools also showed a decline similar to sponsored academies.

Black concluded that:

- *The actual number and proportion of children in special schools in England is increasing*
- *The increase is particularly pronounced in primary age children (5-10)*
- *The proportion of pupils identified as having SEN without a statement/EHCP in England has fallen*
- *There is a variation in the proportion of pupils with SEN in the various types of schools*
- *The proportion of pupils with SEN without a statement/ECHP (on SEN Support) has fallen in each type of school.*

CONCLUSION

Peter Housden claimed that national education policy had always been driven by the needs of able children and a feature of that had been segregation. He was concerned that LMS and increasing specialism would lead to more selection. As Director of Education for a LEA he experienced directly early central government strategies to reduce the role of LEAs and create a market in public education. His predictions of the effect of this have proved to be prescient. Consumer choice now determines the nature of state education and the risk is that the market will marginalise the education of children and young people with special needs. Housden also foresaw issues relating to fairness and differential need. He said that two issues were left untouched by legislation. One was the distribution of resources between schools to recognise *'predictable differences in the levels of special educational need associated with social disadvantage'.* The other was accountability by schools for the use of resources '*not in terms of mere financial probity, but also in terms of educational outputs'.* Gray had experienced the longer-term impact of marketisation and a growing trend towards an unequal distribution of scarce resources available to meet the needs of pupils with SEND. He was especially concerned with equity and the need for fairness and examined how, for vulnerable children, the market might be regulated and competing claims to limited services and provision moderated. Ensuring equity and protecting and developing provision was a significant challenge where certain groups of vulnerable children could be the losers. He argued for a collective model where schools could join to ensure equity. This would involve a collective understanding of shared rules and responsibilities in the allocation of provisions and resources to ensure fairness for all pupils with SEND. However, there is now increasing evidence that the distribution of resources is distorted in favour of pupils with parents who are more knowledgeable and persistent.

The effect of the education market on changes to trends in the identification of special needs and formal assessments and where children with special needs are educated was explored by Black who found a fall in the numbers identified with mild learning difficulties in mainstream schools and a trend back to segregated education for those with formal assessments and plans. All three contributors demonstrated the problems of marketisation on developments in provision and resources for pupils with SEND. Marketisation has impacted on both choice and equity for parents and children with SEND who have limited capital in a system where they will be inevitably less valued than others.

ACCOUNTABILITY

In a marketised state education system, parents and children are the consumers. Customers have rights and providers such as schools and the Local Authority (LA) have to meet standards placed on them by regulations. To be accountable to consumers for what is provided is an important element in the transaction. The Office for Standards in Education (Ofsted) is responsible for assessing schools, largely based on academic achievement and publishing inspection reports. Parents and children, including parents of children with SEND, have access to these inspection reports and can use the information in making a choice of school or provision. Parents can complain or move their child if a school does not meet expectations. For pupils with SEND, some significant statutory responsibility remains with the LA, for instance, statutory assessment and identifying provisions and services. Education Health Care Plans (EHCPs) and the Local Offer are two features of LA responsibility and both provide opportunities for accountability to parents and pupils. Three papers inform this chapter on accountability. Brian Lamb headed an enquiry in 2009 and was tasked by the Department of Children, Schools and Families (DCSF) to explore ways in which parental confidence in the SEND assessment process might be enhanced. In 2013 and just before the Children and Families Act (2014), he presented a paper 'How will accountability work in the new SEND legislation?' One year later Peter Gray, Brahm Norwich and Nikki Elliot presented a paper on 'Enabling, judging and ensuring quality'. Jonathan Roberts discussed responses to accountability in 2019 in 'Accountability, performance management and inspection; how to enable positive responses to diversity'. His analysis is used in the Context section and then considered again at the end of this chapter.

CONTEXT

There is general agreement that in all aspects of education there should be accountability. However, accountability is an ambiguous term. Roberts said, 'Accountability implies a relationship between two parties or more – in its simplest form, one party questions and the other answers with an account. There is typically some notion of responsibility, so that one party is held responsible by the other for their actions; there is an implication that one party holds rights of authority over the other – at least to demand answers and possibly to impose sanctions.'

Accountability in education in England and Wales became an issue in the 1970-80s. In 1976, James Callaghan, Prime Minister, criticised the 'secret garden' of education and asserted the need to open schools to an examination of their efficacy. This triggered a debate about how things could change to make schools and teachers more accountable. It was the Education Reform Act 1988 that set in motion the public accountability framework still operating today.

This Act fundamentally altered the power structure of the education system previously laid down in the 1944 Education Act. A balance between autonomy and accountability was established. Falling rolls had already created competition between schools for pupils and the 1988 Act delegated resources from LEAs to governing bodies, headteachers and schools based on pupil numbers. Schools became more autonomous which intensified the competitive pressures. However, their autonomy was held in check by a centralised framework that made schools accountable for performance, subjected them to national

prescription in a number of areas and made them responsive to, and reliant on, parental choice. The accountability system was strengthened further four years later when the Office for Standards in Education (Ofsted) was established with a new and rigorous national inspection regime.

The framework for the inspection of schools was established based on national tests and examination results, published performance tables and regular inspection. Publishing information on all schools exposed differences in outcomes. School improvement was linked to this framework of accountability. Under-performance could result in action by Ofsted which could alter the status of the school and include drastic changes to management and governance.

RECENT DEVELOPMENTS

Since 2010 the school system in England has experienced another significant period of change. The Academies Act (2010) extended school autonomy to more schools, further reducing the control of LAs. Schools and headteachers were offered unprecedented levels of autonomy. The greater freedom implied that schools would be the primary drivers of improvement. The role of LAs in the increasingly autonomous landscape was unclear although some responsibilities for SEND provision and services for children with EHCPs remained with LAs. The government has continued to use the centralised accountability framework to support its 'academisation' policy. However, concern has grown about how children with SEND and their parents fit into a framework that values academic progress and performance above all.

An attempt was made to make LAs more accountable for the provisions for pupils with SEND in the Children and Families Act (2014) by introducing a framework in the form of a Local Offer, through which parents could be clear about the range of provisions available to meet their child's needs. The Local Offer gave parents of pupils with SEND information about what support services were available in their local area. Every LA was made responsible for communicating with children and young people with SEND and their parents to find out what sort of support and services they needed. The LA was responsible for writing and publishing a Local Offer and making sure it was available for everyone to see. The LA then decided what services to make available. Every LA must also detail how they are going to make improvements to provisions and services.

SOME BASIC ASSUMPTIONS ABOUT ACCOUNTABILITY

Presentations at the symposia made assumptions about accountability but these were examined in detail in the first half of Roberts's paper in 2019. It is useful to use his analysis to inform an understanding of the concept of accountability. Roberts quoted Gert Biesta who identified three purposes of education:

qualification – knowledge, skills and understanding for career and civic involvement;
socialisation – the transmission of norms and values within communities;
subjectification – the development of 'autonomous and independent' individuals.

Roberts asked how such purposes can be translated into meaningful objectives and valid measures. He discussed two contrasting theories underpinning the concept of accountability: utilitarianism, which defines the 'good society' as that which supports the greatest good for the greatest number; and a 'capabilities approach', which proposes that every individual should be enabled to acquire the necessary set of capabilities to pursue a worthwhile life.

These two concepts imply two very different accountability measures in education and around SEND. Roberts argued that the current measures tend towards a utilitarian approach: in that the majority of parents will value schools for their academic performance results. Roberts said, 'A unit of progress for a student who is already attaining highly is evaluated as equivalent to that of a unit of progress for a child with SEND whose attainment is low.' However, the achievement of a unit of progress for a student with SEND requires more resources and expertise, and because this challenge is not adequately captured within value-added mechanisms, schools will optimise results if they concentrate resources on pupils who are likely to make good progress and, therefore, away from children with SEND.

A capabilities approach would focus on the progress of those pupils who have not yet achieved sufficient independence to lead an autonomous life, these being the most vulnerable and most likely to have SEND. Parents of children with SEND frequently value alternative aspects of their child's experiences in school as much if not more than their academic goals. There is then an underlying tension in schools' accountability for SEND between what is valued by government and what is valued by some parents.

THE LOCAL OFFER

The forum held in 2013 focused on accountability issues at school, LA and national levels. The impetus for the forum was the forthcoming legislation (enacted in 2014) on SEND which introduced a new mechanism for accountability, namely the Local Offer. Lamb presented a paper on the changes in legislation that impacted on accountability. He began by stating that 'One of the Government's major aims for the SEND reforms has been to address confidence in the SEND system by improving accountability and enhancing parental control and choice'. He claimed that the Local Offer was likely to be the only framework which SEND pupils and their parents could use to hold services to account. The intention was that pupils and parents, together with the LA, would be able to develop a description of all the local provisions available to meet local needs. Lamb sought to discuss the assurances necessary to achieve this along with the potential problems and how these could be ameliorated. However, an inherent weakness in having a predominantly LA-focused accountability process is that LAs have significantly less power to influence what the main SEND providers (schools) do.

The Local Offer should be developed in partnership with service users, service commissioners and service providers. Lamb argued that the core processes involved in designing the Local Offer should begin by asking parents and pupils what they want from the offer. The offer should be based on the expressed expectations of parents to meet identified needs. This means a lengthy and time-intensive process of co-production. Lamb suggested that headteachers and SENCOs might work together to agree what should be

provided at school level, using delegated budgets. Schools, colleges and services will only hold to the Local Offer if they have ownership of its content. A core requirement should be that the offer is regularly reviewed using the same participatory processes that led to its initial development.

A key question for Lamb was how to ensure compliance with the offer made to parents and their children. Lamb suggested that compliance could be achieved either by enforcement through legal sanctions on LAs or accountability be sought through introducing a national framework that required planners and services to engage with parents to change the service culture. Lamb clearly advocated the latter, through the Local Offer, but he recognised the internal contradictions in the proposals. He said that LAs now work in an education system in which there was:

- Devolution of SEN budgets and powers to heads
- Less control but retained responsibility for ensuring provision, strategic direction and aspects of quality assurance
- Extensive duties to co-operate with other statutory agencies, but little means of enforcing the results of that co-operation
- Parents who still look to LAs to secure specialist support even where responsibility may now rest with the schools
- Increasing parental aspirations.

Lamb listed the evidence about what parents want from SEND services and what would have to be taken into account for a successful Local Offer as follows:

- Appropriate and timely recognition of a child's needs by professionals
- Knowledge and understanding of staff about a child's difficulties and accurate assessment of their needs
- The willingness of the service/school to listen to views and respond flexibly
- Access to specialist services
- Confidence that the services will continue to be there in the future
- Decisions which are transparent and clear information about entitlements and what is available.

Lamb hoped that the Local Offer would be an opportunity for schools to examine what they could provide from their delegated budgets. He suggested that schools could identify and describe the varied provisions they should make or commission, such as, specialist advice from teachers or therapists, funded time for class and subject teachers to co-plan and review with these specialists, training for staff so that they meet specific competences, evidence-based intervention programmes and the resources required to enable pupils to access the curriculum.

ACCOUNTABILITY AND THE LOCAL OFFER

Although attempts had been made to embed parental views in the accountability framework, Lamb said that the Local Offer was unique in public services in giving a legislative guarantee specified in an assessment process. These are the procedures involved in formulating an EHCP, describing the individual child's needs and detailing how these will

be met. Accountability is achieved by putting in place a framework to consult about the suitability of services and ensure greater transparency about what is then on offer along with a complaints and appeals mechanism.

Lamb argued that the Local Offer ensured greater accountability through greater transparency about provision and also by requiring that it is co-produced with parents and young people and then monitored. Another essential parameter of the Local Offer was that it should be integrated across all agencies. This included all education, health and social care provision together with the quality of services and outcomes achieved, assessment arrangements, training provision, transport, mediation arrangements and rights of appeal. It was, therefore, a commissioning framework that has the capacity to translate parental aspirations into service plans.

Lamb claimed that the framework for the offer allowed a level of comparability between different authorities. It also allowed gaps in services to be identified and for LAs to respond to these as their duty to ensure sufficient provision. LAs have to publish information on the quality of the existing content of the offer, gaps in the offer and how it is going to be developed and reviewed. LAs also must illustrate their approach to personal budgets and any other services which form part of the offer. The requirement to demonstrate outcomes is mirrored in the schools' information requirements so the focus on outcomes will run through the whole framework. However, as Lamb had acknowledged, LAs influence with schools and their ability to make sufficient provision has been seriously undermined.

Lamb considered that schools and other education providers will be 'fundamental building blocks' of the Local Offer given their control over the largest part of the devolved SEND budget. The offer was intimately bound up with the new funding framework for schools especially at the school level of the offer. He said, 'The requirement for school to cover the first £6,000 of expenditure on SEN after the pupil allocation has in effect challenged all schools to look at what their prospective offer will be'. He claimed that many schools, in clusters or federated arrangements and academy chains, were already looking to develop their own SEND resources because many LAs had decided to devolve specialist support or move to a traded services model. The requirements were also backed up separately through a new OFSTED inspection framework which enhanced requirements for reporting on progression around SEND.

Lamb presented ideas from the few LAs who acted as pathfinders for trialling parental involvement in drafting the Local Offer. But, Lamb said, 'there are concerns that these accountability mechanisms can disadvantage parents and children who are often not part of the system'. For example:

- Children with SEND who have been excluded
- Those in home education and
- Parents who do not participate in local networks

He said that 'for all those children and young people with SEND who are excluded from school, we are still in search of any form of accountability mechanism'.

Lamb concluded that the 'Local Offer presents a major opportunity to develop a coherent strategic vision for statutory services with the users of those services'. He continued that the Local Offer could drive a debate with schools about what they can offer children with SEND and what future provision should look like. Lamb said, 'Whether this opportunity will be taken remains to be seen, but it is difficult to imagine a more challenging local context, with continued budget cuts and the hollowing out of many specialist services'.

ACCOUNTABILITY AND QUALITY

Apart from the problem of the LAs' diminishing role and lack of resources to develop the Local Offer there are a number of questions raised by Lamb's paper. Firstly, not all parents understand how to evaluate what their child needs and all the variety of provision and interventions that might be pertinent and available. The Local Offer lists local provisions but the quality is unaddressed so that accountability is partial. Not all parents will research their child's needs and find suitable interventions and fewer will seek evidence of the efficacy of those interventions. Secondly, how do LAs select parents for consultation and ensure that they are representative of all the children with SEND? When LAs ask for parent representatives they usually find the more articulate come forward and often those with a particular axe to grind. More importantly the Local Offer does not ensure the quality of provision.

A year later, Gray, Norwich and Elliot examined how quality of provision could be guaranteed and reflected in the accountability of schools to SEND pupils and their parents. They were concerned with how to establish a framework for enabling, judging and ensuring quality. This would strengthen schools and other providers' accountability to SEND pupils and their parents. Gray, Norwich and Elliot suggested that there was a naïve political view that 'customer choice' and competition between providers alone will drive up quality and reduce cost: 'There has been a tendency across all the main political parties to assume that markets and choice will determine quality, ensure better outcomes and strengthen accountability for children with SEND and their families.'

Gray, Norwich and Elliot stated that recent government policy on SEND had sought to increase choice and accountability through changes to assessment processes, national funding systems and the option of personal budgets. However, they said, 'There has been less clarity about other mechanisms for quality assurance and accountability'. One of the issues surrounding the education of children with SEND is that 'quality' is defined in a narrow way. They stated that there are a range of areas, including funding, research, professional development, support, assessment, personalisation and future schooling, which imply broader notions of quality.

In developing a more comprehensive agenda for SEND policy advocacy, it was important to identify a set of dimensions of quality that help provide a broader mechanism for evaluating progress. Gray, Norwich and Elliot suggested that the following were key dimensions:
- Positive child outcomes
- Evidence-based practice
- Equity

- Value for money
- Removing barriers

Gray, Norwich and Elliot stated that 'Having a clearer framework for defining quality is one thing. However, it is also useful to reflect on the levels at which quality can be best be judged, assured and enabled.' They suggested that a naïve consumer model would envisage this being achieved through a combination of personal choice and market forces. Individual parents would be more able to judge the quality of services and provision from their child's experience and seek alternatives if these do not deliver. Quality is maintained and extended through high consumer take-up and poor services/provision 'go to the wall'. It could also be argued that, with increased financial control (through personal budgets), parents would be more able to ensure value for money. This model may work, at least partially, for some of the quality dimensions identified earlier. However, they pointed out that there are inherent weaknesses. There are quality dimensions that are less amenable to individual parent influence. Parents may not have a comprehensive evidence base or knowledge of available research. In seeking the best options and outcomes for their own child, parents may be less interested in equity: 'They may be less aware of the potential impact of resourcing/funding decisions on provision or outcomes for others'.

There are expectations which go beyond the individual parent level of accountability and require other levels of evaluation and accountability. Some of this could (and should) lie at the level of the institution. Gray, Norwich and Elliot listed these expectations and suggested that they should be incorporated in inspection processes:
- Schools should have good processes for evaluating and promoting better outcomes for children with SEND as part of their 'core business'
- Practice should be based on what is known to be effective and take account of relevant research
- Staff should have access to high quality and up to date CPD
- There should be a focus on value for money and equal opportunities in the use of provision and funding within individual establishments
- Schools should seek to identify and remove barriers to participation in learning and social activities.

Gray, Norwich and Elliot said that looking back at the quality framework identified earlier, some aspects could best be achieved at the LA level. For example, there are strong arguments for a 'communities of practice' approach (adopted, for example, in Wales), where schools work together in partnership to drive up quality in provision for SEND. There are examples of LAs promoting aspects of services to be commissioned or organised by a group/cluster of schools. They stated that individual institutions are poorly placed to ensure equity in access to funding and resources across the system as a whole. In the absence of a national formula, it is down to LAs to ensure and enable quality and accountability in this area.

Finally, they concluded that there needs to be some continuing responsibility at a national government level for judging, ensuring and enabling quality across the range of dimensions indicated. Some of this could be achieved through a more developed approach to school

and Local Authority inspection. However, they said that it would be good to see a clearer link between the broader range of national policies (mainstream and specific) and the kind of quality framework proposed in this paper.

ACCOUNTABILITY AND IMPROVEMENT

The third forum was held in 2019. Jonathan Roberts explored some of the root assumptions behind the concept of accountability as presented earlier in this chapter. He began his paper with the assertion that 'Accountability systems are powerful. If designed and implemented successfully they can be forceful drivers of improvement; if poorly, there can be perverse incentives, reduced effectiveness and demoralised professionals'.

Roberts applied principles of accountability to education and SEND. He examined the purposes of accountability in the education system and suggested that the first purpose of accountability systems was to hold individuals and organisations responsible. He went on to state, 'accountability contains some ideas of rectification or making good'. Individuals and organisations can be held responsible through sanctions or rewards and the possibility of 'making good' creates incentives and constraints on future actions and decisions. Another purpose of accountability is to inform policy makers about priorities for development. Roberts continued, 'Accountability mechanisms may support confidence in schools or the education system through transparency and reassurance of standards'. His final purpose for accountability systems is that they can create a dialogue between schools and parents and thus empower parents and their children as stakeholders.

He then outlined seven types of accountability regimes:
1. **Hierarchical**: schools are held accountable to outside agencies such as the LA, Ofsted, and the Department for Education (DfE).
2. **Market**: parents exercise market accountability by their choice of school and choosing to move their child if they are dissatisfied.
3. **Contractual**: academies are accountable through contracts that they have made with the DfE. Sanctions include closure or amalgamation with another trust.
4. **Legal**: schools have multiple legal duties such as employment law, data protection and child protection.
5. **Professional**: teachers are subject to professional standards and codes of conduct. Sanctions are overseen by the Teaching Regulation Agency.
6. **Participative**: participative accountability is undertaken by the Governing body and parent and pupil discussion groups. Roberts says that there are few sanctions associated with participative accountability.
7. **Network**: network accountability arises from school partnership and peer to peer support. Roberts says that sanctions may be weak but powerful normative rules are associated with peer monitoring and professional status.

Roberts asked, *'how do schools and teachers negotiate these multiple accountability regimes?'* He suggested that schools will make decisions in accordance with those accountability regimes for which sanctions are both severe and likely to be enforced. He concluded that hierarchical, market and legal accountabilities are likely to be the most salient for schools and, therefore, their primary consideration in management decisions.

Roberts applied his analysis of accountability to SEND provisions. He said that SEND is not adequately represented within the most salient accountability regimes. He suggested that there is evidence of the failure of provisions for SEND in terms of poor attendance, increased exclusions, weak provisions or declining academic attainment. Roberts argued that attainment is only part of effective provision. Significant indicators and sanctions associated with them, give little prominence to children with SEND relative to their peers, or alternatively, create perverse incentives so that schools may even seek to avoid offering provision to some children with SEND.

Roberts claimed that statutory requirements in relation to SEND do demand accountability, however, he stated that sanctions in this field of law are arguably insufficient to deter poor practices and '*Further resort to legal accountability is costly, favouring parents with financial and cultural capital.*'

Another problem arising from Roberts's analysis of schools' accountabilities is that those '*regimes*' supporting effective provision for SEND have little purchase. Parents value participation and networking but there are no incentives or sanctions for these factors, although they are likely to contribute to improvements in all fields of education.

Roberts suggested ways in which accountability structures for SEND can be rebalanced. Such as, increasing the importance of SEND within the most salient accountability regimes. For example, making Ofsted grades for schools no higher than their grade for SEND provisions. He also suggested including other accountability regimes such as networking and participation within the Ofsted framework.

Finally, Roberts pointed out that there is value in evaluating process as well as impact, especially where there is evidence that particular processes are likely to contribute to effective provision, and where impacts themselves are hard to measure. He said that the move from the interrogation of academic results in school data towards inspection of *'the quality of education'* within the new Ofsted framework can be construed as a shift towards process evaluation.

CONCLUSIONS

What emerged from the discussions at the three seminars were the different and competing evaluations of accountability systems in education. This related to a consideration of the purposes of education and the underlying assumptions made in the current accountability framework. Roberts's paper makes this explicit. It is evident that there is a gulf between a view of education that exclusively values academic progress and attainment as against the view that also values socialisation and participation. In the earlier symposium in 2014 it was hoped that legislation might strengthen schools' accountability for both input and outcome measures for pupils with SEND. The Local Offer was also perceived as an important way of holding LAs accountable for provisions and resources. But Gray, Norwich and Elliot were concerned that accountability for the quality of provisions remained unaddressed and this concern was shared by Roberts in the 2019 forum.

There is a growing fear that a framework that values academic progress and league tables effectively marginalises children with SEND and cannot adequately reflect the hopes and aspirations of parents with children with SEND. Leadership in schools is inevitably outcomes driven through SATs and Progress 8. Senior leadership in schools may not always give equal weight to the interests of pupils with SEND and staff may have limited knowledge of the Code of Practice and the law relating to SEND. Teachers may not feel knowledgeable or confident about teaching and supporting children with SEND.

The Local Offer has had several years to bed down in LAs. The first symposium presented the Local Offer as an important means of making providers accountable to parents. However, the enterprise was severely hampered by the fact that the power and influence of LAs was increasingly diminishing and Lamb gave several warnings about the hurdles of embedding such a complex process. In the third symposium, the Local Offer barely received a mention and one must assume that it has, as yet, had limited impact.

The impact of the changed relationship between schools and LAs was a reoccurring theme. At the earlier forum it was pointed out that LAs understand that the more services they are able to provide to support mainstream schools in meeting children and young people's needs within their non-high needs and delegated resources, the less will be the demand on the more expensive and highly specialist services. It was claimed that this is best achieved by supporting schools via integrated multi-agency teams providing a high level of expertise. However, the symposia expressed concern that the relationship between schools and their LA had weakened and declined further since the 2010 Academies Act. The security of placement and resources for pupils with SEND in their local school has been significantly affected. Schools have devolved resources for SEND provisions, but the LA has responsibility for assessment and meeting the needs of children with SEND. This leads to a clash of expectations. Schools inevitably look to the LA to make additional provisions whilst LA budgets are increasingly constrained. Schools are faced with a competitive market where academic progress is the main currency for success. The consequence has been a rise in exclusions of children with SEND and a growth in placements in special schools.

Finally, the role of Ofsted, as the arbiter of accountability, was raised regularly in all the symposia. Roberts stated that *'how Ofsted judges effectiveness of provision for children with SEN (progress outcomes, rate of progress, progress of cohorts), is not how all parents judge the effectiveness of education for their children'*. Parents' concerns often focus around input rather than outcome, for example, on intensity, frequency and specialist intervention. It was felt that Ofsted should have a role in creating an improved accountability framework for achievement of SEND pupils based on quality of inputs as well as outcomes.

There were calls in the three symposia for a more robust approach to holding schools accountable for their SEND provisions and for evaluating the socialisation and participation of SEND pupils. This was seen as an important role for Ofsted. Several commentators suggested that no school should be rated as 'Outstanding' unless this also applied to their SEND provisions. There was some evidence in 2019 of changes in Ofsted expectations. A senior inspector with HMI (Her Majesty's Inspectorate), who also presented at the third symposium, outlined recent improvements to the inspection regime. He claimed that

inspectors will take a rounded view of the quality of education provided for all pupils. He said that inspectors will gather and evaluate evidence about how ambitious leaders are for the success of pupils with SEND. He recognised the need to evaluate inputs as well as outcomes for pupils with SEND but the key measure would remain that of academic progress.

EXCLUSIONS

Two NASEN Policy and Research symposia were devoted to considering the issue of school exclusions: the first in 1997 and the second, 22 years later, in 2019.This chapter examines the papers presented at these two events. In 1997 the Policy Research Forum held a symposium entitled *'Inclusion or Exclusion: Future Policy for Emotional and Behavioural Difficulties'.* Two papers are considered here, the first by John Bangs, an officer from the National Union of Teachers (NUT) and the second by a Principal Educational Psychologist, Peter Gray. The title for the 2019 symposium was '*Exclusions, Barriers to Admission and Quality of Mainstream Provision for Children and Young People with SEND: what can be done?'* The paper by Louise Grazeley, presented at this forum, offers the opportunity to assess how issues about school exclusion have developed over time. Since these papers were presented there have been two government enquiries into exclusions resulting in the Halfon Report, 2019 and the Timpson Review, 2019. Findings from those reports are also considered here.

CONTEXT

There is a view frequently expressed by reasonable but hard-pressed teachers, that if a pupil is out of control and seemingly immune from every intervention, reward or sanction, then in the interests of all the other pupils in the class, that pupil should be temporarily excluded. And if, on their return, their behaviour has not improved they must face permanent exclusion. This has long been a powerful tool of social control and the ultimate sanction in schools for managing extreme and disruptive behaviour. However, research shows that exclusion causes a wide variety of negative outcomes for pupils including damage to essential elements of wellbeing such as acceptance, belonging and self-esteem. While relatively few pupils are expelled from school, even temporary exclusions can amplify psychological distress. Excluding children from school may lead to long-term psychiatric problems such as depression and anxiety disorders. It has also been amply demonstrated that excluded children's educational opportunities and outcomes are severely reduced. By avoiding exclusion and finding other solutions to challenging behaviour, schools can promote pupils' future mental health as well as their education and employment prospects.

From 1994, data on formal permanent exclusions and fixed term exclusions for primary, secondary and special schools was collected by the Department of Education (DfE). Changes in methodology of data collection have occurred but the number of permanent exclusions from schools in England in 1997, the year of the first forum, was 12,298 and this had fallen

to 9,210 by 2001. The DfE claimed that the data has remained relatively stable across all types of schools with a peak in 2006 and then falling to a low in 2012 of 4,643 pupils. But permanent exclusions have been rising ever since. In 2017, 7,720 pupils from all types of state schools in England were permanently excluded. The number of fixed term exclusions has increased by 8% from 382,000 in 2016/17 to 411,000 in 2017/18. The DfE statistics showed that a quarter of all permanent exclusions were for pupils aged 14, with that age group also having the highest proportion of pupils receiving one or more fixed-period exclusions. Boys are excluded at least three times more frequently than girls. In May 2019 the Timpson Report on School Exclusion, a response to government concern about a rise in exclusions, reported that over 17,000 mainstream schools (85% of all mainstream schools) in England issued no permanent exclusions in 2016-17 whilst 47 schools issued more than 10 permanent exclusions in the same period.

The reasons for permanent exclusion have not changed significantly. Persistent disruptive behaviour is the most common one for both permanent and fixed term exclusion. Assaults on other pupils being the second. Based on the exclusion data from the DfE 2016/17, pupils with special educational needs (SEN) make up almost half of fixed and permanent exclusions. Children on free school meals are four times more likely to be excluded, children from black Caribbean heritage are three times more likely and children in care are twenty times more likely to be excluded. Those from the Gypsy and Travelling community are the most 'at risk' group. Add any two of these categories together and it becomes an even sadder picture.

There are many more pupils who are excluded from their local school through other means. The data presented refer only to those pupils who were excluded through the formal statutory processes. The DfE does not collect data on the frequency, duration or nature of alternative provision (AP) commissioned by schools. According to a government report chaired by Halfon, there were at least 48,000 pupils who were educated outside of mainstream and special schools during 2016/17. This included pupils who were educated in alternative provision (AP), usually a Pupil Referral Unit (PRU), but who remained on the full roll of their mainstream school. In addition, the FFT Education Datalab found that 19,975 pupils had left a mainstream secondary school and were never recorded as being on a state-funded secondary school's roll again.

Schools have the power to direct children off-site to attend AP as a full-time placement, or alongside their place at mainstream school. A survey of schools conducted by the DfE suggests this is not only common, but that arrangements are often long term: 23% of secondary school leaders reported directing children off-site for over a year. The main source of AP are PRUs but they were originally intended to be a 'revolving door' for students who were excluded from school and needed a short term placement to decide whether the child should go back to mainstream school or to a special school. The outcome, however, has been that many children remain in a PRU permanently.

Jules Dauby, in the second symposium in 2019, pointed out that researchers in the field simply do not know enough. Most figures on exclusions so far presented can be regarded as a conservative estimate of the children who are effectively excluded from school. There are

children whose parents have been encouraged to 'home educate'; there are several other unregulated practices such as 'off rolling', 'guesting', 'managed moves' and 'dual registration' that are used to make sure that children are off the premises whilst retaining a nominal connection. The Timpson Review (2019) discussed the problem at length stating, *'Neither informal exclusion nor off rolling are exclusions and they should not be conflated with the proper exclusion procedures. They are quite simply wrong'*

EXCLUSION ISSUES IN 1997

In 1997 exclusions had been rising for three years. The government was concerned about this and the possible link with the changes that had come about in the 1988 Education Reform Act which had led to Local Management of Schools (LMS), the National Curriculum and greater autonomy for headteachers. As a result, a new requirement had been enacted instructing LEAs to draw up their own Behaviour Plans to support local schools. They were also given the duty to review every permanent exclusion in the schools they served. Moreover, LEAs were given the responsibility to provide for permanently excluded pupils.

John Bangs was writing from the perspective of a union officer. He began his presentation with an uncompromising statement about the then current situation in 1997, less than a decade from the 1988 Education Reform Bill. He said, *'Teachers currently experience a poisonous combination of circumstances. Their professionalism is challenged. They are told by the Government that the performance of many teachers does not meet Government imposed targets and in schools the job of teaching has become increasingly more demanding […] The Government's imposed accountability mechanisms have impinged heavily on the act of teaching itself […] Many teachers will tell you that the behaviour of a significant and growing minority of pupils is getting worse.'*

The Government had introduced measures to try to tackle the problem of unacceptable pupil behaviour and the rise in exclusions. Schools were required to produce plans for pupil behaviour management and this was extended to LEAs. Bangs was clearly concerned that headteacher and professional staff decisions about exclusion could be overturned by the Governing body, an Appeals mechanism for parents or the LEA. He stated that the NUT would support industrial action including strike action on behalf of professional staff. He suggested there was an underlying problem; *'The increase in pupil numbers with behaviour problems is matched almost precisely by the rate of Government inspired decline of support to teachers with such pupils'.* Bangs claimed that since 1988 the Government had effectively dismantled LEA support services by cutting centrally held LEA budgets. In schools, counselling support and pastoral care were also casualties of the demands of the National Curriculum.

Bangs suggested ways for resolving the difficulties as perceived by schools and teachers which involved schools some measure of self-evaluation accredited by Ofsted. Schools were no longer able to set their own targets. Instead government set the targets enforced by external inspection through the recently created Office for Standards in Education (Ofsted). Bangs argued, the successful school is able to gather, systematically and consistently, information on all aspects of the community it serves. He cited the Scottish system where the inspectorate evaluates each school's own ethos indicators arrived at through a self-

evaluation process. Bangs proposed an alternative model for school inspections. He said, *'The point I want to make is that school self-evaluation is in reality, research into what works and doesn't work by institutions for themselves and of themselves.'* He continued that such an approach, if conducted fairly and thoroughly, provides a vital foundation for both managing pupil behaviour and for preventative behaviour strategies. Empowering teachers to evaluate their own performance within a context they understood would help them become more competent teachers.

Bangs said that training in behaviour management is also crucial together with a whole school policy that is understood by all. *'Teachers should feel that their work to maintain discipline in the class takes place within the framework of the school's overall behaviour policy'.* Moreover, they should feel confident that they will have support and guidance from senior management when they need it.

Bangs continued by suggesting how teachers needed to be involved in the schools' behaviour policy. He quoted the Elton Report (1989) which stated that the role of in-service training and initial teacher training was essential, but also that school-based groups should convene to develop patterns of mutual support amongst colleagues. However, he lamented the fact that eight years on from the Education Reform Act recommendations on behaviour management had not been implemented. Bangs was also concerned that there was no clear advice on restraint, holding and physical contact between teachers and pupils. Although in 1997 the Government had made an amendment that allowed teachers to restrain disruptive pupils, the amendment failed to distinguish between restraint, touching and holding, and teachers were left feeling very unconfident about what would be a permissible intervention. The NUTs response was to ask LEAs to include advice to schools on physical restraint in their behaviour plans.

THE DEVELOPMENT OF BEHAVIOUR PLANS

In 1997 the headteacher could exclude a child but the governing body could refuse to confirm the exclusion. The parents could also appeal to the LEA which could uphold the appeal. The problem was that there was no clear guidance on when a permanent exclusion was appropriate and headteachers were unsupported and unsure. Following the 1988 Act, the prevailing view was that exclusion was appropriate when the effect of a pupil's behaviour was detrimental to the wellbeing and efficient education of other pupils. Bangs said that the NUT initially took the view that the test should be whether the pupil's behaviour prevented that pupil from benefiting from education. However, Bangs challenged that view and said that it is the pupils themselves who give the highest priority to safety and order in the classroom. He said, *'Those who argue that the individual rights of those pupils subject to exclusion are de facto rights which should receive the highest priority, ignore the rights of other children within the school'*. The NUT subsequently sought to press the Government that any proposal to exclude a child should take into account the interests of the staff and other pupils.

Bangs outlined the role of LEAs in supporting good practice. He quoted from the Ofsted report 1995/96 on '*Exclusions from Secondary Schools'* suggesting that LEAs could

contribute effectively to reducing the rate of exclusions by detailed monitoring of exclusions, maintaining effective support services and providing training.

Bangs pointed out, however, that Ofsted was rather tentative about the relationship between school effectiveness and the rate of exclusions since many of their 'Outstanding' rated schools also had high exclusion rates. Bangs claimed that there was a good argument for ceasing to regard a low rate of exclusions as an indicator of school effectiveness. He preferred evidence of clear school rules reached by consensus, together with their consistent and fair application to be a better indicator. He says, *'The critical question is whether an outside body, whether a local authority or another school could provide the support which would obviate the need for that exclusion.'* Bangs suggested that the most imaginative LEAs were finding ways of providing services to schools but that LEA support to schools had been severely compromised by LMS requirements. Bangs went on to suggest that some LEAs had adopted an 'over rigid' approach to schools in relation to exclusions, citing inclusive education as a principle that could hinder flexibility in a school's attitude to using exclusion. Bangs was writing as an NUT officer where his clients were teachers. The Government's proposal to use LEAs to supervise school's behaviour policies was also seen as a possible threat to the autonomy of the headteacher. He said, *'The implications of requiring LEAs to produce behaviour plans are enormous'* and his parting shot was to argue that LEAs should consult with staff and headteachers in drawing up their behaviour plans. Ultimately, his emphasis was on protecting the autonomy of the headteacher.

Peter Gray took a more sympathetic view of LEA involvement with exclusions. He argued that LEAs had a key role to play in strategic planning to meet the needs of pupils with emotional behavioural difficulties (EBD). He acknowledged the struggle to identify coherent and positive ways for Government, LEAs and schools to deal effectively with pupils with EBD and the rise in the rate of exclusions. He was concerned that *'there is a worrying and growing separation of EBD from consideration of SEN issues in general with resurgence in public discussions of concepts such as 'unteachable'.* He commenced his paper by considering the nature of EBD. He stated that difficult behaviour in children challenged a teacher's sense of their own effectiveness. Teachers often feel exasperated and defensive in attempting to deal with a disruptive pupil and inevitably, in the heat of the moment, blame the child rather than seek a 'better for both' solution.

Gray identified several key policy issues:
(a)   *Problem definition and quantification:* Gray stated that LEAs have found the EBD area the most difficult to define, quantify and moderate. There are some pupils who are profoundly disturbed and may even have mental health problems and there are those who may be highly disruptive but this is a short term phenomenon. Unfortunately, the EBD label applies to both and leads to negative consequences for both. There are many theories about the causes of disruptive behaviour ranging from those which seek to locate the problem within the pupil and those which see EBD as a response to adverse social factors and essentially a social construct. Moreover, Gray said that differing views about causation inevitably affect decisions about priorities and resources. Those on the inside of schools have a tendency to attribute EBD problems to 'within child factors', parents and the local

community. Those on the outside, see things more in terms of factors to which the schools themselves contribute.

(b)   *Assessing change and evaluating progress:* Gray pointed out the dangers in exaggerating the problem of EBD. There is a tendency for every generation to romanticise the past and to believe that problem behaviour is getting worse. He acknowledged the fact that there was reliable information to show that exclusions were rising, but, he asked, does this represent deterioration in behaviour in schools or a shift in expectations? Certainly the aims and values of education had shifted following the 1988 Act. Gray also questioned how it was possible to recognise improvement in behaviour.

(c)   *Responding to different interests:* EBD is a social issue and policy has to take account of a range of vested interests. Gray suggested that there are three conflicting interests:

1. *Individual rights vs collective responsibility:* He suggested that there are two opposing directions which had emerged following the trend to regard parents as consumers. Parents had a greater capacity to influence school's intolerance of disruptive pupils who may interfere with other children's learning. On the other hand, legal rights had been strengthened for parents of children with EBD to challenge decisions to exclude. Gray concludes that this has tended to discourage collective responsibility for the wellbeing of all children in the school whilst LEAs have tried to promote the collective ethos.

2. *Teachers' rights versus the rights of parents and children:* Gray said that pupils, as well as their parents, had been given greater prominence in terms of human rights and this was evidenced by the greater regard to the quality of assessment and planning for troubled children. This focus also lends support to the view that disruptive pupil behaviour may be a consequence of poor school management. He argued that *'approaches that focus on the rights and entitlements of children and parents including those that the school find difficult to teach or negotiate with, inevitably present some challenge to teachers' sense of authority'.* Balancing the rights and responsibilities of teachers, parents and pupils is a major issue for LEAs especially since legislation, then current, gave them the duty to review all permanent exclusions. However, Gray contended that there was increasing pressure from schools to give priority to the teacher's perspective either through threats of industrial action or school withdrawal from LEA control.

3. *Punishment versus welfare:* Gray drew the distinction between the view of EBD as a welfare issue and the view that saw exclusion as an appropriate punishment. He said, *'It has become difficult to persuade some teachers and schools that EBD should be regarded as a special educational need'.* He continued that there has been a noticeable shift in emphasis away from helping troubled children towards safeguarding the needs of other children. Gray said *'While this approach currently* (1997) *appears to have some natural justice, its costs (both financial and social) are at risk of being significantly undervalued'.*

OPTIONS FOR SCHOOLS AND LEAS

If finance was not a major consideration, Gray suggested that a continuum of provisions would be the most desirable way to meet the needs of pupils with EBD; including, for example, reducing class size; buying support service time; using off site provision. However, budgets are limited and, therefore, responses are piecemeal. Some LEAs have decided to

maximise delegation of all SEN funds to schools so that they can respond as they think appropriate, but he added several cautions to this. Firstly schools retain a legal power to permanently exclude pupils whilst LEAs have a duty under the 1993 Education Act to provide for permanently excluded pupils. He pointed out too, that it was difficult to establish a reliable formula by which EBD funds could be distributed and with which all schools would agree. Finally, he argued that some forms of provision are only really viable when they serve a number of schools. Consequently, Gray concluded that delegation itself cannot be seen as the solution.

Gray considered the training of teachers in behaviour management to be crucial but he also advocates giving time to teachers to reflect on practice and share experiences with colleagues. He also reviewed projects and multidisciplinary approaches to EBD. LEAs could play a central part in coordinating the various projects but often found themselves as one player in an open market. The problem for all such initiatives, however, is that they are all of short duration with no predictable long-term funding so that the learning achieved may go to waste. He advocated that more coherent and long-term responses to the challenge of EBD were needed working together with Social Services, Youth Services and Local Health Authorities.

The effectiveness of support services employing peripatetic teachers usually provided by the LEA was examined. They had been criticised by commentators on two levels: firstly, for de-skilling or undermining the competence of staff in schools and, secondly, for inhibiting a more flexible and appropriate school based response. EBD support teachers were expected to take on the complex task of supporting pupils and staff in schools. Gray pointed out that very little recognised training had been available to help with this task. He said that support staff worked most effectively when they were able to reduce the level of disruptive behaviour in situ rather than by removing the pupil for significant periods so that the teacher can see that containment is possible.

Finally, cluster initiatives were discussed whereby schools formed an agreement to collaborate in managing EBD. Pupils could be offered a second chance at another school or schools could collaborate in buying-in services. Gray was clearly hopeful that such arrangements could be developed and he stated, '*It is currently too easy to say this child would be better taught by someone else, somewhere else and not to have any responsibility for following up the effects of that decision on the pupil and his/her future teachers'.*

Gray concluded his presentation by giving a list of what he describes as his 'best bets' for policy on EBD. These included ensuring that EBD support services have adequate training and preparation for their roles, providing training opportunities for teachers to reflect on the EBD issue away from the classroom and engaging mainstream schools in joint initiatives to develop improved responses to EBD at the local level. He also suggested that mainstream schools attitude to permanent exclusion might be modified if they have more responsibility for the planning and review of alternative school arrangements.

EXCLUSION ISSUES IN 2019

By 2019 concern was being expressed at all levels, including the media, about the rise in exclusions from the low point of 2010. Based on research for the Office of the Children's Commissioner, Grazeley argued *'that school exclusion processes are complex and contentious while also incorporating elements that appear plainly contradictory'.*

Grazeley asked, *'When it comes to school exclusion processes, who is accountable and for what?'* She conducted research to explore issues of accountability within school exclusion processes. The research was designed to gain insights into good practice in reducing inequalities in rates of school exclusion. Grazeley examined schools that were successful in driving down their rates of exclusions. In the study, all schools were seen to have improved outcomes for groups over-represented in school exclusion processes but it was a commitment to inclusion that appeared to have been the major factor in improving outcomes. However, Grazeley believed that exclusions data did not provide a full picture of how the disciplinary processes of schools is experienced by young people. *'It is those most affected by exclusions who are best placed to explain what involvement in the experience really means'.* This includes the impact on educational attainment but also opportunities to flourish in education more broadly. She pointed out that while accountability in the English education system is often delivered through measurable outcomes, many of the outcomes associated with school exclusion are not readily measurable. A key concern is how such similar seeming systems within schools impact so differently across different contexts, but also on different groups of young people and notably on those with additional learning needs and/or from low income households.

For Grazeley, accountability is best understood as multi-layered: *'At one level it is linked to the law and to statutory obligations yet it also extends into the personal and professional spheres'.* A wide range of groups are caught up in these systems. For example, while parents are often considered to be accountable for their children's behaviour, school-level accountability includes classroom teachers, school leaders and staff in LAs. Grazeley examined how accountability related to the various levels of relationships involved in exclusions:

1. *The young person.* At its most basic level school exclusion processes hold young people to account for their behaviour, based on the expectation that they will self-regulate in order to meet the schools' requirements. Grazeley suggested that there is now an emphasis being placed on learning and this includes being held responsible for the learning of others. She said, *'Efforts to hold the young person to account are all the more problematic when it is recognised that the same behaviours may be read differently by different people and that some are given excellent support but others relatively little'.*

2. *Parents and carers.* Parents are also being held to account for the challenging behaviour of their children. They are expected to support professionals and do 'the right thing' even when the processes are poorly understood. While there might be an assumption of equal treatment, decisions about whether to exclude or not are influenced by judgements about the family, social class and what support might be given. Grazeley pointed out, too, that *'The situation for young people cared for by*

the state is even more paradoxical when it comes to accountability, as national policies make it clear that exclusions are undesirable yet this group continues to be disproportionately at risk'.

3. *School staff.* Teachers are under considerable pressure to manage behaviour in order to meet learning targets. Grazeley said, *'Some teachers readily accept the necessity of disciplinary sanctions, but others have more inclusive mindsets and show greater flexibility and willingness'.* Conflicts of interest arise in the context of diminishing access to external support services. Grazeley commented that teachers must also take their own wellbeing into account.

4. *Headteachers.* Headteachers are central to school exclusion processes as it is they who must decide on whether to exclude or not. A key issue is that they are also accountable for school performance. While headteachers might be considered to be similarly accountable there is considerable evidence that professional practices are divergent, and headteachers can choose to operate within a sense of collective, local responsibility or in self-interested isolation with impunity. Grazeley said, *'That two such different mindsets can coexist within a single system is at best surprising'.* The fact that some exclusion appeals continue to be upheld further suggests a continuing need to question the presumption that headteachers are always right, making it clear that more could still be done to address accountability gaps.

5. *Local Authorities.* Local Authorities occupy a key space when it comes to ensuring accountability for their school. This includes training school governors, questioning exclusion decisions, identifying patterns of over-representation of vulnerable groups and ensuring that excluded children have access to a school place. In some cases, this includes active support for cross-school approaches. However, Grazeley was concerned that such collective community-based approaches are harder to maintain in the context of an education market that has seen the power and resources available to LAs decline as schools have been encouraged to diversify and become more autonomous.

6. *External/political frameworks.* The frameworks within which school exclusion processes operate are determined at the national level. Grazeley said that legislation can be powerful in changing practices. A closer look at issues of accountability suggested that there are actually a range of different pathways for pupils through school. Depending on the pupils' individual attributes there will be different obstacles to negotiate. Some pupils find it more difficult to pass through school successfully but their experience may have been quite different in another school. Grazeley concluded that more attention needs to be focused on holding the government to account for the differences in exclusion rates.

CONCLUSIONS

These papers highlight the central dilemmas posed by the use of exclusion by schools. The first conclusion must be that rather little has changed over the last two decades. It is instructive to compare these papers with the conclusions of the Timpson Review, 2019. For

example, Gray called for maintained schools to have a greater role in the future education of the pupils they had excluded. More than 20 years later the Timpson Review stated that the DfE *'should require schools to submit information on their use of off-site direction into alternative provision […] this should include information on why they have commissioned alternative provision for each child; how long the child spends in AP and how regularly they attend'.* The only record a school is required to keep is simply that the pupil is being educated off-site. The Timpson Review shared the concern expressed by the symposia participants that children were being directed into AP when this was not in their interests. AP used by schools was sometimes used to mask rates of fixed period and permanent exclusion. The pupil's parents did not have access to the independent review process that would have been available had the school issued a formal exclusion. Exclusion is perceived as an acceptable practice in spite of knowing that it is a risk factor associated with unemployment and involvement in the criminal justice system. Knowledge of these risks has not yet led to concerted action to reduce the number of exclusions.

Bangs was supportive of teachers and headteachers in their constant challenge to maintain discipline and promote efficient learning. Gray took a broader view recognising the rights of parents and children as well as those of hard-pressed teachers. He examined the role of LEAs in supporting good practice in schools and reducing the need to use exclusions. Grazeley claimed that a lack of challenge by policy makers means that the systemic roots of some issues about exclusion from school remain unaddressed. Grazeley concluded that accountability around school exclusion processes is not just a question of schooling. The way in which the wider society is constructed is profoundly influential. All three authors provided insights into school exclusions from their different perspectives but with considerable agreement that for a group of vulnerable and needy pupils little has been done to safeguard their interests. This was the case over twenty years ago and the situation has not improved.

A recent government review concluded that *'An unfortunate and unintended consequence of the Government's strong focus on school standards has led to school environments and practices that have resulted in disadvantaged children being disproportionately excluded, which includes a curriculum with a lack of focus on developing pupils' social and economic capital. There appears to be a lack of moral accountability on the part of many schools.'* (Halfon, 2019).

References:
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TEACHER EDUCATION
CONTEXT

Since the 1990s the professional autonomy of teachers has been increasingly prescribed by governments, particularly over the curriculum and how it is taught. Alongside new curriculum demands LEA budgets were largely devolved to schools. Over the last three decades teacher education also has been significantly affected by education reform. Both initial and post-experience teacher education has been subjected to changes and fragmentation. The trend has been from institutions to school-based 'training' which Hazel Lawson identifies as a *'view of teaching as a craft'* best learnt in an apprenticeship role alongside experienced teachers. Two papers from the NASEN Policy Forum discuss the effect of these changes. Peter Mittler in *Crisis or Crossroads?* was writing in 1993 about the situation and trends in 1993 and saw some challenging if not retrograde developments for special educational needs. Lawson in *Teacher education and special educational needs – policy landscapes and impetuses* (2014)*,* discussed the outcomes for professional training and development.

REFORM AND TEACHER EDUCATION

The Education Reform Act (ERA) 1988 established far reaching changes. A National Curriculum for all state schools in England had significant implications for teachers, their teaching and teacher educators. Previously the curriculum had largely been in the hands of schools and external examining bodies. The establishment of a strong school inspection regime in the Office for Standards in Education (Ofsted) emphasised school attainment outcomes based on the results of national tests. Mittler said in 1993 that *'training courses* [at that time had]*to concentrate on immediate priorities arising from the constant changes to curriculum and assessment arrangements'.* Changes which were described by Mittler as cataclysmic and '*over the last 6 years'* (1987-93) had *'not been matched to anything like adequate attention to the training and professional and needs of the very teachers whose task it will be to implement the changes in the classroom* […] *and since every teacher is working with children with special educational needs the professional development needs of such teachers are by definition inseparable from those of all teachers and essential to avoiding categorisation and segregation'.* Teachers of children with special educational needs saw the National Curriculum as a legal entitlement for all children and immediately sought ways of making the National Curriculum accessible for children with special educational needs as Mittler said, children *'whose needs had never entered the heads of those who devised it* and *'most teachers in special schools were* […] *adapting it to the needs of the children in their schools'.*

The role of higher education in the training of teachers has been steadily reducing. Resources have been redirected to school-based routes for both initial and post-experience training. Hazel Lawson in 2014 said that school direct training, where some schools recruit and train their own teachers, received 48% of allocated initial teacher education (ITE) quota in 2015-16, which had significantly reduced the number of teacher training students in higher education institutes (HEIs) and their role in initial teacher training (ITT). The requirement for teachers to hold qualified teacher status (QTS) in schools no longer controlled by LEAs was abolished in 2010. Mittler had predicted in 1993 the demise of teacher education in its form then. He said that '*universities* [had] *been accused of belonging*

to an entrenched educational establishment which has subverted reform and is responsible for a fall in standards and the pursuit of outdated orthodoxies'. In response, universities needed to demonstrate *' the ways in which courses try to achieve a working integration between practice* […] *and helping students to reflect on that practice'.* He said, *'It is right that universities should no longer be the main provider of teacher education but universities have always seen their role as one of partnership with schools and those being trained'.*

ERA (1988) also introduced Local Management of Schools (LMS) which saw the bulk of LEA resources devolved to schools and changes to training budgets increasingly focused on the requirements of education reform: the National Curriculum. School outcomes as measured by the national tests on which the reputations of schools depended were heavily dependent on the new marketised and competitive public education system. The Academies Act (2010) created a variety of autonomous schools in the form of academies and free schools. At the time of LMS, Mittler said the government appeared to be unaware that the greater number of children with SEN were not in special schools or a with a Statement of special needs, but with learning difficulties in ordinary schools. Lawson said that the DfE requirements on Teachers Standards (2011), except for the requirement to *'have a clear understanding of all pupils including those with special needs',* were otherwise focused on all pupils. The increasing variety of schools appeared to have an effect on the distribution of children with special needs in mainstream schools. Lawson also said that autonomous schools (converter academies and free schools) had a consistently lower percentage of pupils with SEN (school action plus or with Statements) than LEA maintained schools and schools that had been forced to become Academies because of weak inspection reports, known as sponsored academies. She concluded that *'the diversification of school types was affecting the distribution of pupils with SEN'.*

EFFECTS ON INITIAL TEACHER EDUCATION AND SEND

Courses of initial teacher education had been required for some years to provide a compulsory element on the teaching of children with special needs but Mittler claimed that *'newly qualified teachers do not feel fully prepared during training or the first year of teaching for responding to SEN'* and Lawson said that the *'diversification of training routes and broadness of Teachers' Standards in relation to SEN seem to dilute the position of SEN within ITT'.* Government Circulars 24/80 and 9/92, issued twelve years apart, emphasised the ability to identify children with special needs, but preceded this with the *'capacity to identify gifted pupils'* and the *'recognition of diversity of talent'.* But as Mittler pointed out, this said nothing about meeting needs, differentiation or appropriate teaching. Lawson said that the new Code of Practice (2014) *'strongly emphasised the responsibility of the class teacher* [to respond to special needs] *and the importance of high quality teaching'.*

Student teachers do see school placement as a valuable part of ITT, said Mittler, but the growing number of school-based routes to initial training provided challenged the ensuring of a consistent approach to learning about the education of children with special needs. Ofsted (2008) thought schools were in the best position to provide training in the teaching pupils with SEN, but, as Lawson noted, recognised considerable differences between schools in the quality of SEN provision *'in the importance of values and ethos, organisational*

practice and attitudes of individual staff members.' Lawson also recognised that there were '*possible limitations inherent in relying on schools to provide* [the] *SEN aspect of ITT, particularly if all the training experience was in one school'.* The variability of provision and practice between schools '*affects the chance of a good experience'* and presented '*a danger that a broad and critical understanding of SEN and provision for pupils with SEN may be weakened'.* Mittler said that *s*chool practice in primary and secondary schools ought to focus on examples of good special needs practices, such as:

- Written SEN policies;
- Implementation of policies;
- Names and qualifications of SENCOs;
- Ways in which the curriculum is differentiated;
- Identification of children with SEN;
- Statements (since 2014 Education, Health and Care plans);
- Contacts with special schools;
- Arrangements for the induction into SEN policy and practice of new members of staff.

Approaches to learning about SEN within ITT vary from integrating SEN training throughout the course to a compulsory specialist element. 'Permeation' to use Mittler's term, implies that all teachers are teachers of children with SEN and that children with SEN, along with all other children, should be enabled to access the educational, social and community life of the school. Similarly, 'permeation' of special needs teaching throughout training, said Mittler, is an approach that recognises that every teacher education tutor is a special needs tutor. Mittler said that permeation applies '*equally to policy and practice, 'concerning relations between teachers and pupils and to issues concerned with discipline, organisation and management all of which need to be considered in preventing or addressing emotional and behavioural difficulties'.* In the classroom, teaching would focus on enabling all children to participate in lessons and classroom activities. The teacher's task is the awareness and removal of barriers to learning through differentiation of content and approaches. Learning difficulties are not predominately perceived as residing in children themselves but rather in what they are expected to learn and how they are expected to learn it. Lawson referred to what she described as a general position with regard to SEN and ITT where all teachers have a responsibility for, and are involved in, the teaching of children with SEN within a '*value stance of inclusion*'. She said the assumption is that '*general pedagogical strategies are considered appropriate and relevant for pupils with SEN (no specialist pedagogies exist) and general teacher education for learning to teach all pupils is provided'.* Mittler argued that permeation is by its nature inclusive practice. Lawson referred to an interactional model of pedagogy '*which has been prominent in the English Education system since the Warnock Report* (1878)*'* in which personal characteristics, strengths and weaknesses of the child and environmental factors are considered as interacting. It can be noted that this interactionist approach advocated by Lawson contrasts with Mittler's above, where he refers to the idea that '*Learning difficulties are not predominately perceived as residing in children themselves but rather in what they are expected to learn and how they are expected to learn it*'. Mittler seems to focus more on the environment than Lawson.

A compulsory special needs element in initial teacher training, what Mittler referred to as a 'focused element', deals explicitly with special needs issues and implies subject and special

needs tutors teaching together. Mittler pointed out initial training has to cover all aspects of needs and disabilities. Manchester University had offered specialist 'elective' courses within initial teacher training on learning difficulties and emotional and behavioural difficulties but elective courses had become a casualty of the move to more school-based training and Mittler said that *'it is not easy to see how schools alone can fill preparation and groundwork for SEN'*. Lawson said that *'the option of specialising to some extent in ITT with extended placements in special schools […]has the potential association with the teaching of pupils with SEN as the responsibility of some rather than all teachers'.* With a similar message, Mittler argued that it was *'important to avoid any organisational arrangement which would result in the isolation of special educational needs from other areas of training and development'* because it emphasised separation and segregation for special needs children rather than inclusive practice.
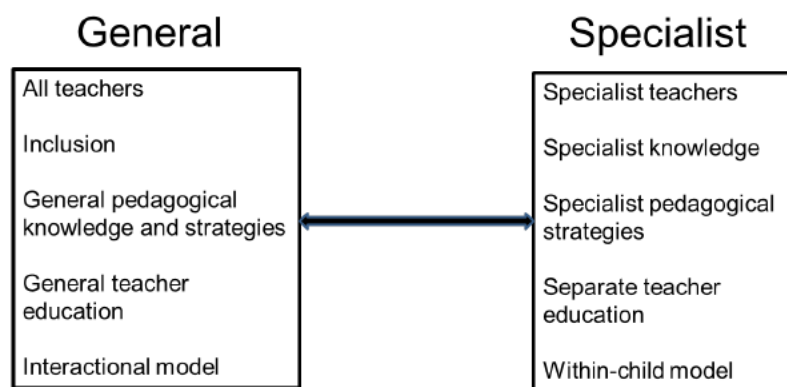

Figure 1: Lawson's representation of general-specialist nature of teaching pupils with SEN

Lawson offered a very useful analysis about the generalist-specialist nature of teaching children and young people with SEN. These were presented as being along a continuum with the generalist position informed by a strong inclusive perspectives assuming that all teachers were involved in teaching pupils with SEN. General pedagogical knowledge and strategies were relevant to pupils with SEN, with teaching based on an interactionist model of SEN. By contrast, the specialist position sees a role for specialist teachers alongside general teachers, with the assumption that there is some specialist pedagogical knowledge and strategies and that teaching is based on a strong focus on within-child factors. This position also sees a role for some specialist training of teachers.

Lawson's analyses went further in identifying policy and practice factors that affect the position adopted along the generalist-specialist teaching continuum. She identified the diversifying of the schools (into maintained, academies, etc.) and of training routes (University, school-based, etc.) as inclining to a more specialist approach to teaching. But, she identified three other factors that could incline both ways along the continuum: increasing use of special school/setting training placements, increasing complexity of SEN, and 2014 SEND Code of Practice. Though the increasing complexity of SEN and the use of special training might reinforce the within-child differences of pupils with SEN, there has been evidence that such experience does enhance knowledge and strategies for teaching in ordinary schools. Similarly, the 2015 Code of Practice has elements that incline towards a

specialist (e.g. reduced number with SEN implying SEN is a smaller minority) and generalist position (e.g. emphasis on class teacher responsibility for all).

EFFECTS ON CONTINUING PROFESSIONAL DEVELOPMENT AND SEND

Trends in continuing professional development (CPD), as with ITT, were towards school based professional training which, together with the reallocation and reduction of funding, was creating uncertainty for established patterns of post-experience courses and accreditation. In the 1990s the Grants for Educational Support and Training (GEST) moved resources to LEAs but more significantly also to schools who together allocated funds between SEN training priorities. Consequently, longer courses had declined and were replaced by a number of short one-day training events largely school-based and managed by other teachers and advisers. Priorities were pragmatic if not utilitarian, for example: responding to new government initiatives, national testing arrangements; preparation for headship, or specific needs identified by teachers' appraisal.

Mittler said in 1994 that there was no overall '*clear policy or vision for staff development'*. Regional and local consortia of schools, LEA adviser/inspectors and training institutions were left to identify training needs and make provision for special educational needs. In 2014 Lawson said that '*continuing professional development seems to be increasingly fragmented with a wide range of provision and providers'.* Earlier, Mittler had listed a number of urgent issues:, includingwhether individual teachers and schools alone could identify staff development needs, the equity of competing claims on training resources (in particular individual versus school priorities) and the provision for distinctive training of some groups.

As the role and responsibilities of LEAs was drastically reduced Mittler expressed concern that central government was no longer providing a lead on the distinctive training needs of teachers working in special educational needs. He anticipated that as the nature of CPD opportunities for experienced teachers would become unpredictable, CPD was unlikely to meet the future needs of the education system. It is revealing to note how in 1990 NASEN framed the needs of SEN teachers in these terms:

- Theory and philosophy;
- Assessment issues;
- Curriculum delivery;
- Becoming a reflective practitioner;
- Professional roles;
- The whole school approach;
- Personal development;
- Management;
- Exceptional special needs.

The breadth and depth of this formulation makes an interesting contrast with the immediacy and pragmatism of current trends. HEIs were facing competition from a range of providers, which Lawson identified as schools themselves, Academy chains, for profit and not for profit providers. Although little guidance has come from government in recent years

on the continuing development of teachers, Lawson noted that CPD was *'frequently emphasised* [by governments] *as important for teachers' careers and teacher retention'.* With the recognition of the new reality of a consumer-led education service and as initial teacher education moved out of higher education and into schools, Mittler speculated that *'perhaps the day will come when parents demand that all teachers update their knowledge and skills regularly.'*

Although suggestions around the early 2010s that the post-experience mandatory one-year training for specialist teachers of hearing and visually impaired children might be abolished, these were retained. However, university-based one-year advanced and research courses were particularily at risk and opportunities for experienced students and tutors to work together on Master's and diploma courses were disappearing. Lawson said that *'in the current policy climate there seems to be a move away from this (advanced) level of CPD'.* Referring to advanced study for diplomas, Master's Degrees and Doctorates, in 1993 Mittler claimed that *'opportunities to study full time for named awards has all but disappeared at master's level'* but he was not making a plea for the return of fulltime post-experience advanced diplomas and Master's degrees. Lawson said the emphasis on Master's level CPD varies and described CPD funding over 2005-2011 to promote post-graduate Master's degrees in teaching and learning in specific areas of England, but noted the pilot was abandoned in 2011. She said, *'most ITE programmes incorporate M level credits within PGCE'* and involved experienced students on Master's and diploma courses.

CONTEXTS FOR CONTINUING PROFESSIONAL DEVELOPMENT AND SEND

Demands for specialist post-experience development needs remain for individuals and groups of teachers and other educational professionals, for example special need coordinators (SENCOs), support and advisory teachers and staff of special schools.

As Mittler explained, SEN was one of four priority areas in the 1990s which took the form of one-term seconded fulltime courses specifically for teachers with designated responsibilities for children with special educational needs in ordinary schools (known as SENIOS). A partnership between LEA advisers and HE tutors developed the courses so that teachers could *'become agents of change in their own schools'.* HMI at the time reported that the courses had *c*onsiderable impact on schools. Eventually the resources were removed and LEAs lost specialist advisers, the result of devolved school budgets, and the courses were reduced to an evening or half day a week. Mittler concluded in 1993 that the future *'prospects of access to SEN courses for the generality of teachers in ordinary schools are not good'.* However, in the late 2010s, the current Special Needs and Disability Regulations required the appointment of SENCO in schools and, as Lawson pointed out, the SENCO role was by then well established. The SENCO must be a teacher and Lawson said, *'if new-to-role the SENCO must gain the National Award for SEN Coordination, a Master's level qualification, within three years'.*

In the 1990s there were support teachers who both worked with pupils and advised staff, often as peripatetic visitors to schools, which Mittler saw as *'a notable feature of UK provision'.* These support teachers needed professional development to fulfil their role effectively. The intention of the government, at the time Mittler was writing, was to ensure some support teaching remained with the LEAs, including educational psychology and

educational social work, but probably limited to statutory work. However, with the marketised system ordinary schools have the option to buy support and advice from the LEA or private agencies. It was also by no means certain that support staff would get the training or access to courses leading to the professional qualifications they needed for the role. Teachers in special schools also needed training in working with colleagues in ordinary schools to promote, manage and sustain change in both special and ordinary schools.

Both policy papers observed that the training needs for specialist teachers in special schools and units for children with moderate learning difficulties and emotional and behaviour difficulties amongst other areas of SEN had been neglected. The number of teachers in specialist settings taking one-year advanced qualifications in severe learning difficulties had fallen in the 1990s along with other advanced courses at universities. Mittler suggested that the need was still there for specialist training. More recently, Lawson in 2014 pointed to evidence that that there had been a considerable increase in the numbers of pupils with severe learning difficulties or profound and multiple learning difficulties, probably as the result of advances in medicine, since 2004 and that the, *'if slightly diluted, impetus for inclusion in mainstream schools contained in the revised SEND Code of Practice (2014) suggests that pupils' needs will also increase in severity and complexity in mainstream schools'.*

Mittler in his paper also made a strong case for joint training of staff involved in specialist settings. He referred to teachers, nursery nurses and classroom assistants (special support assistants) learning alongside educational psychologists, speech physiotherapists and other health practitioners: doctors, nurses and educational social workers, careers officers and specialist advisory teachers and curriculum specialists. It is also interesting that he also commented that the then Grant Maintained schools, which were independent of LEAs and were the precursors of the current Academies, had a tendency was towards a '*selective ethos of these schools and the dangers of academic elitism* [made] *it all the more important that training is available'.* His paper also referred to further education (FE) commenting *'that the Further Education Unit* [had] *produced over the years a whole series of exemplary guidance documents on ways in which students with SEN can have fuller and richer access to the curriculum and life of Further Education Colleges'.* He referred to a government document for FE, *A Special Professionalism* (1987), which, he said, provided an excellent staff development framework '*ideal for a regional or national strategy'* and said it was '*ironic nothing comparable has been produced for teachers working with pupils of school age'.*

FUTURE CONTEXTS FOR TEACHER EDUCATION AND SEN

Back in 1993 Mittler advocated that HEIs could still have an important role in both initial teacher education and continuing professional development, perhaps in the form of regional universities. In his view, it was the context and nature of the role that would change. For him, even before the post-2010 system, '*there are opportunities for a phoenix to rise from the ashes if only we can form new partnerships and work together to make it fly'.* Both papers saw that the opportunities and the future lay in collaboration between schools and HEIs. He also saw opportunities for HEIs that included accreditation, but also new forms

of outreach, for example, consultancy, off site courses, pre-Ofsted checks and post-Ofsted courses, and courses in modular form. Modules could be transferable under the Credit Accumulation and Transfer Schemes (CATS) and teachers might accumulate credits for prior experience and learning, school-based projects and school-based courses accredited by HEIs. Distance education was likely to grow for continuing professional development.

However, he had concerns about the future of educational research. Mittler identified a worrying lack of interest in *'funding, disseminating or using research'* and here universities *'had a significant contribution to make'*. He said that the '*tradition of critical evaluation and impartial enquiry may be kept alive when it appears to be under threat.'* He believed that practitioner research *'was a growing tradition',* with research as an important element for the reflective practitioner. Mittler elaborated '*universities can still make a significant contribution in providing support and supervision to teachers and students who wish to undertake their own investigations'.* Some distant taught Master's level courses had pioneered the notion of the practitioner researcher in which small scale investigations into individual children's difficulties, reducing barriers to learning in the curriculum, or SEN policy were a significant component.

He believed that demands for continuing professional development would come from teachers themselves in which the development of teachers of children with SEN should not be separated from the needs of all teachers. Demands would come from schools perhaps as the result of staff development planning. Essential conditions according to Mittler included a '*clear and coherent strategy to offer a variety of routes to professional development'* ; to evaluate the effectiveness of courses; to inform future policy and practice; and to train the trainers for new roles both regionally and nationally. He said, '*it is essential that professional staff with a responsibility for meeting* [teachers'] *needs should have access to opportunities to update their knowledge skills and experience* […] *the argument is that such opportunities have been undermined rather than enhanced and that such training has been ad hoc and short term'.*

Initial and continuing teacher education will be influenced by the diverse and somewhat unpredictable marketised system that is now public education. Autonomous schools (academies and free schools) and parental choice drive that market with some government regulation. Lawson thought that schools had a more predictable future than HEIs with regard to ITT. Lawson also reported that HEIs were in the 2010s engaging with training under the Schools Direct route, a salaried employment-based route for high quality graduates. This had developed to the extent that, in 2014 and for some HEIs, Schools Direct accounted for 60% of ITT. In school clusters or chains where schools are grouped together, experienced teachers and teacher education tutors were working together, a development anticipated by Mittler. Broader relationships were also developing between HEIs and special schools to provide additional experience of SEN within Post Graduate Certificate in Education (PGCE) courses. This was not necessarily to provide specialist teaching experience, according to Lawson, but '*strengthened personalised learning, evidence-based*

enquiry and as anchored reflective practitioners'. However, Lawson pointed out that HEIs tended to have a quality assurance role rather than a teacher educator provider role. She also commented that the growth in the Schools Direct route might present universities with difficulties in finding school practice placements for students on the remaining traditional PGCE courses.

CONCLUSION

As both papers show, initial teacher training and continuing professional development in this field have struggled even before the marketised school system was introduced after 2010. Peter Mittler saw many threats in his 1993 paper to the interests of pupils with SEN from a variety of sources. Lawson in her 2014 paper identified some of the changes that Mittler had feared. What both these papers show is the complex web of factors both in HEIs, schools, teacher education training policy as well as the content and methods of ITE and CPD training programmes that affect the extent and quality training. This section has not dealt with the training of teaching assistants, even though this has become a crucial aspect of education provision for pupils with SEN.

More specifically, the two papers show that there is a continuity of issues in making sense and decision-making about the preparation of teachers to teach pupils with SEN. Some issues are about assumptions about the generality-specialist nature of pedagogy as Lawson explained in her model and analysis. Perhaps this dichotomy is a false opposition as assumptions may change according to context and roles involved, nature and severity of difficulties and disabilities, and the areas of pupil learning. This generality-specialist issue also affects decisions about how much general teachers need to learn and the focused-permeated basis of the training programmes. Both papers also took a view on these matters. Another key factor has been not only the diversifying of schools (having maintained, academies and free schools) and the diversifying of training routes. The latter arises from government suspicions of the role of HEIs in teacher education and training, as Lawson in particular explains in her paper. Another continuing issue has been the extent of specialist training beyond the generic system of teacher education and training. Here Lawson has examined how specialist training for teachers of pupils with sensory impairment has been protected, but not extended, while the training of SENCOs has become mandatory. The latter system illustrates how the marketised system of training has been regulated by the government, with the setting of common standards and the requirement that all schools have a trained SENCO.

CONCLUSIONS

WHAT HAVE BEEN THE KEY POLICY DRIVERS FOR SEND OVER THE LAST 25 YEARS?

Looking back at the SENPRF policy papers produced over the last 25 years, there have been some continuing themes which have been shaped both by SEND-specific considerations and by shifts in broader policy emphases.

Going back even earlier to the Warnock Report and the 1981 Education Act, there were threads around the importance of having regard to individual children's needs, of involving parents/carers, providing greater access to mainstream schooling and a more integrated service approach. But the relative weighting given to these aspects has changed and there has been a shift from a more professionally led 'needs assessment' approach to a 'rights' model. The rights emphasis has also moved from a narrower focus on disability and empowerment to a more generalised model of consumerism and 'choice'.

The chapters in this review pick up some of this progression and identify some of the key influences affecting policy at different points in time. Taking inclusion for example, the expectations in the Warnock Report that there would be greater integration and access to mainstream schooling continued to have an influence through the 1980s and 1990s. The growing international emphasis on disability rights and the social model contributed to the Government's policy document '*Removing Barriers to Achievement'* (2004) and the report of the Special Schools Working Group on the future role of special schools (2003), led by Baroness Ashton, which recommended a more specific focus of placements on complex/significant needs and a capacity to support greater access for an increasing number of children in mainstream settings. Seven years on, the new Coalition Government declared its intention to '*remove the bias towards inclusion'* and link placement decisions more strongly to parental choice.

Choice had been a feature in mainstream policy developments in the late 1980s, marked by the passing of the Education Reform Act (1988). The chapter on marketisation in this review highlights the impact of a less regulated mainstream school system on the value given to the education of children with special educational needs. But the language of 'choice' has also extended into SEND placement decisions, with a progressive move from parental involvement to the right to express a preference, through to the more explicit choice principles underpinning Conservative education policy in opposition (Balchin report, 2005; Hartley, 2010) and the early conceptions of SEND personal budgets.

In parallel to the greater emphasis on choice and markets has been the cross-party commitment to empowering children with disabilities and their families, enabling them to become more active agents in their own destiny rather than passive recipients of professional decisions and services.

The application of broader market models is also explored in the chapter on teacher education, where provision of both initial and post-experience training is no longer the preserve of institutes of higher education. Training and support for staff working with children with SEND has become more diverse, with more capacity for schools and

individuals to choose their particular interests and priorities, providers and preferred methods of learning.

Another underlying policy shift since the 1988 Education Act has been the move away from local authority 'control' to a higher degree of school autonomy. The chapters on accountability and exclusions explore the potential consequences of a deregulated system, particularly where national expectations are unclear or ambivalent. To some extent, the initial SEN Code of Practice (1994) was introduced to ensure that mainstream schools gave sufficient priority to in-house assessment and intervention, rather than expecting local authorities to provide (with more limited funding and control of school budgets). The chapter on exclusions illustrates how there have been successive Government attempts to respond to 'exclusion crises', with no fundamental changes to some of the underlying factors that contribute to them.

A key theme in the Accountability chapter has been the limited priority given to the education, inclusion and achievement of children with SEND in national regulatory systems (particularly the focus and framework of Ofsted inspections). While national expectations of curriculum, assessment and performance in mainstream schools have tightened, there have been increasing risks that SEND achievement and quality become undervalued, with little local capacity remaining to challenge poor practice.

In this context, increasing problems have arisen from the separation of mainstream school governance and accountability from local authorities who continue to retain statutory duties and responsibilities for the casualties of the system (pupils with significant SEND and those who have been permanently excluded). Some attempts to bridge this divide were considered in another SENPRF seminar on school commissioning approaches (Jefford, Orton and Fallon, 2016).

A final topic considered by the SENPRF seminars over the years (and not covered by the current review) has been the move towards more coordinated service delivery across Education, Health and Social Care. Seminars have tracked this policy theme from the early post Warnock encouragement of multi-disciplinary activity, through to structural changes in the creation of Children's Services and the Labour Government's Every Child Matters (ECM) initiative[1], to the revised statutory assessment processes introduced by the recent 2014 national SEND reforms. Questions continue as to how far changes in practice have matched the policy rhetoric, and the extent to which effective multi-agency practice is compatible with significant reductions in service staffing capacity.

WHAT HAS BEEN THE IMPACT OF POLICY?

The 1980s, 1990s and early part of the new millennium saw increased access to mainstream for a range of pupils with SEND, along with more inclusive practice and attitudes in a significant number of mainstream schools (see contribution on 2011 Green Paper by Frood). In some ways, this was in spite of the pressures arising from mainstream education policy

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[1] And GIRFEC in Scotland

identified by Peter Housden in the chapter on Marketisation. During this period, there remained significant LA capacity for support at both whole school and individual pupil level.

While there were some concerns about the impact on special schools arising from fewer pupils being placed in that sector, this period also saw improvements in the quality of specialist provision. The learning environment was also improved in many schools through Government investment in Building Schools for the Future and increased opportunities for co-location with mainstream. Improved quality and flexibility in admissions meant that local capacity was strengthened, with less need for children to be educated at a long distance from home. Capital investment has continued since the advent of the Coalition Government in 2010. Improvements have been despite the loss of a specialist initial teacher training route, with more need for staff to 'learn on the job' (with some schools having more formal teacher training and support functions).

The various policy changes have strengthened the voice of parents/carers, both with regard to their individual children and, more recently, at a more strategic level. There has also been a greater emphasis on multidisciplinary working and agency collaboration across Children's Services.

Finally, there is no doubt that SEND has acquired a stronger national profile – although this is not always a positive one!

On the other hand, since the mid-2000s, there has been a downturn in levels of access to mainstream schooling. As Alison Black and colleagues at Exeter University have shown, this predated the Coalition Government's intention to 'remove the bias towards inclusion'. This trend can be seen not just in the increasing percentage of children placed in specialist provision but also in the rising numbers of permanent exclusions and use of alternative provision.

The chapters in this review (and other papers in the SENPRF seminar series) suggest a range of possible policy influences:

(i)   Increasing school autonomy and reduced LA influence, alongside unclear and ambivalent national expectations
(ii)   Decentralisation of funding and resources and a reduction in LA capacity; with less coherent systems for support and challenge
(iii)   Increased levels of diagnostic activity (ASD; ADHD, etc.) and a shift to a more 'within-child' model of need
(iv)   Curriculum constraints and mainstream accountability pressures.

Although parents have more of a formal 'say', the reality of choice can be different. While mainstream schools vary in their inclusiveness (over admissions, exclusions, priority and quality), this option is not a consistent one and parents can feel driven to specialist provision because of limited mainstream facilities and negative experiences and attitudes. Statutory processes still tend to favour parents/carers who have the resources and skills to negotiate the system and there are associated equity issues (see policy papers by Clarke, Lewis and

Gray, 2010). Moreover, levels of parental satisfaction with the SEND system remain low, with increasing numbers of tribunal appeals.

Finally, some would argue that the good intentions of SEND policy changes have been limited in practice by ongoing and increasing budget pressures, both at service and school level, which may have been exacerbated more recently by moves to a more pupil-led funding model (see critique of this approach in the policy paper by Meijer, 2000).

The question needs to be asked why, given ongoing national and substantial recent priority to this policy area, SEND continues to present so many challenges. The chapters in this review (along with other contributions to the SENPRF seminar series) suggest that this is not just about lack of resources and rising need. A significant factor is the degree to which SEND impact is properly considered when mainstream policy changes are introduced – with a tendency for this to be an afterthought rather than a core consideration. There is also the question of the degree of value that is given to SEND outcomes in national accountability systems as against 'gains for the majority'.

Some of the sections in this review have also questioned whether the move towards a more 'marketised' system has 'worked' for pupils with SEND, given national ambivalence about the relative value of pupils with SEND within the overall education system and the need for public funding to be managed effectively and equitably.

What is the relationship between SEN and the wider school education system?
One way of thinking about why SEND has not been given full consideration within mainstream school education policy is to stand back and take a perspective on how SEND education policy and practice relates to wider general educational policy and practice. It is possible to see two tendencies in the SEND school education field; one which is towards *specialisation*, that focuses on difference and individual need and the other which is towards *connection*, that focuses on what is common to all and inclusion. These two tendencies can pull against each other if what is common to all cannot accommodate fully individual need. So, we find different perspectives over recognising this possible tension. One perspective tends to ignore or minimise these tensions, either by focusing mainly on specialisation (e.g. in the area of curriculum and pedagogy for children with severe and profound learning difficulties, as in Imray and Hinchcliffe, 2014) or focusing mainly on connection/inclusion (e.g. in the area of inclusive school development, which avoids talk of learning difficulties and SEN in favour of barriers to learning which are seen as external to learners and can be seen to be about less severe/profound forms of SEND, as in the Inclusion Index by Booth and Ainscow, 2011). Another perspective recognises the potential tensions between these tendencies more explicitly, seeing a need to find a balance between specialisation and connection, what has been called *connective specialisation* (Norwich, 1996).

One way of representing this connective specialisation is through a figure like the one below. The key point here is that there is specific SEND policy, as in the SEND Code of Practice and underlying legislation (the central part of figure 1 below), but that much is

affected by what is generic and not labelled SEND. The five areas that have been selected for this Review are in interaction with the SEND area:

1. *Special schools/settings (reflecting provision differentiation)*
2. *Markets and governance*
3. *Accountability*
4. *Exclusions (reflecting behaviour management policy/practices)*
5. *Teacher education*

Figure 1: Inter-dependence of SEN system with other sub-systems
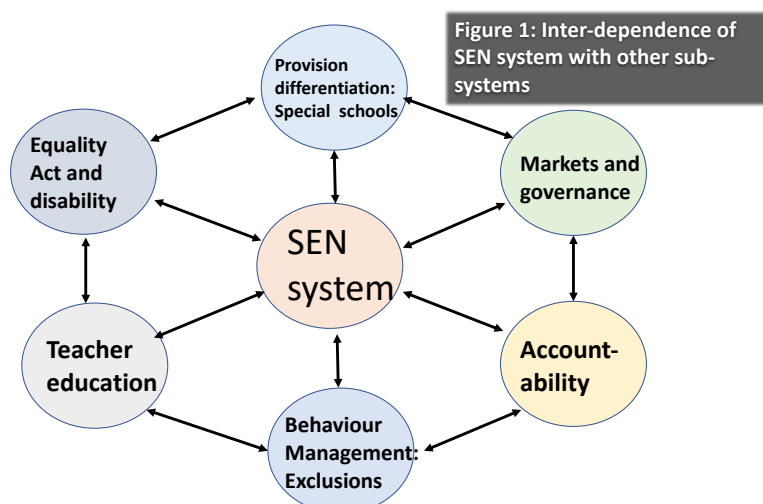
SEND matters are part of these five aspects of schooling (and others) as each is designed to be relevant to all pupils including those with SEND. So, SEND is also influenced by these aspects. The above conclusion that SEND is not being given full consideration within mainstream school education policy can now be seen to reflect the dominance of the generic interests and values over the specific interests and values in SEND policy and practice. The more SEND is taken into account, the more general systems accommodate SEND as a form of learner diversity. The implication of this perspective is that improvement for pupils with SEND depends significantly on the values and the design of the general systems. The policy papers drawn on in this Review (and many others to be found on the Forum website) illustrate this point. So, thinking about SEND policy and practice as a connective specialisation also has implications for how to think about future SEND policy options and developments.

FUTURE POLICY OPTIONS?

Connective specialisation also points to how policy in the SEND field is influenced by multiple (plural) and not just single values. Connectivity reflects how the field is part of a whole inclusive system for all pupils, what we call inclusive values, while specialisation reflects how provision is adapted to personal needs and circumstances, what we call learner-centred values. One important policy question is whether learner-centred values can be consistent with inclusive values. As was argued in the 2009 policy seminar debate about whether the term SEN had outlived its usefulness or not, one can identify two conceptual stances here to learner differences (Norwich, 2009)

1. A *commonality* stance that assumes the response to significant differences requires appropriate ordinary school and teaching adaptations. This is the assumption that inclusive values and learner-centred values are compatible.

2. A *differentiation* stance that assumes significant differences are marked as 'difficulties' to focus on, justify and ensure appropriate teaching adaptations. This is the assumption that inclusive values are not always compatible with learner-centred values.

But, as argued in the 2009 policy debate, both stances have risks; the differentiation stance can lead to separation, devaluation and stigma while the commonality one can lead to overlooking individual needs and inadequate provision. This implies that there is some balancing of risks about differentiation: differentiation as enabling versus differentiation as stigmatising. Such balancing of risks has also been called a dilemma, leading in this context to what have been called dilemmas of difference (Minow, 1990).

The policy paper review has identified clashes between other values in the SEND policy field. One of these is about tensions between choice and equity, what has been called a choice-equity dilemma. Choice is associated with markets and individual preferences, while equity goes beyond equality to focus on the values of fair or just provision arrangements. In the policy paper about the choice-equity dilemma, Gray (2010) argued that the choices of some parents for provision might lead to some other children accessing less adequate school provision. This was about resourceful and knowledgeable parents being more able to identify and pursue their choices, so resulting in disparities of outcome, with less advantaged parents and children accessing less successful provision. Gray suggested that there were two possible resolutions to this dilemma, 1) that individual choice is compatible with equity of access and 2) that equity can be achieved only through a collective choice model. His conclusion was that balancing 'choice' and 'equity' presented many issues and that these could only be satisfactorily addressed through a much stronger system of national regulation, which was incompatible with a strong marketised approach. However, he did see scope for local authorities and public sector service providers to ensure a more effective and participative process. However, little was known then (2010) of the extent to which a collective consumer approach would be undermined by Government changes initiated from 2010.

Plural values in this aspect of school education field mean that the central values that drive policy and practice cannot be fully reconciled. So, there may be a need to balance, resulting in some hard choices with some loss of what is valued. This balancing has implications for considering future policy options. From the wider perspective of thinking about politics and policy making, this balancing would be expected as some well-known political theorists have suggested that plural values can result in tensions that can lead to dilemmas of plural democracy (Dahl, 1982; Berlin, 1990).

Future policy options were addressed in a 2005 policy seminar based on a preceding workshop in which some members of the steering group (as the lead group of the day was called) were involved in future scenario building. The purpose of the workshop was to design alternative scenarios of school education within which future SEND policy could be framed in 20-25 years. The starting point was to agree some alternative general features of future scenarios in terms of social-political principles. As figure 2 shows the two dimensions were about 1) central versus distributed decision making (horizontal axis) and 2) universal versus diversified entitlement (vertical axis). The approach involved three stages:

elaborating features of the general social-political scenarios, working out the implications for the general school system and specifying the scenarios in terms of SEND (Norwich and Lunt, 2005).

Initially only two scenarios were designed, *Choice and Diversity* (distributed decisions and diversified provision) and *Inclusive Citizenship (centralised decisions and universal entitlement)*. The workshop group found the latter was much easier to work with than the former, so a third scenario was added, *Regulated choice and diversity (c*entralised decisions and diversified provision)*, and the *Choice and diversity* scenario was reformulated as *Extended choice and diversity*. The other empty quadrant (universal entitlement and distributed decisions) was seen as an unlikely future scenario.

Figure 2: Future scenarios
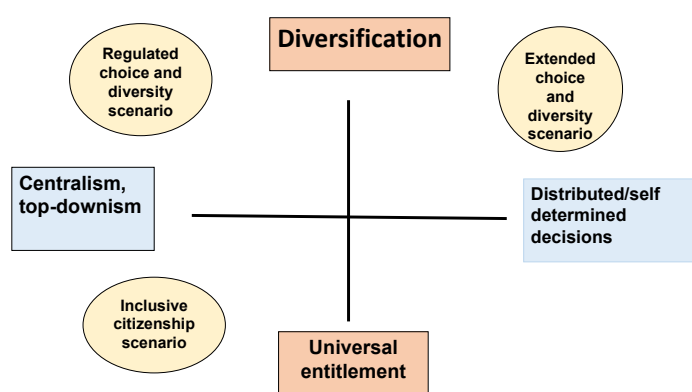
The SEN policy scenarios which were the outcome of the three step process described above were formulated in the envisaged future system in terms of: identification and areas of SEN, curriculum and pedagogy, additional resources, legal and organisational basis for additional resource allocation, school specialisation including future of special schools, school admissions and exclusion, internal school/centre organisation, grouping, settings and support. Readers would need to read this policy paper to see this level of detail but can get a sense of future scenario characteristics below.

Scenario 1: Inclusive citizenship

Society is considered as a whole with a significant state role based on prescriptive and formulaic procedures. There is a minimal private sector role. Consensus building is a priority with a focus on the common good and a common culture ('same boat'). There are state sources (high tax base) to finance basic welfare and health services and the state application of funds. People tend to be compliant to a democratic state. Users accept what is provided; there is a provider-led service ethos. Users assume responsibility is located with state and state authorities. Common institutions involve democratic accountabilities and a guiding principle is that provision variations are reduced to a minimum.

Scenario 2: Extended choice and diversity

The State acts as an enhanced broker in a market style system in which non-state providers respond to user preferences. The State only provides a 'safety-net' through limited use of vouchers. Individuals' income determines choice of provision,

though this includes philanthropic support. The user acts as a consumer in the system with a low tax base. There is minimal prescription (the State is reactive and interactive rather than proactive and interventionist). It is based on an enterprise culture which leads to new models and viabilities (diverse provision). Diverse cultures, groupings and new alliances are welcomed. There is an individualism in which individuals exercise their preferences (based on principle of transfer of power to users) depending on private affordability in a system of competition between users for provision and providers for users. Change, flexibility and customisation are key priorities. Coordination and management involve flatter hierarchies and there are dispersed contenders for management roles. Wide variations in provisions are tolerated within broad and minimal national standards, which reflect socio-economic diversity.

Scenario 3: Regulated choice and diversity

The State leads and moderates the private and voluntary sector role. The State supports choice (e.g. vouchers with limits to use of private funds). There are limits to the use of individual income as financial sources but some degree of mixing of private and state funds. The State has a counterbalancing role to redress negative impacts of market style outcomes and variations. Diverse cultures are encouraged within a loosely linked common culture. The State moderates user and provider competition. Authorities provide frameworks for organisations and their development with a priority for user participation for new developments. Diversity is only tolerated within specific national standards.

Though these three scenarios were idealised and the *extended choice and diversity scenario* was difficult to design, more of this scenario in terms of school SEND policy and practice has come about than was envisaged in 2005. However, some elements of the *regulated choice and diversity* scenario are also evident in where we are now in the 2020. Predicting the future direction of SEND policy is difficult but it seems unlikely that there would be a move towards a strong *inclusive citizenship* scenario given current global and national political movements. It may be that the regulated choice and diversity scenario is one where there may be alternative ways of developing future thinking and options, along the lines of a diversity that reflected collective decision-making not just the free play of individual choice.

CONCLUDING COMMENTS:

This overview of selected policy papers from the SEN Policy Research Forum has discussed some of the key themes and trends in SEN policy and practice since the early 1990s. The above sections have illustrated the policy deliberations by participants and presenters in the SEN Policy Research Forum. The Forum meetings are a rare opportunity when those interested in the field can take the time to reflect, become informed by research evidence and communicate openly and critically with others about these matters, an invaluable activity that is much needed in contemporary society. The Review will also hopefully introduce others new to the field to the ongoing deliberations in pursuing the Forum's aim of promoting the development of policy and practice for children and young people with special educational needs and disabilities.

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Lorna Selfe, Robin C. Richmond

with Peter Gray and Brahm Norwich