

## **Special Schools Debate – July 2005**

### **Educational opportunities for disabled children**

#### **Summary**

The Disability Rights Commission's (DRC) vision is of a society in which all disabled people can participate fully as equal citizens.

Education has a central role to play in achieving that vision. Schools shape children's life chances, transmit society's values and provide a focus for interaction and engagement between different children and communities, not only in relation to educational provision, but via a whole range of community services.

Young people who would have been considered 'uneducable' 30 years ago, before the policy change brought about by the Warnock Report and the 1981 Education Act, are now thriving as independent citizens, often in employment or volunteering and contributing greatly to society as a consequence of their enhanced educational opportunities. To suggest no further progress can be made towards the goal of inclusion is to deny the massive progress we have made.

Disabled children do however continue to experience inequality in the education system. They experience lower academic outcomes than their non-disabled peers and are more likely to be discouraged from taking external qualifications and progressing onto higher levels of study. Disabled young people are twice as likely to not be in employment, education or training when they leave compulsory education. They also experience lower rates of employment and expect to earn less as disabled adults (86% of disabled young people felt it was harder for disabled people to find work, and 30% expected, by age 30, to be earning less than other people their age, NOP 2003).

Despite this, the Prime Ministers Strategy Unit report on the Life Chances of Disabled People concludes that 'Disabled young people hope for the same things as other young people; to travel, get a good job, start a family, and live independently. They want a voice, a leisure and social life, and to be involved as active, valued citizens. However they also face disabling social, attitudinal and environmental barriers, that can cause disruption and anxiety, and delay or even prevent the achievement of independent living and social inclusion.'

Positive interaction between disabled and non-disabled people is both a desired goal *and* a means to that end. In considering the question of whether disabled and non-disabled children are educated together, we must do so through the lens of a long-term aim of disabled people establishing equal citizenship in our society and the role schools play in relation to that objective as agents of change in society. We must avoid looking simply at short term remedies to the specific problems some children and some schools face in relation to inclusion and make it our ambition that these problems will be overcome.

Significant evidence concludes that separating minority groups, including disabled people, from the majority community can act to entrench prejudice, discrimination and disadvantage over the long term, and that the best way to overcome prejudice and discrimination is through promoting opportunities for interaction and the development of positive social relations.

The European Court has made clear that article 8 of the European Convention on Human Rights includes 'the right to personal development and the right to establish relationships with other human beings and the outside world' and the Westminster Government has made it clear that 'Now public authorities have to be proactive in their dealings with the public in order to ensure that all these basic rights are respected' (Falconer, 2004).

Our goal must be to build the capacity of all schools to challenge bullying of any child where it exists. Failure to do so may be in breach of the Disability Discrimination Act which will require public authorities to take positive action to eliminate harassment against disabled people, and any action which results in disabled children being treated less favourably for a reason related to their disability, without justification, could amount to unlawful discrimination.

The DRC fully supports the policy of inclusion and encourages the Government to implement in full and build upon its strategy 'Removing Barriers to Achievement'. We look forward to working with the Department for Education and Skills in support of schools implementing the forthcoming 'Disability Equality Duty' which will place a positive obligation on all schools to promote equality of opportunity for disabled people.

Ensuring that disabled children and young people can participate fully in school life and succeed requires that schools take proactive steps

to make the whole of school life accessible, to challenge barriers and to actively engage disabled pupils. For example:

- School councils have been proven to be an effective way of engendering the practice of citizenship amongst young people, providing disabled pupils with respected roles and responsibilities and in developing alliances between schools and pupils in successfully challenging bullying.
- Improving the accessibility of school buildings, including in relation to lighting and acoustics not only improves access for visually and hearing impaired pupils, but has had a marked effect on improving concentration levels overall.
- Differentiating the way the curriculum is taught in order to include disabled pupils has led teachers to new and innovative teaching methods including group activities which have improved delivery and outcomes overall, as well as enhancing teacher skills and competencies.
- Introducing measures of inclusion into the Ofsted inspection framework has begun to challenge the perverse incentives created by exam league tables for schools to place the education of pupils with special educational needs to the periphery of their core concerns.

## **Introduction**

The Disability Rights Commission's (DRC) vision is of a society in which all disabled people can participate fully as equal citizens.

The DRC recently launched the 'Disability Debate' which aims to identify the chief barriers to disabled people becoming equal citizens and to develop practical public policy solutions in pursuit of this aim. We invite all disabled people and stakeholders to engage with the Debate, which takes a wider perspective on many of the questions which are critical to today's debate on education.

The DRC believes that schools can play three critical roles in achieving our aims:

- **Schools play a fundamental part in defining and supporting individuals' life chances** through providing children and young people with the opportunity for self-development, reaching their individual potential and successful transition to independent adult life as effective and contributory citizens.

- **Schools play a vital role in transmitting society's values to children and young people**, both through the education they provide and through their own values and ethos.
- **Schools offer a place and a reason for interaction and engagement between different children and communities**, and are therefore uniquely placed to help over time to challenge and overcome prejudicial and discriminatory attitudes and behaviours in society, and to help engender belonging, not just in school life, but throughout life for disabled people.

Schools already have a wider role than simply providing education to children, and this role is set to widen with plans for 'extended schools' providing a range of services to local communities, including the integration of health and social services, childcare and adult education provision.

Therefore, any debate concerning disabled children and schools must extend beyond simply the relative merits of placing children in 'mainstream' or 'special' schools, or simply the effectiveness of the 'SEN framework' and instead begin from the point of how our schools can effectively contribute to the goal of a society in which all disabled people can participate fully as equal citizens.

It is sensible in any debate of this nature to make a clear distinction between our desired long-term goals – the anticipated direction of travel of policy – and the shortfalls of the current system. The DRC believes strongly that this debate should concern the progress we still wish to make, not the progress we haven't yet made.

The DRC does not claim that 'inclusion' is universally working in practice, and fully understands the anxieties parents face in making decisions about their child's future. However, it would be wrong not to acknowledge the major progress that has been made in providing disabled children and young people with more equitable educational opportunities and a steady improvement in educational outcomes, which show a faster annual increase in achievement of GCSE grades A-C and equivalent over the last six years by disabled people than non-disabled people. Similarly, we must acknowledge the central role education has played and can continue to play in transforming the wider life chances of disabled people.

The fact that disabled children and young people continue to experience inequality in the education system provides no reason to turn back the clock or abandon our aims, just as the fact that 50% of

working age disabled adults remaining out of work should not put into question our desire to see this figure vastly reduced.

24 years have passed since the Education Act 1981 introduced the concept of special educational needs. Since that time our values and beliefs, policy and laws concerning disabled people's rights and opportunities have shifted beyond recognition. It is vitally important that any debate concerning disabled children's education is conducted in the context of contemporary aims, values, rights and responsibilities, and is in line with the aspirations of disabled children and young people themselves.

As Rachel Monk, a member of the DRC's Learning Disability Action Group reminds us, disabled people of all ages are forced to fight throughout their lives to have their potential recognised and to establish support so that even the most basic entitlements to ordinary everyday life are realised:

*'Two days a week I go to art college, where I have been studying for my A level. This was due to my advocate Alex fighting for me to go to college by making sure funding was available, extra time was made available for me, and the facilities were right for me.'*

*For the first time I was able to sit an exam this year.*

*All throughout my educational life I have been excluded from taking part fully, but it was done discretely and made out as if it was best for me. For example I had to fight to go to a mainstream school. Just because I had a disability people assumed I would want to go to a residential school. In the schools I went to there was no speech therapy therefore I was not allowed to sit my exams, even though I have done the work all year and was more clever than a lot of people in my class. Because I couldn't communicate fully I was excluded.'*

The DRC believes that we must continue towards the goal of inclusion and that the Government must ensure full and early implementation of its strategy for Special Educational Needs 'Removing Barriers to Achievement' and provide effective support to schools in implementing the forthcoming Disability Equality Duty, introduced by the Disability Discrimination Act 2005 which will require schools to take positive steps to end discrimination, promote equality of opportunity, eliminate harassment and promote positive attitudes.

Many disabled children do require dedicated support and adjustments. However, just as in the fields of social care or employment, such requirements must no longer be seen as a measure of an individual's deficit, as a reason to exclude or to write an individual off, but rather as an investment, providing the tools individuals require to fully participate, to realise their potential and get on in life, and more widely as one of the means through which we can build an inclusive future in which all disabled people can participate fully and make a valued contribution to society.

## **Ensuring schools contribute fully to the DRC's vision of a society in which all disabled people can participate fully as equal citizens**

The DRC proposes that it is helpful to consider this question from two perspectives:

- 1) The extent to which schools equip individual disabled children and young people with the opportunity for self-development, to reach their individual potential and to ensure successful transition to independent adult life as effective, successful and contributory citizens.
- 2) The extent to which our education system contributes to the building of a society in which disabled people are both perceived to belong and have a genuine sense of belonging and inclusion

In relation to each we consider the implications of the framework of human rights and equality legislation for the delivery of educational opportunities to disabled children.

**The extent to which schools equip individual disabled children and young people with the opportunity for self-development, to reach their individual potential and to ensure successful transition to independent adult life as effective, successful and contributory citizens.**

Education has played and can continue to play a central role in transforming the life chances of disabled people. **Young people who would have been considered 'uneducable' 30 years ago, before the policy change brought about by the Warnock Report and the 1981 Education Act, are now thriving as independent citizens,**

**often in employment or volunteering and contributing greatly to society.** Similarly, since the duty to make reasonable adjustments and to plan to make schools accessible over time was introduced with the 2001 Special Educational Needs and Disability Act, young people who would have been previously segregated on the grounds of their impairment now enjoy the choice of a wide variety of mainstream schools.

Education policy must be based on the goals of promoting and helping establish disabled people's equality of opportunity, allowing them to achieve their individual potential, establish independence and realise equal citizenship. The DRC believes that disabled children should enjoy choices and opportunities in learning that enable them to achieve these goals. We want an education system where high expectations of all disabled pupils facilitates a rise in levels of attainment across the sector.

### **Reaching individual potential**

**Disabled children continue to experience inequality in the education system. They experience lower academic outcomes than their non-disabled peers and are more likely to be discouraged from taking external qualifications and progressing onto higher levels of study (20% of disabled young people said that they were discouraged from taking GCSEs because of their impairment, NOP 2003). Disabled young people are twice as likely to not be in employment, education or training when they leave compulsory education, they experience lower rates of employment and expect to earn less as disabled adults (86% of disabled young people felt it was harder for disabled people to find work, and 30% expected, by age 30, to be earning less than other people their age, NOP 2003).**

Each of these inequalities militates against disabled people reaching their individual potential and enjoying the opportunities for developing human capital and gaining the tools needed for social mobility. Whilst the intent of current government policy on 'Removing barriers to achievement' indicates the right direction of travel, Ofsted (2004) has noted that progress in meeting the aims of inclusion has slowed. The Ofsted report points out that whilst there is a greater awareness of the benefits of inclusion in schools, it has had little impact on the proportion of children with SEN in mainstream schools or on the range of SEN catered for. As was said in the Prime Minister's Strategy Unit report, 'Improving the Life Chances of Disabled People' (2005): "the

rhetoric of mainstreaming needs to be followed up by specific action to include disabled children”.

Government policy has not always worked to the advantage of inclusion. The crude measures of league tables are considered as a key reason for schools to not accept children with special educational needs. In research recently published by the DRC exploring barriers to disabled children in the curriculum, assessment and qualifications system, Miller et al (2005) note the disincentives created by the standards agenda for disabled children. The efforts of schools in meeting the drive for school standards has diverted resources from providing this support because the need for disabled children to be given the resources to participate equally has not been recognised.

Research by Shah (2004) into the educational experiences of disabled high achievers found that whilst those who had attended a special school felt that it provided a safe, supportive environment with appropriate physical resources that permitted the cultivation of their self identity, special education had often come with a limited curriculum, poor teaching and limited ambition. Mainstream schools on the other hand delivered the driving force to achieve the standards required to compete in a predominately non-disabled employment market.

Both psychological and academic factors are equally important in the educational opportunities of disabled children. Recent Ofsted annual reports have noted a gradual improvement in the quality of curriculum delivery and teaching in special schools. However, a recent longitudinal research by the Institute of Employment Studies has shown that children at special schools are less likely to have achieved GCSEs or GNVQs than disabled children in mainstream schools. The Audit Commission (2002) also reported that only 4% of SEN children in England in mainstream schools were not entered for any GCSE or GNVQ examination, whilst the equivalent figure for special schools was 61%.

In research for the DRC, Gray (2002) noted that systemic discrimination against disabled children often occurs through a lack of action by schools in tackling the barriers to their progress and achievement. Current debates on special schools have highlighted numerous examples of where mainstream practice has been failing disabled children, in many cases through lack of resources or effective understanding of inclusion. The DRC has supported DfES in producing a resource for schools that gives practical advice on making

reasonable adjustments and DRC is currently promoting the introduction of disability equality training in teacher training.

### **Fulfilling the goals of Every Child Matters**

The Government's Every Child Matters: change for children programme has committed itself cross-departmentally to improve outcomes for all children and to narrow the gap in outcomes between those who do well and those who do not.

A key barrier to achieving these outcomes for disabled children identified by the programme is the delivery of effective personalised support. Hendy and Pascall (2002) note that the trade-off for disabled young people in special schools was the favourable resources, specialised skills, accessible curriculum and peer group support, in return for limited expectations and achievements. The current shortcomings of educational provision in providing support for disabled children are often highlighted as an argument for special schools.

The Outcomes Framework of Every Child Matters and the forthcoming duty on public authorities to promote equality for disabled people will require local education authorities to plan the provision of education on the basis of the pattern of service most likely to secure priority outcomes of Every Child Matters and ensure equal outcomes for disabled children. They will also require the authority to draw on the views of disabled children, young people and their families in deciding what actions they will take.

**Deciding on the most appropriate form of educational provision for a disabled child will need to be made on the basis of its ability to meet the outcomes of being healthy; staying safe; enjoying and achieving; making a positive contribution; and achieving economic well-being, rather than assumptions made about the 'best interests' of a child on the basis of their impairment or condition.** Furthermore, future provision will need to be designed to ensure that parents of disabled children are not forced to choose special schools due to the shortcomings of mainstream schools in supporting disabled children. Parents of disabled children should enjoy an effective choice out of an increasing range of high quality schools on the basis of securing the best opportunities for their child in education, not be faced simply with finding a school most likely to provide the basic support their child needs.

### **Transition into independent adulthood**

The disabled children of today are the disabled adults of tomorrow. It is vital that the design of the delivery of education for disabled children maintains a strong focus goals concerning the transition to adulthood.

The Prime Minister's Strategy Unit's report, 'Improving the Life Chances of Disabled People' (2005) targeted transition as one of the four key areas for improvement. The report states: 'Disabled young people hope for the same things as other young people; to travel, get a good job, start a family, and live independently. They want a voice, a leisure and social life, and to be involved as active, valued citizens. However they also face disabling social, attitudinal and environmental barriers, that can cause disruption and anxiety, and delay or even prevent the achievement of independent living and social inclusion.'

Schools have a distinct role in determining the opportunities of each individual in enjoying a successful adulthood, yet many existing structures continue to be orientated away from achieving the outcomes disabled children want. For example, 'the lack of support that they receive on leaving compulsory education has been raised as a factor in the high proportion of people with less severe impairments coming into contact with the Youth Justice System, experiencing homelessness, teenage pregnancy, drug and alcohol misuse and becoming NEET' (Strategy Unit 2005). Morris (1995, 1998) has also found that residential schools have a significant negative impact on transition due to the separation and isolation from home and the community and the breakdown in support for transition to adult life.

### **The extent to which our education system contributes to the building of a society in which disabled people are both perceived to belong and have a genuine sense of belonging**

By definition, the goal of a society in which all disabled people can participate fully as equal citizens (the DRC's vision) demands that disabled people fully belong in all areas of life – that disabled people are perceived to belong and have a genuine sense of belonging as equal citizens. Our objective is to identify those factors which undermine our vision being realised, and to propose ways forward to help achieve it.

As Jenny Morris has said:

*We (disabled people) receive so many messages from the non-disabled world that we are not wanted, that we are considered*

*less than human. For those with restricted mobility or sensory disabilities, the very physical environment tells us we don't belong. It tells us that we aren't wanted in the places that non-disabled people spend their lives – their homes, their schools and colleges...their leisure venues.*

### **Belonging as a human right**

Firstly, it can be said that the opportunity to establish 'belonging' is an essential human right. **The European Court has made clear that article 8 of the European Convention on Human Rights includes 'the right to personal development and the right to establish relationships with other human beings and the outside world'.**

Public authorities, including schools, are required as a matter of law to adopt a proactive rather than merely reactive approach to implementing the Human Rights Act. The Constitutional Affairs Secretary, Lord Falconer explained it recently:

'Now public authorities have to be proactive in their dealings with the public in order to ensure that all these basic rights are respected.' (Falconer, 2004)

On the one hand, it could be said that placement in a school which separates a child from 'the outside world' is an infringement of article 8. On the other hand, Mary Warnock in her recent pamphlet 'Special Educational Needs: a new look' has argued that placement in a 'mainstream' school might infringe a child's right to personal development, and so could be held in breach of their human rights.

**It is important that we look longitudinally at desired outcomes rather than simply at choices facing us in the here and now, and to not view the existing status quo as static and immovable. The DRC's objective and that of human rights legislation is that all individuals should *establish* both the status of belonging bestowed upon them by others and an individual sense of belonging, through the opportunity to establish positive relationships with other human beings and the outside world.**

**That is to say that positive interaction between disabled and non-disabled people is both a desired goal *and* a means to that end. In considering the question of whether disabled and non-disabled children are educated together, we must do so through the lens of a long-term aim of disabled people establishing equal citizenship in our society and the role schools play in relation to**

**that objective as agents of change in society. We must avoid looking simply at short term remedies to the specific problems some children and some schools face in relation to inclusion and make it our ambition that these problems will be overcome.**

Mary Warnock rightly suggests that a sense of belonging in school life is fundamental to successful learning and individual development, and argues that a range of factors create barriers to this being realised for some disabled children. However, she concludes that the answer is to be found in some disabled children being educated separately in small specialist schools, where in her view they have a greater chance of establishing a sense of belonging which she does not believe they are ever likely to in mainstream schools.

This position is unsustainable for a number of reasons:

1. Such practice could lead to discriminatory practice by advocating the separation of disabled children from their non-disabled peers on grounds which might apply equally to some non-disabled children, such as large class sizes or bullying, but which would not result in the same action being advocated or taken.
2. It is fundamentally wrong and misleading to make judgements concerning what is or is not appropriate for individual children on the basis of generalisations concerning their impairments or conditions, which do not predict their individual abilities, potential or what is most appropriate for them.
3. The position accepts the status quo concerning how mainstream schools can be organised, deliver education and their ability to assure that all children establish a sense of belonging, and suggests that despite what the past 30 years have told us, no further progress can be made towards inclusive education for some children.
4. It is also out of step with the wider aspirations of disabled people, who as adults are voting against separate living arrangements, social activities and workplaces. As a recent survey by Remploi, the UK's largest provider of jobs for disabled people, found: 'people with illnesses or disabilities strongly prefer working alongside non-disabled people in open, inclusive workplaces.'

In looking at the issue of children establishing a sense of belonging, we must ask what we want children to feel a sense of belonging *to*, and what the objective of children having a sense of belonging is. We

must also look at belonging as a dynamic issue, whereby an individual's sense of belonging is generated through their relationships with others and through their coming to be seen as belonging by wider society.

The BBC journalist Damon Rose recently reported on the BBC Ouch website his surprise in finding that he and his friends had become the subject of a derogatory discussion on the chat-room of the website 'Popbitch':

'was in the pub last night and someone mentioned that there was a table of 'weirdo's' behind us.

I thought he was being rude about a table of idiots but looking round I saw a table with.... 2 albinos, a dwarf, a facially deformed 'pinhead' type woman and an ordinary bloke... 'no mate.... he's BLIND!' and right enough he had a guide dog by his feet.

It was a bit Geek Love and a bit like that bar in star wars.'

Damon's story received hundreds of e-mails to the Ouch website including one from the perpetrator:

'Hello Damon. Well, what can I say... busted.

I'd like to apologise to you and your friends for the offence and upset my stupid comments caused. I often forget that the internet is read by many many people.

All I can say in any sort of defence is that it was the diversity of the disabilities of yourself and your friends that I found so interesting. How you came to be such close friends. Did you meet in a club? Did you just see each other as like-minded souls and gravitate to each other? I don't find disabilities funny or even that interesting or unusual to be honest. But as a group you were interesting.

I would have said I'm not prejudiced. Maybe I've just proved that I am.

If I see you in the pub again I shall introduce myself and buy you and your friends a round'.

It is difficult to see how we can generate a society in which disabled people belong if we choose to maintain policy and practice which routinely separates disabled and non-disabled people of whatever age, and for whatever reason, such that their participation in society is viewed in this way. Disabled people's invisibility contributes to their exclusion by entrenching the idea that they cannot fully participate.

As the charity Stonewall found in their research 'Profiles into Prejudice' which explored the underlying causes of prejudicial views and behaviours, including against disabled people found: 'Overall, the findings of the poll indicate that personal contact and familiarity with difference are keys that unlock the shackles of prejudice.'

In Turning Point's report 'Hidden Lives' concerning the life chances of people with a learning disability it says:

*'After a history of being quite literally locked out of sight, most people with a learning disability now live in ordinary settings in the community...But although most people with a learning disability have moved on from the legacy of isolation in long-stay hospitals, the present day experience of prejudice, discrimination and harassment shows that many communities have still to adapt to this change.'*

The important words in this statement are that 'communities have still to adapt to this change'. It is the DRC's view that communities will not adapt if policy and practice which actively perpetuates the separation of disabled and non-disabled children are allowed to continue, and that resources should be redirected towards strategies to build inclusive communities in which disabled people enjoy positive relations with wider society.

In seeking to build a society which fosters and promotes race equality, the Government have said:

*'This strategy heralds the Government's intention to give greater emphasis to promoting a common sense of belonging and cohesion among all groups, setting out a vision of an inclusive British society in which young people from different cultures grow up with a sense of common belonging... As youth services and school partnerships are developed, we will improve opportunities for children of all backgrounds to learn and socialise together and to develop an inclusive sense of British identity alongside their other cultural identities. We will help*

young people develop mutual understanding and social participation through embedding the development of citizenship education in schools, providing increased opportunities for volunteering and by exploring options for developing local ceremonies to help mark the transition to adult membership of society'

This strategy should apply equally to the task of building a society in which all disabled people are both perceived to belong and have a genuine sense of belonging, developed through their active participation, interaction between disabled and non-disabled people, building respect for difference, challenging bullying and harassment and through disabled children assuming and being seen to assume responsibilities as they move into adulthood.

The Prime Ministers Strategy Unit report on the Life Chances of Disabled People (2005) states:

'Many families with disabled children would like to access mainstream services with adequate support where needed. This not only benefits many disabled children, enabling them to take part in activities in the same way as their non-disabled peers, but non-disabled children also benefit from growing up in a diverse and inclusive environment....'

This must be our challenge if we are to build a society in which disabled people participate fully as equal citizens.

### **A safe and welcoming place to learn**

The Education Minister Jacqui Smith in response to a recent Parliamentary Question on bullying replied:

'No child should have to suffer the pain and indignity of bullying. Protecting children from fear and intimidation is a pre-requisite of raising school standards. Creating an environment where bullying is not tolerated is integral to good discipline; it is central to a strong school ethos and will help to ensure we can support every child to fulfil their potential.'

This principle must be extended to *all* children.

**Our goal must be to build the capacity of all schools to challenge bullying where it exists. Failure to do so may be in breach of the Disability Discrimination Act 1995 which will require public**

**authorities to take positive action to eliminate harassment, and any action which results in disabled children being treated less favourably for a reason related to their disability, without justification, could amount to unlawful discrimination. It is clear that public authorities are expected to take proactive steps to assure the human rights of all individuals, and this includes the right of individuals to develop personally and form relationships with the outside world.**

Mary Warnock makes a particular case for separating disabled children from non-disabled children in order that disabled children are not subjected to bullying or rejection, which she argues is more profound in both frequency and impact for disabled children. She asserts simply that there is 'evidence that this is happening'. The assumption persists in current debates that disabled children are prone to bullying in school and this contributes to their social exclusion.

Firstly, we must be careful always to ensure that our desire to protect children does not come at the expense of wider goals, or that by characterising disabled children as inherently vulnerable we do not then act in a manner which is discriminatory or which compounds inequality and exclusion. For example, if we were to apply the same principle to the matter of the sexual harassment of women in employment, we would conclude that the answer is for women not to work alongside men rather than taking the perpetrators to task, so allowing one group to continue to exert power and control over another at the expense of equality and human rights.

Secondly, we must ask whether disabled children are as a matter of course more at risk from bullying or rejection, whether or not 'mainstream' schools are acting to tackle it, and the impact on the individual over the long-term of effectively been rejected wholesale by the 'wider community' (if the wider community can be said to be embodied in a mainstream school) on the basis that they are considered too inherently vulnerable and at risk for that community to protect them.

Evidence cited in this briefing from the research 'Profiles into Prejudice' strongly suggests that separating minority groups from the majority community is likely over time to entrench prejudice, making life less safe for those same people in the long-term.

However, research into the lives of disabled children (Watson et al 2000) found “bullying is a central theme when disabled children talk about their lives” and this was found to be a major reason why children had moved from mainstream to special schools.

However, whilst Mary Warnock asserts that “this (bullying) should be addressed in part by the creation of small schools” – a small protective school environment in which to educate an “intensely vulnerable” and “fragile individual whom we have a duty to both protect and support”, this ideal is inconsistent with the evidence. O’Moore (1997) found a greater incidence of bullying behaviour in small schools and Wolke et al (2001) found a greater incidence of children being bullied in small schools compared to larger ones, both refuting the idea that a child at a small school is less prone to bullying.

It should also not be assumed that bullying is only due to non-disabled children bullying vulnerable disabled children. Watson et al (op cit) found that “disabled children were not invariably victims: some children were bullies themselves, while other children hit back when harassed by non-disabled peers.”

We must therefore ask why it is right to respond to disabled children’s experience of bullying in this way, when we would not consider such a response to the bullying of non-disabled children if we are to ensure that our desire to ‘protect’ does not undermine our goals of promoting equal citizenship.

Ofsted’s 2003 report into bullying in secondary schools concluded that above all else “action by schools, including analysis, dissemination and specific anti-bullying strategies, made a difference”. What we should be seeking in reducing bullying of disabled children is better action taken against bullying in schools rather than removing disabled children from them.

Where rejection exists, it must be tackled in order to promote acceptance. Finding the answer in separating disabled and non-disabled children institutionalises rejection by saying that some children, by virtue of their characteristics and the behaviour of other children can *never* be accepted. Such an attitude accepts discrimination, just as it would if it accepted racism, sexism or homophobia, and is a perversion of justice.

In addressing the question of education for disabled children, it is imperative that the duties of public authorities and the rights of

children and their parents are taken full account of and that we take a long-term view concerning the sort of society we wish to build, rather than short-term reaction to the situation we find ourselves in today.

Measures proven to have had a marked impact on reducing bullying include the creation of school councils, which encourage the practice of citizenship amongst children, and where disabled children are engaged an inclusive notion of citizenship, such that children have worked in partnership with the school to help challenge and overcome bullying and harassment.

### **From 'special educational needs' to independence and citizenship**

The Prime Ministers Strategy Unit report, 'Improving the Life Chances of Disabled People' (2005) acknowledges how historically disabled people have been treated as being dependent and in need of care and that this has meant that 'responses to need have often created dependency, rather than promoting independence and extending opportunity; and disabled people have been expected to fit into services, rather than services being personalised to respond to individual need'

**The DRC proposes that the education system should adopt the objective of promoting disabled people's independence and citizenship, in line with the recommendations of the Prime Ministers Strategy Unit report, in order to promote disabled children's participation, meet their and their parents aspirations and help them to make the successful transition to adulthood, able to experience rights in practice and to take on the responsibilities of citizenship.**

This will require a gradual move away from the concept of 'needs' to focusing on *barriers to participation and learning*. Whilst the DfES SEN strategy 'Removing Barriers to Achievement' went some way towards this re-conceptualisation, and Part 4 of the Disability Discrimination Act places duties on schools to make reasonable adjustments and to plan to improve access for disabled pupils, the concept of 'special educational needs' still dominates discussions.

Our current system, including the SEN framework is delivered as a halfway house between a model based on 'dependency and care' and which seeks to generalise about need and shoehorn children into existing provision, and one which identifies and provides the resources individual children need to learn. Unlike the increasing trend

in public service delivery towards tackling the barriers to disabled people's participation this system is still based on the notion of need being presented by virtue of a child's impairment or condition and means that too often the emphasis is on making the child fit rather than addressing the barriers which prevent them from participating and learning.

Miller et al (2005) found this inherent in the curriculum, and current systems of assessment and qualifications which focus on 'differentiation' and 'access arrangements' that try to fit disabled children in rather than design in their requirements in from the start. A model based on promoting independence and citizenship would not characterise the provision of support or equipment as meeting needs, but rather as facilitating a child's participation in learning and their opportunity for self-determination and development.

The continued fragmentation of service provision for disabled children and their families remains a major problem undermining participation and learning. The DRC strongly supports the recommendation of the Prime Ministers Strategy Unit report concerning 'individualised budgets', which would include 'all budgets which would enable different types of support need to be met including personal care, family roles and responsibilities, access to the community, employment, voluntary work, training and education and leisure activities'. We would like to see progress towards this recommendation as early as possible, including through securing funding for pilots through an 'invest to save' initiative in the 2006 Spending Review.

The DRC also supports efforts to ensure that the specialist skills and knowledge of special schools is shared with mainstream schools, and the co-location of special and mainstream schools in order to help overcome geographical isolation which can come from separate schooling of disabled and non-disabled children and which provides disabled children with the opportunity to access specialist support in mainstream settings whilst building the capacity of mainstream schools regarding inclusion.

## **Where next for schools and disabled children?**

The DRC does not support any departure from the policy of working towards inclusion, which we believe is necessary in order to build a

society in which all disabled people can participate fully as equal citizens.

We strongly encourage the Government to implement in full and build upon its strategy 'Removing Barriers to Achievement' and to work with the DRC in support of schools successfully implementing the forthcoming Disability Equality Duty contained in the Disability Discrimination Act 2005.

The forthcoming DRC/DfES guide for schools on how to make 'reasonable adjustments' for disabled pupils, and its sister project on accessibility planning should be widely promoted and disseminated.

The DRC believes that this debate must move away from a sterile one concerning where disabled children should be 'placed', to one which addresses the fundamental questions of how we develop an education system which fosters and promotes disabled people's belonging and inclusion, which upholds the principle of equal human and civil rights and which provides disabled people with the best possible chance of successful and independent adult life.

We must move beyond the rhetoric of mainstreaming and inclusion and address the challenges which prevent this goal becoming a reality. In doing so we must always strike the right balance between equipping individual children with the skills and competencies for successful adult life and our goal of generating a more inclusive society.

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