SEN (Special Educational Needs) AND INCLUSION IN A TIME OF 'FAMINE'

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Of course, all errors and omissions are entirely of my own making.

Abstract

This thesis is about the changes a particular LEA implemented to funding for pupils with Statements of SEN in the light of a funding crisis affecting the whole LEA in 2003. It disproves the case that the Authority was making and which was even being made in academic literature, that SEN funding was imminently out of control. Instead it shows the deep-seated effect of neoliberalism on special education. It also argues that the Authority's call for greater inclusion was used rhetorically to justify the funding changes and that inclusion became a means to move pupils with Statements who were educated outside the Authority back into schools within the Authority. It shows that changes in funding Statements marked a change in emphasis regarding decision-making about writing Statements – considerations about funding became more important than considerations about the best educational interests of the child. Finally, it argues that funding pupils with Statements was politically determined, not mainly financially driven, and that such funding became dependent on the number of pupils with Free School Meals and other indications of 'deprivation', rather than being based on the actual number of pupils with Statements *per se*. This, it argues, caused conflict amongst schools and, crucially, also calls into question how SEN and inclusion are themselves defined.

This thesis is relevant to present debates about special education because the Coalition government is developing a new SEN Code of Practice and is implementing changes using similar arguments to those discussed in the thesis – the present government is claiming that there is a funding crisis, that 'proxy measures' should be used to count the incidence of SEN and that the 'bias' toward inclusion should be removed.

Key words/phrases: SEN, Inclusion, Statements of SEN, Local Authority education funding crisis, 'proxy indicators' for SEN, SEN Time Bomb, Funding for inclusion, funding for special education, political economy of special education, neoliberalism, local democracy

SEN (Special Educational Needs) AND INCLUSION IN A TIME OF 'FAMINE'

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Glossary of Terms

AEN – Additional Educational Needs

DDA – Disability Discrimination Act (1995)

EBD – Emotional and Behavioural Difficulties

LEA – Local Education Authority

LA – Local Authority

LMS – Local Management of Schools

SEN – Special Educational Needs

SENCo – Special Educational Needs Co-ordinator

FSM – Free School Meals

Ofsted – Office for Standards in Education

SENDA – Special Educational Needs and Disability Act (2001)

KS1/2/3/4 – Key Stage 1/2/3/4

1 INTRODUCTION

1.1 The Research Question

This thesis deals with the relationship between three broad themes: special educational needs (SEN), inclusion and funding shortages. It focuses on a particular location where these themes were brought together and were highlighted – in a specific LEA (Local Education Authority) which will go by the name of Keystone. Keystone is a large suburban borough situated on the outskirts of one of England's major cities. Within Keystone the thesis narrows its concern to the heart of the special education system in that borough, the SEN Department where Statements of SEN (Special Educational Needs), the documents which entitled pupils identified with SEN to additional help in schools in accordance with the SEN Code of Practice (2001), were produced.

It is important to explain how the main terms in this thesis – special educational needs, special education and inclusion - are to be used here at the outset. Throughout this thesis, and particularly in the literature review where there will be a more thorough analysis, the highly contestable nature of these terms will be discussed and emphasised. So a hallmark of the debate is the way that the meanings of the same term diverge and overlap, thus causing confusion.

By special educational needs (SEN), this introduction will be referring to educational difficulties pupils could have as defined in the SEN Code of Practice (DfES 2001). Put simply, this Code (ibid) states that a pupil has SEN if s/he requires additional educational provision as a result of his/her learning difficulties. But as will be explained later on, this definition is not without its own inherent difficulties. Special education, for the purposes of this discussion, refers to:

not just segregation in special schools, but also special procedures and systems - sometimes in the mainstream - which exclude certain children. (Thomas and Loxley 2001 19)

So the term special education embodies segregation but is principally about tendencies for education to exclude certain types of children, whether on the grounds of 'ability', behaviour or social class, to name but a few. However, it should also be clear that special education is concerned with children who could be assigned SEN according to the Code of Practice (DfES 2001), although it must immediately be emphasised that special education is not wholly or exclusively about children with SEN. Nevertheless, this thesis deals with provision for pupils who have been assigned SEN within special education, in other words it deals with that part of special education governed by the Code of Practice (DfES 2001).

Inclusion, again very heavily debated and contested as will be discussed later, has arisen from and deals with the resistance to the tendencies towards exclusion which are found in education. It is a whole-school issue and

*is concerned with challenging all forms of discrimination and exclusion. It is about the well-being of **all** children' (Barton 2003 6).*

So while inclusion deals with all forms of discrimination and exclusion, including, for example on the basis of ethnicity, it is also about those who could be discriminated against or excluded on the basis of their supposed SEN. This thesis, of course, will be concerned with the latter aspect of inclusion.

The way to illustrate the terms used here is to apply them to a practical scenario, one that I encountered quite often in my experience. Supposing that in a classroom a teacher is concerned about the learning of a particular pupil. After a series of interventions, the pupil is assigned SEN as a result of his/her learning difficulty and as such is given more support by way of a Teaching Assistant. The pupil's difficulty is regarded as the pupil's own problem

stemming from his/her inability to cope, rather than, say, the teacher's inability to cope with teaching the pupil. As a result the pupil becomes regarded as different, difficult and to blame for the difficulty. In this scenario the child will have SEN, be subject to special education which could mark out the pupil as a failure, and inclusion under these circumstances will be about resisting and reversing these tendencies of discrimination and stigmatisation of the child.

I was drawn to conducting my research because I was in a unique and privileged position to do so. I was working for the LEA in its SEN Department. Thus I had an insider's view[1] of developments taking place within the Department. But what also stimulated me was the following observation:

> *It is important to remember that much of what goes on within organisations such as LEAs is largely taken-for-granted and, therefore, rarely discussed. (Ainscow and Tweddle 2003)*

Thus I wanted to peel away what was taken for granted, to reveal what was happening below the surface in the LEA I researched.

I was interested to explore, and then to research, questions about funding SEN because of the commonplace and what seemed commonsense concerns about funding I encountered in my day to day work. For the past decade and more, I have worked for the SEN Department of Keystone. During that time I would often encounter questions from parents or schools along the lines of, 'Is this change (affecting a child identified with SEN) occurring because the Council is trying to save money?' The implication was that the Council was trying to save money at the expense of parents and schools. So money - or more precisely the lack of money - was very often of great concern. It seemed to be taken for granted that money for the provision of support for SEN was under threat, and that, in turn, such provision would have to be reduced, a source of anxiety for schools and parents of pupils identified with SEN.

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[1] Insider research, of course, has its advantages and disadvantages, which I will discuss later. I was privileged in two senses – I had day to day contact with developments in the Department, and I had access to sources and information not ordinarily available to other researchers.

This thesis is about SEN and inclusion in a specific LEA in England during a period when all LEAs were faced with significant funding shortages, hence the words in the title, in a time of 'famine' (Troyna and Vincent 1996, Wright 1994). It deals with a period just about a decade ago, between 2002 and 2004. At that stage Keystone LEA proposed a number of measures to change the way in which Statements of SEN would be funded.

However, as I write this introduction, funding shortages in the context of special education and wider afield in the provision of public services, are again upon us. In fact since the events described in this thesis at the very beginning of the twenty-first century, funding shortages for public services have been a common theme, culminating, in the present period, in severe austerity and Britain facing a near triple-dip recession (Hall, Massey et al. 2013).

It is thus appropriate to consider these words:

> *The difficult financial situation we face makes it vital for us to make*
> *the best possible use of resources.*
> *(DfE 2012a 3)*

These words were written by the Minister of State for Children and Families in 2012, in a foreword to the Coalition government's response to its consultation about SEN and disability. The title of the document is relevant, 'Support and aspiration: A new approach to special educational needs and disability. Progress and next steps'(DfE 2012a). While the document is dubbed a 'new approach', the reference about a 'difficult financial situation' and making the 'best possible use of resources' could just as well have been written in the time period and in the context of the events which this thesis deals with. So events have come full circle and the lessons from the past, described in this thesis, will, I hope to show, be relevant in the present context. What my research shows is that a difficult financial situation is by no means new, it has existed and persisted in the past. Therefore not to look at the past is not to learn from it and thus to risk repeating previous mistakes.

The concern about funding for provision of support for pupils with SEN was echoed in academic debate for many years. In that debate it was highlighted as a 'critical management issue' (Fletcher-Campbell 1996) and of 'widespread concern' (Marsh 2003). My object was to look more closely at the claim that there was a funding shortage for the provision of support for SEN – and to subject that claim and its consequences to critical scrutiny.

When I was investigating my research topic, inclusion had great prominence in academic debate and within LEAs (Armstrong 1999; Booth, Ainscow et al. 2000; Ainscow and Tweddle 2003; Barton 2003). Keystone had just adopted inclusion as a major policy aim. The call for inclusion reflected a growing groundswell of demands to make ordinary schools more representative of all pupils, and to reverse the tendencies of ordinary schools to exclude certain pupils. (See, for example, Armstrong (1999), Osler (1997) and Searle (2001)). I wanted to contribute to this body of research by systematically examining an unexplored strand, the debate about inclusion within a LEA, given the 'taken-for-granted' nature of what was occurring within LEAs (Ainscow and Tweddle 2003).

Furthermore, in the light of my interest in the intersection between funding shortages and provision for SEN, I was also keen to incorporate a concern with inclusion into my research because a prominent view expressed at the time was that inclusion was directly linked to funding shortages and SEN because, as some headteachers claimed, inclusion was nothing else than 'SEN on the cheap' (Audit Commission 2002a). So a significant opinion amongst headteachers was that inclusion was a way of reducing funding for pupils identified with SEN. Thus I was keen for my research to examine funding for pupils identified with SEN in relation to calls for greater inclusion by the LEA. This explains why my research deals with the overlap between three themes – SEN, inclusion and funding.

My research deals with a very interesting development, concerning all three themes, within the LEA. Under funding pressure, the LEA conducted 2 major consultations, with schools and parents, about changes to the way that support for pupils with Statements of SEN would be funded. Moreover, the LEA was explicit that it was proposing the changes because it wanted to promote

inclusion. These consultations gave me the source material to examine all three of my chosen themes within the LEA.

While my research deals with the narrow confines of the developments within one LEA, it serves as a specific study within wider debates about my chosen themes. There are many studies and contributions on the themes of SEN and inclusion, and their relationship. There are fewer works on the relationship between funding on the one hand, and SEN and inclusion on the other. Some of these works have stood out for me and are all relevant to my study. Marsh (2003) has written a book entitled Funding Inclusive Education: The Economic Realities. It refers to 'Inclusive Education' but actually deals with funding for SEN across a range of LEAs[2]. Its concern is with balancing budgets for SEN and it addresses funding shortages and funding formulae for SEN. Bowers and Parrish (2000) have also written about the crucial need to cater for more pupils with SEN within limited budgets. Coopers and Lybrand (1996) deal specifically with managing budgets for SEN. And Daniels (2006) warns against what he calls corruption in special education when funding pressures unduly influence decisions about identifying SEN.

However, all these works share one common assumption – that SEN budgets are under pressure. So they all deal with what responses there have been or should be to that pressure. My research, though, was about questioning this assumption. I wanted to know whether the SEN budget was actually under pressure, to which extent this was the case and what insights could then be gleaned from a more careful analysis of that pressure and where that pressure emanated from. I also wanted to know how the LEA's call for greater inclusion tied in with that pressure.

So the central question for the research is:

How did funding pressures affect SEN, inclusion and the relationship between the two, in Keystone during the research period?

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[2] While Marsh's study deals with funding for pupils identified with SEN but who do not have Statements, my research deals with funding for those who do have Statements. However, my research also has implications for those pupils identified with SEN who do not have Statements.

1.2   Key Findings of the research

In order to answer the research question, I examine the system of funding for SEN in Keystone in some detail. My motivation was to unravel how the system of special education is reproduced in Keystone, by examining how SEN budgets were allocated by the LEA to schools.

Keystone implemented the changes to its system of funding pupils with SEN in a context of national funding shortages. At that stage the LEA hired a firm of consultants to advise it about a new SEN strategy. The consultants concluded that funding for SEN was out of control. This was in line with a prominent argument at the time, propounded by Marsh (2003), and Bowers and Parrish (2000), for example, that funding for SEN in England was subject to a SEN 'time bomb'. In Keystone's case, given what the consultants had found and the urgent tone of their report, it seemed that Keystone was also subject to the SEN 'time bomb' and that the budget for SEN was in danger of being overspent.

However, one of my key findings is that a close reading of the report of the consultants was that Keystone's budget was not overspent. Therefore Keystone was not subject to a SEN 'time bomb'. What I show is that the apparent *danger* of an overspend, the danger of the SEN 'time bomb', was used politically to rein in funding for SEN when the case had not been made that a SEN 'time bomb' actually existed. The consequence of this was that pupils identified with SEN could potentially receive less funding and crucially less support (which was bought with the funding). I therefore argue that the apparent funding shortage was used to deprive pupils identified with SEN of the support they should have received. I use this argument to show that the funding of SEN (and indeed for other council services) is the product not of technical decisions about balancing budgets but are political decisions which have consequences for pupils with SEN.

If Keystone did not realise that it was not subject to a SEN 'time bomb', would that suggest, on Keystone's part, that this was a 'cock-up or conspiracy' (Thomas and Loxley 2001)? Certainly there was evidence of both. It was a cock-up because Keystone was taking decisions in haste, therefore did not have time to double-check the report and subject it to serious scrutiny. They were also putting their trust in external consultants who were going to help the LEA deliver unpleasant messages to parents of pupils with Statements, thus the Authority accepted unquestioningly the findings of the external consultants. On the other hand it could also be read as a conspiracy because it wanted to reduce its overall budget – of which the SEN budget was a part - and the external consultants were providing them with a seemingly convincing and convenient argument to carry this out. In this thesis I show that the cock-up versus conspiracy dichotomy is inadequate in explaining the problems associated with the SEN "time bomb" in Keystone.

I develop the argument about SEN funding decisions being political rather than neutral or technical by citing an important report about funding SEN, a report written for a large group of English LEAs (Coopers and Lybrand 1996). This report shows that SEN funding is about political decision-making (that is political power at the local level) insofar as it is up to local councillors to decide the amount of funding which it wants to allocate to the budget for SEN.

Having made the argument that SEN funding is subject to local decision-making and is therefore political in that sense, I examine the groups who vied politically to participate in such local decision-making within the LEA. I mention that in Keystone the group which was prominent in the decisions about the identification and by implication the funding of SEN were SEN professionals such as Statementing Officers and Education Psychologists. In contrast to the argument advocated by Coopers and Lybrand (1996), local councillors did not play a prominent role. I show that the emphasis on funding shortages was the pretext for a different group of local council officers to become powerful and influential. This group was the funding and budget decision-makers. Thus I argue that decisions about who should be identified with SEN and who should receive support for SEN became the prerogative of

funding officials who had wrested political control of decision-making from SEN professionals.

I show how the funding decision-makers were able to make themselves so powerful in the decision-making process about SEN and funding for SEN. They used a crucial argument which reinforced their power – that the total budget for SEN had to be capped. As evidence I refer to communication from the LEA to all schools stating that 'the higher the expenditure in one area of the budget (eg Statements) the less there will be in another (eg AEN) (Keystone LEA 2002a 12)'. I unravel such seemingly neutral and technical terminology to show that it contains serious and wider-reaching intent. The consequences were indeed political, and educational of course – if more pupils were identified with SEN some pupils would have to get less. I argue, therefore that the mechanism of capping a budget and putting funding decision-makers in control of SEN provision meant that some pupils with SEN could be systematically deprived of the support they should have received.

I show that furious debate took place about the changes which the LEA was trying to implement. This debate centred around two important consultations which the LEA conducted, consultations which I analyse in detail.

The first consultation was with parents of children who had Statements of SEN. The LEA proposed that the support written into the Statement should be expressed as a monetary value. This was completely new. Until then Statements contained no reference to money at all. In fact a Statement was regarded as an educational document, not a finance document. So this was an attempt to monetise Statements in Keystone. The consultation is interesting because I show that the LEA's proposals were rejected by the parents.

The second consultation was with schools. It dealt with proposed changes which the LEA wanted to introduce about the way that schools would be funded for their pupils with Statements of SEN. I show that the proposals created serious conflict amongst schools. Some were regarded as winners,

the others as losers. The proposals involved the introduction of so-called proxy measures to fund the schools for pupils identified with SEN. The changes had the effect of transferring more funds to those schools which had a more deprived population as measured by their Free School Meals uptake. I argue that this created an interesting divide between schools which had a greater proportion of pupils with Free School Meals and those who did not.

I have called the basis of my analysis the Political Economy Approach to Special Education in Keystone. This approach is about recognising that economic decisions about funding special education cannot be understood without examining the political basis for those decisions. In other words, who (which group or groups – including professionals) makes such decisions and who (pupils and parents, professionals etc.) are affected by those decisions. I also argue that the decisions about funding special education in Keystone must also be placed in a wider debate, the influence, as I describe, of neoliberalism.

A political economy approach to Keystone LEA revealed that a concern with balancing the budgets was a key driver for the reorganisation of provision for pupils with SEN in the whole Education Authority. One way in which the LEA proposed to control the budget was to assign each Statement of SEN a specific sum of money so that the LEA knew exactly how much it was spending on Statements. Another way for the LEA to control the budget was to emphasise to schools that regardless of the number of Statements produced by the LEA, the SEN budget each year would be capped. Since the funding for each Statement could not change, this meant that the budget for all pupils with SEN who did not have a Statement would have to be reduced. These proposals had an important consequence for decision-making about SEN. Such decision-making became distorted because officers, when writing Statements of SEN, had to consider the funding implications of the Statements rather than considering the needs and difficulties of the pupil. Schools on the other hand, having regard for their budgets, became reluctant

to take more pupils with Statements unless they knew that the funding for the Statements could be guaranteed. The preoccupation with funding also strengthened the hand of a particular group of vested interests in the LEA, namely those officials such as budget decision-makers who were concerned with accounting.

The importance and relevance of the political economy approach is to show how a preoccupation with funding has pervaded many levels of educational decision-making about SEN, from the way Statements are written in the LEA to the responses of schools when considering the admission of pupils with Statements to the school, and even to the continued support for pupils who already have Statements within the school.

Inclusion was given multiple meanings by the LEA in its documentation and by officers who reported on and discussed their own understandings of inclusion. The overall effect of the LEA's commitment to inclusion was really about integration. It was about the locational shifting of pupils to and between mainstream schools (Barton and Tomlinson 1984; Rieser 2000; Thomas and Loxley 2001). But the term inclusion, apart from being used to implement a new funding regime for schools, was not used to challenge the negative effects, the exclusionary tendencies of special education. There was therefore no sense that the LEA and its officers were keen to undermine systematically the negative way pupils with SEN could be treated. Indeed in certain instances they reinforced negative stereotypes about children identified with SEN by referring to them as 'difficult' and as problems which the LEA was eager to 'sort out'. I show that in this sense the pupils identified with SEN were being devalued. Moreover, I also show that they were being devalued because schools were making judgements about their potential negative effects on their budgets, in that sense associating these pupils with a monetary value in a market.

1.3   Wider debates about inclusion

1.3.1   Earlier debates about inclusion

Just as this thesis fits in with a wider debate about funding and SEN as epitomised by the emphasis on the SEN 'time bomb' referred to by Marsh (2003), it must also be inserted into a wider debate about inclusion. Inclusion is a highly contested term which as a result has many meanings and has a chequered history. The debate about inclusion will be tackled more fully in the literature review section of this thesis (Chapter 2). Suffice it to mention at this stage some important developments which I followed with interest. When I started the research, inclusion was on the ascendancy. The government had adopted the Salamanca Framework (UNESCO 1994) which called for all children, as far as possible, to be taught in their local schools, a response to the fact that many children, especially disabled children, were not being given the elementary right to be taught in their neighbourhood schools. This introduced a rights agenda to the debate, namely that children had to be given certain rights to schooling. In 2000, by contrast, a ground-breaking publication, the Index for Inclusion was published. While acknowledging pupils' rights, it called for schools to identify and break down the barriers to all children's learning. It wanted to shift the debate away from children with SEN or disabilities and instead focus on all children's learning. These two developments are just examples of how the debate about inclusion was contested.

I was eager to contribute to this debate on inclusion. Thus an aim of my research was to examine how the term inclusion was contested in the context of consultations conducted by a SEN department within an LEA. I was also interested to enquire about how the Index for Inclusion (2000) was being used. This thesis deals with the multiple ways in which the term inclusion was used in a LEA, under circumstances in which that LEA was under funding pressure.

A specific aspect of the debate which was of great interest to me was whether inclusion could be used to challenge special education. The importance of special education in general, and special schools in particular, is itself keenly contested and will be elaborated in the literature review in Chapter 2. Here, by way of a taster, one line of debate will be picked out. The argument against special education was forcefully put forward in the Index for Inclusion (2000) – that special education (to the extent that special education deals with those identified with SEN) creates an artificial barrier between those who are identified with SEN and those who are not. In terms of this argument special education could be counter-productive in the sense that it could label and stigmatise those identified with SEN as failing (Booth, Ainscow et al. 2000), one consequence being that pupils labelled thus could be removed from ordinary schools and sent to segregated schools, special schools. If arguments and movements/struggles for inclusion had the potential to undermine special education, I thought that it would be of real value to the debate to test this right at the heart of the production and reproduction of special education, a SEN department within a LEA. A subsidiary question which the thesis tries to answer is, is it possible for the adoption of inclusion as an aim by a SEN department to challenge the very reason for the existence of that department itself, the reproduction of SEN itself? The short answer, elaborated in this thesis, is that the LEA did not ascribe a uniform or consistent definition of inclusion, but this itself threw up multiple contradictions for the LEA.

1.3.2   Recent debates about inclusion

Since the research for this thesis was conducted, the debate about inclusion has moved on considerably and with continued intensity. Again, by way of some highlights as examples of the full debate, I will mention one strand which struck me. Mary Warnock, the author of the Warnock Report (DES 1978) which ushered in the present system of Special Education, made a significant intervention in 2005 (Warnock 2005). She called for the use of Statements of Special Education (a formal document associated with the SEN Code of Practice (DfES 2001) and which specifies, amongst other things, the

additional support for that pupil) to be reconsidered and, more importantly, for inclusion to be redefined so that

> *'it allows children to pursue the common goals of education in the environment in which they can best be taught and learn' (Warnock 2005 54).*

Indeed, she called for the renewed use of (segregated) special schools, albeit a different type of special school which could cater especially for what she called 'social disadvantage' (Warnock 2005 55). This was tantamount to direct opposition to the kind of approach of the Index for Inclusion (2000) which argued for local schools to be welcoming environments for all children.

Needless to say, Warnock's intervention met with a spirited response which defended inclusion as a project to question all kinds of exclusion, including the exclusion of pupils with SEN from mainstream schools and their consequent placement in special schools. Barton (2005), who vociferously opposed Warnock's position, states:

> *Our fundamental disagreement is best illustrated in the naïve and politically reactionary demand '… that governments must come to recognise that even if inclusion is an ideal for society in general, it may not always be an ideal for school' (p43). This form of thinking if realised in practice will contribute to the building up of serious individual and socially divisive problems for the future' (4).*

This quotation gives a clear indication as to how politicised the debate about inclusion has been. Note the use of the terms 'naïve and politically reactionary' (ibid). It is testament to the serious interests (by no means only academic interests) which are ranged in the debate because Barton (2005) also makes the significant point that Warnock has ignored the views and publications of disabled people themselves (ibid).

With hindsight, Warnock's intervention (Warnock 2005) marks a backlash against the kind of inclusion advocated by the likes of Barton (2005) and the Index for Inclusion (2000). The backlash has continued into the present period. This is evidenced in the proposal of the present Coalition government (DfE 2011) which states unequivocally:

> *We propose to:*
> • ***give parents a real choice of school***, *either a mainstream or special school.*
> *We will remove the bias towards inclusion and propose to strengthen parental choice by improving the range and diversity of schools from which parents can choose, making sure they are aware of the options available to them and by changing statutory guidance for local authorities. (Emphasis in original) (5)*

That the debate is politicised is not only indicated by the fact that the government, with its political power, has intervened, it is also clear from its language, that it wants to remove the 'bias' towards inclusion. Furthermore, without explaining why, it is making it clear that it is firmly against inclusion.

My research thus fits into an interesting arc of debate. It is conducted when inclusion is on the rise and the Labour government of the day is extolling it, and the thesis is written up and completed when another government of the day, the Coalition government, is vehemently against the 'bias' towards it. The vigorous views, for and against, do not take away from the underlying issues. Indeed they serve to confirm the enduring importance of the underlying issues – the significance of special education and the debate about how to remove barriers to learning for all pupils. Insofar as my research is so directly to do with special education, meanings of inclusion and funding for SEN, it plays its part in tackling the issues underlying the swinging pendulum of debate around inclusion.

1.4   The Time Period Over Which the Research Was Written Up.

The way that the thesis has been written up has been influenced by the time period over which it was researched and completed. It started off as a contemporaneous analysis of SEN, inclusion and funding. The research and the literature were of the same period. However, the period of further reading and write-up has been so long that the thesis has acquired an historical character. This has been both interesting and challenging. On one hand, as stated, it has shown that the underlying issues, notwithstanding the prominence of the word inclusion, are just as important and relevant now as they were then. In fact they are arguably more important now, given the significant political groundswell to move the debate away from these unresolved and intractable issues.

But on the other hand it has created a challenge in that I started the research using a body of literature which was produced up to that period but I had to update my analysis in the light of the literature which was produced since. It also meant that as I read more, I was reading into my research in a different way. The thesis is structured to reflect this development. The initial data chapters focus on funding and inclusion, the last chapter deals with what I call political economy, which developed later in my reading and thinking.

The great advantage of this approach, though, is that it has revealed the enduring importance of some of the literature which has been eclipsed by contemporary debate. One such work is the now relatively obscure Coopers and Lybrand report (1996) into funding for SEN. It was written a long time ago. Yet my thesis shows that viewed along an historical trajectory through the time that the research was conducted and completed, this report was prescient in that it was written by accountants, and the thesis makes the important point that the locus of power of decision-making about SEN moved from SEN professionals to the likes of accountants and budget decision-makers. This clearly was not evident when the Coopers and Lybrand report (1996) was published. In other words, the Coopers and Lybrand report

(1996), written by accountants, eventually gave rise to decision-making about SEN shifting away from SEN experts to accountants.

The way that my research developed first as a contemporary analysis and then acquiring a historical character means that it is both diachronic and synchronic (Robertson 2013). It started off as synchronic, that is dealing with phenomena (SEN, inclusion and funding) at one point in time, then developed as diachronic, that is dealing with the historical development of those phenomena (ibid). The importance of the diachronic approach is best illustrated with reference to the SEN 'time bomb' which is an important focus of my analysis. As its name suggests, it deals with the ticking problem of SEN budgets being overspent. But over the duration of time that the research was conducted and written up, many years, the ticking time bomb did not explode, certainly not in Keystone LEA. Without an explosion, was there really a time bomb? The questionable analytical worth of the SEN 'time bomb' could not more easily be revealed than over the passage of time.

The diachronic approach, dealing with history, is useful to examine how developments occur over time. However, there is another sense in which time is emphasised in my research. I refer to the fact that the changes which Keystone wanted to introduce to its funding system for SEN were being consulted on over too short a time period – a few months. During this time Keystone wanted to issue proposals to parents, get them to respond, process their responses and implement the new system. This was problematic on two counts. Firstly there was not enough time to respond adequately to the consultation. Secondly and more importantly, the LEA gave itself no time to conduct a proper assessment of the pros and cons of the previous system. It was therefore implementing a new system without acknowledging which aspects, on reflection, were worth retaining and why, and which aspects were not working and were therefore in need of change.

This is a problem so widespread that it is evident in Warnock's intervention (Warnock 2005) and the government's intervention about inclusion (DfE 2011) – in both cases they have entered the debate without acknowledging

the debate's historical antecedents. Barton (2005) makes the valid point that Warnock (2005) did not take into account some twenty years of research and writing on inclusion, nor did she acknowledge the contributions of those most integrally involved in the debate, namely disabled people themselves. The government (DfE 2011), in its intervention as I have already described, is adamant about removing the 'bias' towards inclusion but makes no sustained case to show why this is necessary or even desirable. My contribution wants to disprove this approach in practice, by saying that in order to understand today's debates on inclusion it is vitally necessary to examine what happened during the period of my research.

1.5   The relevance of my research to recent developments regarding SEN

An enduring and persistent feature of the system of funding pupils identified with SEN is the use of what are called 'proxy' measures. Here again my research is of direct relevance because a focus on the use of 'proxy measures' features prominently in my research as well. So what is a proxy measure? Referring to the consultation document it released a few months earlier, in March 2012, the (Coalition) government states:

> …….we acknowledged that there was no 'perfect' way of
> identifying pupils with low cost SEN but prior attainment provided a
> good proxy for a substantial element of such pupils.
> (DfE 2012b 7)

As I discuss in the thesis, Keystone also adopted this approach and used proxy measures such as the incidence of the take-up of Free School Meals in schools, to give funding to schools for their children identified with SEN. In acknowledging that there is no 'perfect' way of identifying pupils with SEN, the government is actually saying, as is evident in my thesis, that there is no commonly accepted way of identifying pupils with SEN, and if there is no commonly accepted way of

identifying these pupils, then it stands to reason that what is regarded as a SEN in one Local Authority may not be regarded as a SEN in another Local Authority[3].

It is a paradox that one Local Authority need not regard a SEN as the same as another. The paradox stems from the fact that the term SEN is very clearly defined in the two versions of the Codes of Practice (DFE 1994; DfES 2001) so far issued by different governments in England and Wales, but, and this is crucial, there is a problem with the definition. The Code of Practice (DfES 2001) which was in operation while my research was being conducted states that:

> Children have special educational needs if they have a *learning difficulty* which calls for *special educational provision* to be made for them (6).

The problem with this definition is that it is open to different interpretations. For if different local authorities make different special educational provision for children whom they have identified with SEN, what one Local Authority regards as SEN will not be the same as the other. This is because of the very direct association in the definition between special educational needs and special educational provision.

The SEN Code of Practice (DfES 2001) is a very important document which has governed the activities of local authorities. While the Code (ibid) was not itself statutory, in its own words it

> *provides practical advice to Local Education Authorities, maintained schools, early education settings and others on carrying out their statutory duties to identify, assess and make provision for children's special educational needs (iii).*

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[3] It is also remarkable that within a Local Authority what is regarded as a SEN does not remain the same. A note from my own personal experience - when I started working in Keystone, there was a whole section of the SEN Department devoted to Dyslexia. The rate of identification of pupils with Dyslexia was very high. However, over time that whole section was disbanded and the rate of identification of pupils with Dyslexia dropped dramatically.

So given that Local Education Authorities – including Keystone - and other bodies have statutory duties to 'identify, assess and make provision for children's special educational needs', the Code of Practice (ibid) had to be taken seriously.

So, stemming from the confusion in the definition of SEN in the Code of Practice (ibid), there is a contradiction which goes to the heart of the special education system – the lack of a common understanding of what a SEN is. On the Local Education Authority and school levels, the whole special education system is based on the identification of SEN, yet there is no common understanding of what a SEN is.

In my research I explore this contradiction in greater detail by examining the way funding was allocated to address the contradiction – by the use of what are called proxy measures to allocate funding to schools for their pupils identified with SEN. Keystone, as mentioned, used the take-up of Free School Meals as a major proxy measure for this purpose. This created significant funding imbalances between schools and consequently caused conflict between the schools and the LEA. The schools with a high take-up of Free School Meals were given high funding to support their children identified with SEN, the schools with low take-up would get low funding. I show that an important reason for this conflict was schools' concern that they had to comply with certain benchmarks set by Ofsted, benchmarks which could affect their position on school league tables. Under these circumstances, unless adequate funding was provided, schools were reluctant to admit pupils deemed to be greater problems, like those identified with SEN.

The point which emerges from my analysis, the point about my thesis, is that finance and budgets are not technical issues, they are not neutral, instead they are the realm of serious contestation with real consequences as to how children identified with SEN are to be supported.

Whilst finance battles can have consequences for children, other problems, which arguably are even worse, can arise when schools make applications for additional support for children purportedly with SEN, then use the attendant funding as a means to address their budgetary problems. Daniels (2006) has

eloquently and justifiably called this the 'corruption' of special educational needs. In his own words,

> *…… the re-emergence of medical labelling in order to obtain scarce resources marks a point at which the notion of individual deficit becomes a political rather than psychological concept (ibid) (4).*

So political decisions are taken about obtaining extra funding by resorting to labelling pupils with SEN. In my research I emphasise that these are political decisions and I point to the danger and explore the consequences of this kind of 'corruption' occurring in Keystone LEA.

In my research I show that officers who had the responsibility for writing Statements of SEN were also being asked to check on schools to ensure that they were spending the money on what it was intended for, namely the support of children with SEN. The implication was clear – that there was the possibility that schools were not spending the money on children with SEN, that the 'corruption' to which Daniels (2006) referred was actually occurring. What Daniels (2006) points to, and what I explore in the research, is the twisted logic giving rise to tendencies towards 'corruption'. Support for children becomes a battle over funding, then support for children becomes used as a way to acquire funding to alleviate funding shortages. This, of course, is in the context of funding shortages for schools and LEAs.

In yet another instance the research I conducted and the arguments I analysed as part of the research are relevant to very recent developments about funding for pupils with Statements of SEN. The recent document of the government (DfE 2012b) spells out a new funding regime for schools, including funding for 'high needs' pupils, that is pupils with Statements of SEN. It seems to be wise to the danger of potential 'corruption' as was highlighted by Daniels (2006). Thus it is eager to counter what it calls 'perverse incentives' to over-identify children with 'high needs'. It states:

> *In the March document (see paragraph 3.1.7-3.1.8), we defined high needs pupils and students as those requiring provision*

costing more than around £10,000 per year. We deliberately chose a financial threshold, as opposed to an assessment-based threshold – such as having a statement of SEN – since linking statutory assessments to additional funding could create perverse incentives.
(DfE 2012b 8)

As the quotation makes clear, the means the government chooses to achieve this objective is to set a very high financial threshold before schools can expect to access funds to support those children identified with 'high needs'. It claims that it has 'deliberately' chosen such a high financial threshold. Thus, before schools can apply for assistance from the Local Authority for such 'high needs' children, the money up to the threshold must be provided from its own budget. Thus, the logic goes, schools will have to be prepared to use their own funds first, in order to show that the pupil genuinely has high needs.

But a financial disincentive of this kind is a very blunt instrument. There is a possibility that schools which in the government's terms are eager to access money rather than supporting children will be discouraged from applying for extra funds because of the financial disincentive to do so. But, and here is the contradiction in this logic, so will schools who genuinely need money to support their 'high needs' pupils. In other words a crude and purely financial instrument cannot substitute for a professional judgement about the needs of a pupil. This is a key aspect of my research – the way that financial decision-making overcomes and overturns the professional educational interests concerning support for children identified with SEN. Again, the dilemma I pointed to in my research, where those who were asked to write Statements, that is assess the educational difficulties of children, were also being required to check that the money was properly spent, reinforces this point. They could be caught on the horns of a dilemma: do they write the Statement to reflect, in their professional judgement, the educational needs of the child, or do they give precedence to the financial implications and therefore write the Statement to ensure that the school is not granted what could be deemed unfair access to scarce funds? So an over-

emphasis on funding can distort the very way that decisions are taken about children's SEN.

It is important to look at the so-called perverse incentive more closely. It appears to be a neat and convincing catchphrase. However, it is not new. It is a term which I encountered in my research, meaning that it is a term which has been bandied about for a considerable time. It raises the question, as an aside, of why it's taken so long for perverse incentives to be tackled. But the more important question which it stimulates is, if the perverse incentive exists, how widespread is it? For if the perverse incentive is an isolated occurrence, surely there is no need to go to the extent of constructing such a formidable barrier, namely such a high threshold, applicable to all schools, in order for it to be overcome. On the other hand, if the perverse incentive is occurring on a more widespread basis, then surely the question must be raised about why this is happening. For if schools are prepared to go to such lengths to obtain scarce funds, one can only infer that they must be desperately short of funds. So the perverse incentive is simply stopping them from getting the funds they so desperately crave. Viewed in this light the perverse incentive has nothing to do with SEN at all and should therefore not be applied in the context of SEN. The government is invoking the perverse incentive because it is claiming that the schools are over-identifying SEN and therefore it is necessary to discourage them from doing so. The easier solution would be simply to give them the funding they so desperately need. Not to give them the funding is a political choice. This is one of the main findings of my research.

I have tried to show the relevance of my research to the government's recent proposals regarding a new system of identification and support for children and young people with a disability or who have been identified with SEN and the funding for that support. I have also shown how highly politicised and contested the proposals are, just as politicised and contested as the developments which I explore in my research. (Garner 2013), commenting on the Coalition government's new proposals states:

….. one cannot help but feel cynical about the potent mixture of money and morality in what is being taken forward at the present time …..
(2)

My research explores this 'potent mixture' in Keystone LEA over a decade ago.

1.6 My Research Journey

My research journey started a very long time ago in the 1990s when I was working for an inner city Education Authority in a Pupil Referral Unit. This was at a time when PRUs had just been established as a result of a change of government policy. As part of a Continuing Professional Development initiative I was fortunate to undertake an Open University course called Learning for All, the main texts of which, Curricula for Diversity in Education (Booth, Swann et al. 1992) and Policies for Diversity in Education (Booth, Swann et al. 1992) still make for fascinating reading on SEN and inclusion even in 2014. The underlying philosophy of the course was that every child, no matter what their difficulties or barriers to learning, had a right to learn in their local school. The course explored how all children could be welcomed and supported in their schools. This influenced me to explore the meaning of inclusion which I continued to think about as inclusion became a more prominent term in education.

When I started my next post in an outer city LEA, inclusion became so commonplace that the SEN department in which I worked was named the Inclusion Department. This, no doubt, was the result of the government's policy on inclusion. But it was not only because of the government's policy. It was also because of the movement for inclusion which was gathering pace and which was being pushed forward by disabled people themselves. Disabled people were organising in bodies such as the Alliance for Inclusive Education and influential materials such as the Index for Inclusion (Booth, Ainscow et al. 2000), produced by the Centre for Studies on Inclusive Education, were being disseminated in schools. I wanted to subject these

developments to closer scrutiny by examining their effect in the setting of a Local Education Authority. But I could not ignore that the Local Education Authority was operating under great pressure of funding cut-backs. Therefore I tried to design a research project which would look at inclusion in the light of the funding cuts.

Apart from the significant and dramatic funding shortages associated with large funding cuts and austerity, it must also be emphasised that local authorities have been subject to year on year funding cuts, euphemistically called efficiency savings, for over a decade, as long as I have been in my post in the SEN department of Keystone LEA (Franklin and Marsh 2012). In my reading of the situation and in the many readings which I have done, the effects of funding shortages have been written about without acknowledging these two distinct but related trends - the relentless grind of year on year funding cuts which were actually reinforced by the more dramatic full-blown austerity measures which were spaced many years apart.

My tentative and initial exploration about research possibilities revealed that very little research had been done about inclusion specifically in a Local Education Authority setting. Such a gap in research was significant given the important role LEAs played in relation to schools. To mention but some important roles of LEAs, they were involved with offering all schools professional advice and support, they provided SEN support services including issuing Statements of SEN, and they had a crucial role providing enough school places for the local population.

Ironically, my research was also prompted by the need to leave the employment of the Local Authority. At the time that I started working for the Local Authority I was very mindful of the rhetoric of politicians that local authorities were a hindrance rather than a help in the provision of education and that LEAs would change markedly (Troyna and Vincent 1995; Ball, Vincent et al. 1997). I was therefore motivated by the need to develop an additional qualification in case jobs had to be shed in the Local Authority or

indeed the local education authorities were abolished. As it now turns out, local authorities have continued to have role in education but they have been relentlessly restructured to the point where many jobs have been shed, even my own.

When I started the doctoral programme, I enrolled for the EdD award. My research was part of an Institution Focused Study at first. However, as I continued my research the issues I was researching and the depth of detail I was unearthing led me to change to the PhD award.

While I conducted my research I became increasingly aware that special education was undergoing significant change. I therefore wanted to explore the role of special education within public education as a whole. Was special education about providing for those who could not be accommodated by and were rejected by mainstream education? Did special education therefore express the problems or failures of mainstream education? Via my reading I became aware that special education was the destination for those pupils who were troubled by, or were troublesome within, mainstream education. Was special education therefore a form of social control? Such questions fascinated me and prompted me to explore them in my readings. These were the questions which formed a framework for the main question I was interested in – the impact of debates and developments around inclusion and their effect on special education under circumstances in which there were significant funding shortages in the Local Authority.

An important question which impacted on my research and thinking was around whether special education would and could survive. One argument was that special education would survive because it was defended by very powerful vested interests, among them the special schools. On the other hand, another argument suggested that special education was a product of capitalism. As such it was responsible for providing an outlet for capitalism to deposit a surplus population which could not be educated to serve a useful function (Oliver 2000). This argument suggested that if capitalism changed to post-capitalism and a safety net for the surplus population was no longer

required, special education would cease to have a useful function and would therefore decline. I found that over the considerable time that I reflected on and wrote up my research findings, special education did not decline as predicted, in part because of the powerful vested interests which were sustaining it and which in turn were sustained by it. The special school lobby is certainly a good example of this.

However, to suggest that special education remained wholly intact and unchanged would also be far from what I observed. In my experience special education was changing and adapting with the times. One result of this was that special education, rather than appearing separate and apart from mainstream education, was increasingly incorporated into mainstream education as mainstream schools were encouraged to take more children with SEN. However, rather than that this causing special schools to go into decline, this was a spur for special schools which were hailed as the bodies which could give mainstream schools specialist advice on how to integrate pupils with SEN.

I wrote up my thesis over many years. This could be seen as a significant disadvantage in that I feared that by the time I finished, my findings would be old hat. Either they could have been eclipsed by events, a fate I feared for lots of research which could be seen as not grabbing the moment, or someone else could have stolen the thunder of the research by publishing or writing on the same question. To allay my fears I would from time to time do an internet search to confirm to myself that the research would still merit being called research by offering a fresh perspective in the field. I also used the British Journal of Special Education (BJSE) as a barometer of what was in the field. To my pleasant surprise I found that no comparable research was being produced – certainly not on the combined issues of funding pressure, inclusion and special education with special reference to developments within local authorities. There is no doubt in my mind that my resolve was also buoyed by my supervisor at the time, who encouraged me to persevere because he emphasised that the research was important. In my attempts to ensure that I was monitoring trends in the field of research on special

education I came across Daniels' (2006) work on what he called corruption in special education – the tendency for funding pressures to distort professional judgements in special education. I found this a spur to my own work in that the tendency Daniels identified was echoed in my research, thus also confirming to me the relevance of my own research.

By the time the banking crisis developed in Britain and in the rest of the world from 2008 onwards (Gilbert 2013; Hall, Massey et al. 2013), it started to become clear to me that my research would have increasing relevance. The crisis ushered in a period of increasing austerity and the ensuing public services cuts meant that my work, on the effect of public service cuts in special education in a specific Local Authority, had increasing and unexpected relevance for the new situation. Thus it came to pass that as a result of historical and social events ushering in a new period of cuts, my research was again of interest in that the cuts which I examined could be compared to the cuts and their effects in the new situation. There was thus an unexpected benefit to my research – it could have greater historical worth to the extent that it could be used to derive some lessons of the past which could be used in the present situation. While I think that this is hopefully how my research can be used, the purpose of my own research was still to examine the effects on cuts in its historical specificity.

But the long time which it took to analyse and write up the research did throw up a further and related dilemma. Having started off as a piece of research very much dealing with a contemporaneous period, it was developing an increasingly more historical character as the years went by. This made for a new and very interesting but challenging dilemma. My research, as was to be expected, was based on a review of the literature which was of that period. However, given that a new body of literature had developed in the subsequent period, my research was faced with talking to a body of literature which had been considerably enhanced – albeit not superseded - since I had conducted my initial literature review.

My first response was to think that there was no need to incorporate later readings into the write-up. The motivation was that the thesis was dealing with a certain time period and the thesis was reflecting on the literature available during that time period. Therefore, I contended, provided that this was made clear in the thesis, there was no need to update the literature review. However, I soon realised that this approach would rob the thesis of a considerable amount of its potential power – by not allowing the thesis to speak to more recent events and developments, and the literature associated with these. Thus, after discussing this with my supervisor, I decided to update the literature review to take account of what was produced more recently. Needless to say, this meant that the former structural unity of the thesis was skewed, which required changes to the rest of the thesis as well. One of those changes was to introduce new section early on which dealt explicitly with the character of the funding crisis which the LEA was facing. In my original version this section was not spelt out as clearly because the events being referred to were more recent and therefore more familiar to readers of the thesis.

As a result of updating the literature review it now reads as one. The recent literature shows that inclusion is not of the same concern, certainly in England, as before. Witness the argument that inclusion was a policy of the last Labour government and does not have the same relevance today (Hodkinson 2012) and also witness the recent official government pronouncement to remove 'the bias towards' inclusion (DfE 2011). This goes to show that inclusion is both highly politicised and highly contested. But the more fiercely it is contested, the more – not less - it should be discussed. In its own way this thesis makes its contribution to a further and necessary discussion about inclusion.

My research journey took a significant turn just before I was due to have my upgrade interview. My upgrade process was different to the norm. I was upgrading to the PhD programme as required. But I was also using the upgrade process as a way of making a case for changing my programme from the EdD to the PhD, a change which I was told had not occurred before.

As it turned out the upgrade was successful. However, the significant aspect of the upgrade as far as I was concerned was that it gave me the opportunity to review my work hitherto and to scrutinise the underlying assumptions of my arguments. I started re-examining the contention in my reading that funding cuts were somehow to be expected and that the work of policy-makers and academics was to respond to the given reality of funding cuts. This was the position of writers such as Marsh (2002; 2003) and Bowers and Parrish (2000) whose work was based on developing a response to the reality of funding cuts.

I thought it necessary not only to look at the consequences of funding cuts but also to ask whether the funding cuts were in fact inevitable. This led me to the view that funding cuts were the result of political choices on the part of decision-makers, they were not inevitable. When examining this further, I found information about how local decision-makers were responsible for not only managing funding cuts but also whether and by how much to institute those cuts as they pertained to special educational needs (Coopers and Lybrand 1996). Having made this discovery in literature which was pivotal but old, I decided to propose in my upgrade submission that I wanted to explore funding cuts as part of a political decision-making process and that I wanted to dub this new approach the political economy of SEN. Of course I was quick to add that political economy was not a term I had invented. Nevertheless I had ideas that the term could be explored in relation to developments which I was examining about SEN and inclusion.

The response on the part of both examiners in the upgrade interview was unexpected. Both not only expressed interest in my notion of the political economy of special education, they positively encouraged me to develop it further. This was a significant spur to my thinking and to the research. Inevitably it meant that I started writing a new chapter which was provisionally entitled the political economy of special education. The inevitable then happened. I had to amend the structure of the thesis draft to accommodate the new chapter.

While doing further work around the material for the political economy chapter I experienced what I described to my supervisor as a eureka moment. I reread some of my sources and came across a very significant finding – that what I had thought all along, and what came across strongly in the source material I was reading, was actually wrong. The source material stated that the SEN budget for Keystone was actually out of control. It drew the seemingly logical conclusion that the budget had to be reduced. However, only when rereading the source material closely did I discover that compared to other boroughs with similar characteristics of size and population, the SEN budget was not overspent and actually compared very favourably with the budgets of those boroughs. What I discovered was that there was a conflation in the argument. The imbalance in the overall SEN budget which suggested that planning needed to be improved was being conflated with an actual budgetary overspend which could have necessitated and justified cuts in spending on the budget. The borough was therefore being advised and was taking steps to reduce the SEN budget when really what was required was improved budget planning. It righted a misguided assumption in my thinking and in my reading.

However, it was more significant than that. The assumption being questioned did not pertain only to that particular borough, Keystone. It was generally acknowledged that SEN budgets were overspent and that this was a national problem. If this did not apply to Keystone it raised a more widespread question. Did it apply to other authorities as well? And if so, to how many? I think these are interesting questions. However, it is for further research to provide answers to these questions.

There were many theoretical milestones which I passed when engaging in the many readings I explored, including labelling theory, the voice of those being researched, special interests and the role of professionals who have special interests, the future of special education in relation to capitalism. I had to abandon the further exploration of some of these because I would have strayed too far from my main focus. Nevertheless, they influenced my thinking and if not directly integrated into the thesis, certainly sit side by side with it.

1.7 Chapter by Chapter Outline of the Thesis

The structure of the thesis is the outcome of the eventful research journey I undertook. After this introduction there are two chapters which respectively deal with my literature review and a discussion of my research methods. These are followed by four linked data chapters of which two focus on the main types of data collected, namely a range of strategy documents produced by the LEA and interviews with key personnel who were responsible for the LEA's new strategy on SEN and inclusion. The conclusion deals with the main lessons learnt and ideas for further research.

In the following chapter, Chapter 2, I review the literature which is relevant to my concerns of SEN and inclusion. It deals with the literature which I had to read around the developments happening at the time the LEA was producing a new SEN and Inclusion Strategy. The literature review also deals with relevant works which were written recently. So the literature review spans the period from around the time the research was conducted to the present period. However, the literature review in effect comprises two sections, the first dealing with literature produced before and around 2003 when the research was conducted, and the second dealing with literature produced recently. The latter allows for the research to talk to recent trends in the academic literature.

Chapter 3 deals with the methodological and philosophical underpinnings of my research. It shows that I adopted an analytical approach based on critical theory. I analysed two types of data – documents produced by the LEA and interviews with key officers. I conducted insider research which raises specific ethical dilemmas which I discuss.

The next chapter, Chapter 4, describes the financial crisis facing Keystone when it embarked on changing its SEN and Inclusion Strategy and changing the way that schools would be funded for pupils with Statements of SEN. This

chapter is the introductory chapter to the two data chapters which follow. It shows that the LEA was not only faced with significant funding cuts imposed nationally by central government, it was also preparing for a crucial Ofsted inspection which was causing significant concern because the LEA had been criticised for its lack of financial management for SEN in the previous inspection. This chapter is also important because it introduces the idea of the SEN 'time bomb', a term referring to the tendency for LEAs' budgets to increase to the level where they could or would be out of control.

Chapter 5 deals with the first set of data I collected. It consists of the presentation and analysis of the consultation and strategy documents which the LEA produced as a response to the crisis it faced as described in the previous chapter. As part of its response the LEA engaged in two consultations, one with parents and the other with schools. The LEA claimed that both these consultations were about promoting inclusion, thus making a clear connection between inclusion and the funding changes it was proposing to parents and schools. Schools were told explicitly that the SEN budget was finite and that therefore once the limit was reached, there would have to be reductions to the funding for some pupils. This chapter shows how the LEA used so-called proxy measures to fund SEN rather than measuring the incidence of SEN itself.

Chapter 6 is a complement to the previous chapter. It analyses a different set of data, interviews with a range of officers of the LEA. This chapter deals with how the officers viewed inclusion in practice. It shows that they all had a range of interpretations of what inclusion means. The chapter shows how considerations of funding were affecting officers' professional judgements. One key finding of the chapter is that the effect of the LEA's emphasis on so-called proxy measures to fund schools' SEN budgets was to create conflict between schools.

Chapter 7 is an analytical chapter which attempts to draw together the lessons from the previous data chapters. It argues that the emphasis on funding in the previous chapters must not be seen simply as about balancing

budgets. Rather it must be seen as the result of political decision-making in the LEA about the importance attached to SEN and those pupils with SEN. The chapter also makes another important point – that the emphasis which the LEA put on balancing its SEN budget obscured the more important finding that the LEA's budget for SEN was actually not overspent when compared to other similar LEAs. The chapter therefore argues for looking more carefully at the political underpinnings of decisions about funding SEN.

The thesis ends with the Conclusion which recaps the main findings and makes some suggestions for further research especially in the light of the present-day Coalition government's plans to issue a new SEN Code of Practice[4].

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[4] A draft Code was issued in 2013 DFE (2013). Draft Special Educational Needs (SEN) Code of Practice: for 0 to 25 years. London, DFE.
A new SEN Code of Practice will come into effect in September 2014 nasen (2014). Everybody Included: The SEND Code of Practice Explained. Tamworth, Nasen.
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2   LITERATURE REVIEW

2.1   Introduction

This chapter will examine government policy on SEN and inclusion in relation to wider debates about these topics. It will focus on the Labour government policy at the time when the research was being conducted and also take in academic debates which continue to the present. Because of its centrality to this thesis, this chapter will also examine funding in relation to SEN and inclusion. This chapter provides a context – in terms of national policy and theory - for the research which will be described and analyzed in subsequent chapters. It will also be the basis for showing how my research fits into and responds to existing theory.

The discussion is structured in the following way. It starts with an examination of various conceptions of inclusion. Then it proceeds with an extended discussion of matters relating to the standards agenda, models of disability, SEN and special education, the role of special schools, international developments, and the role of educational administration. The final section, dealing with funding SEN and special education, shows that funding has an important, crucial bearing on both SEN and inclusion and therefore cannot be ignored when discussing these concepts.

This review will show that both SEN and inclusion are terms which have generated considerable controversy and debate. A crucial part of the debate deals with the conceptualization of the respective terms SEN and inclusion, and in turn the relationship between these terms. Debate about this relationship is sharply polarized. On the one hand it is held that SEN and inclusion are compatible. On the other, SEN and inclusion are regarded as incompatible, so much so that SEN is held to be a barrier to inclusion. Whilst government policy regarded SEN and inclusion as compatible, it will be shown that the way that these terms were used in various policy documents is highly problematic.

I will argue that special education not only continues to exist. It is also developing in new ways, including into what has been called an expanded SEN industry. I will also show that funding for SEN has caused more problems than it has tried to supposedly resolve.

My literature review is necessarily a selective one. As Slee (2011) argues, there is a great amount of literature which covers the 'how' of special education, taking for granted that special education exists, and discussing how it can be improved. This literature review will necessarily be giving such work a wide berth. Instead this literature review will be concerned with exploring the fundamental characteristics of special education and how and why exclusion remains a major function of special education. It must be acknowledged that there are some perfectly suitable works which are themselves reviews of recent literature. Examples are Slee (2011), Armstrong and Sahoo (2011) and Tomlinson (2012). This review tries to explore the relevant issues raised by these works rather than duplicating what they have already covered.

2.2   Inclusion

The Labour government of the 2000s made the pursuit of inclusion a major role for all LEAs (Ainscow and Tweddle 2003). So LEAs were required to take issue with inclusion. However, inclusion is a highly contested term, so much so that it may be more useful to consider that there are many inclusions (Barton, 2003). The rest of this section will explore some of these inclusions.

The UNESCO Salamanca Statement of 1994 (UNESCO 1994) made inclusion part of an international debate. It was supported by the British Labour government (DfES, 2001b). This Statement calls on all governments to:

adopt as a matter of law or policy the principle of inclusive
education, enrolling all children in regular schools, unless
there are compelling reasons for doing otherwise.
(UNESCO, 1994)

Here the concern is about the type of schools in which children are enrolled, the reason being that children schooled in special schools would ordinarily have been separated and segregated from their peers. The stated preference in the Salamanca Statement is for all children – with some exceptions – to be placed in mainstream or regular schools. As for the exceptions, the expectation is that they would have been considered for a regular school but there would have been 'compelling reasons' why this was not possible. This is an argument about physical relocation. It is also akin to what is called integration or mainstreaming, meaning that pupils who would formerly have been placed in special schools now being placed in mainstream schools (Barton and Tomlinson 1984; Rieser 2000; Thomas and Loxley 2001).

While the Salamanca Statement made a clear case for pupils to be educated in mainstream (or regular) schools (unless there were compelling reasons not to), the argument it used to emphasise its case was remarkable. It stated:

Regular schools, with this inclusive orientation are the most effective
means of combating discriminatory attitudes, creating welcoming
communities, building an inclusive society and achieving education for
all (UNESCO 1994).

So the Salamanca Statement was explicitly about eliminating discrimination and creating supportive communities. This is what, according to the Statement, would create inclusion or, in its own words, an 'inclusive society' (ibid).

On the other hand, another conception of inclusion makes a definite link between education and society but does not start with the dichotomy between

special schools and mainstream schools. According to Barton (2003), inclusion 'involves a political critique of social values, priorities and the structures and institutions which they support' (12). Furthermore it is equally concerned with 'who is included and who is excluded within education and society generally' (Barton, 2003, 12).

This view of inclusion is more wide-ranging. It accepts that once children are in mainstream schools, the elimination of discriminatory attitudes and the creation of welcoming communities will not necessarily occur. In other words, integration or physical relocation of children from special to mainstream schools, whilst perhaps being a positive step, does not itself go far enough. Hence the need for a critique not only of structures such as the (regular) schools of the Salamanca Statement, but also of (political) priorities and social values.

While the Salamanca Statement was a landmark development for inclusion, it was found wanting. As Slee (2011) argues

Where the Statement is wanting is in the provision of detail to suggest the kinds of reforms required for regular schooling to become more inclusive. (118)

Whereas Barton's view (2003) and the Salamanca Statement (UNESCO 1994) are relatively divergent interpretations of inclusion, the view expressed in the Index for Inclusion (Booth et al, 2000) is intended to change schools' practice. As such it complements the Salamanca Statement and makes up for its lack of school-level detail. Nevertheless its approach is still based on placing schools in their wider context (Booth et al, 2000). In this view inclusion is about identifying barriers to learning which could reside in the schools, the communities or even in local and national policies. It is also about empowering members of the school community to change the school's practices, culture and values (Booth et al, 2000).

2.2.1 The Labour Government's views on inclusion

During the time period of my research a Labour (also called New Labour) government was in power. It is appropriate to start a survey of that government's policy on inclusion by citing a definition:

> *By inclusion we mean not only that pupils with SEN should wherever possible receive their education in a maintained school, but that they should also join fully with their peers in the curriculum and life of the school.*
> *(DfEE, 1997, 44)*

This definition confines inclusion to pupils with special educational needs. It also echoes the Salamanca Statement discussed earlier (UNESCO, 1994). However, that Labour government also used a different and much wider conception of inclusion, social inclusion, in which it referred to a number of different groups of pupils who could be marginalized or discriminated against in school. Groups identified thus include Traveller communities, pupils with special educational needs, pregnant schoolgirls and those who are transferring from one phase of school to another (DfEE, 1999).

The divergent ways in which inclusion is used in the examples above mirrors the way academic debates about inclusion have been conducted. As discussed earlier, the terrain is highly contested.

The government's range of definitions of inclusion is of interest in this thesis because each definition could call forth a very different set of roles or practices. The inclusion of pupils identified with special educational needs, SEN, deals with those pupils identified as such by the SEN Code of Practice (DfES 2001). The Code (ibid) is used to guide schools and LEAs to establish procedures to offer support to those pupils who are experiencing 'learning difficulties' (ibid). The learning difficulties are regarded as within-child 'deficiencies' (Troyna and Vincent, 1995) because they are experienced by individual pupils who are struggling to keep up with their peers (DFEE, 2000).

So the school and the LEA are to play the benevolent role of attempting to ameliorate these 'defective individual pathologies' (Slee, 1997).

On the other hand social inclusion as described above sees individual pupils – including those identified with special educational needs - as members of marginalized social groups. These marginalized groups ranging from Travellers to pregnant schoolgirls (DfEE, 1999) occur both in school and in wider society. In terms of this conception the role of schools has the potential to tackle discriminatory practices which exist in wider society and from which the school is not immune. Such discriminatory practices can be tackled by the school, or indeed the LEA, if the marginalized groups are given active support. On the other hand this conception also implies that the problems of individual members of the group are not attributable to the difficulties of the individuals themselves; they are the result of the way that the group is treated.

The DfEE also called for social inclusion to encompass pupils who transfer between phases of schooling, eg between primary and secondary schools, who could face marginalization (DfEE, 1999). This is in recognition of the fact that primary schools are very different from secondary schools. (A similar issue confronts children who were taught in nursery schools who then transfer to primary schools.) Primary schools are smaller and therefore have smaller intakes every year. Children in primary schools are taught as a class group by the class teacher for most subjects. On the other hand, in secondary schools pupils are taught by specialist subject teachers. The qualitative difference between primary schools and secondary schools implies that in terms of the social inclusion conception advocated by the DfEE there is an acknowledgement that schooling itself has systemic problems which have to be countered (See Barton, 2003).

2.2.2   Debates amongst advocates of inclusion

Academically, the call for inclusion has also been made on deeply philosophical and moral grounds (Gallagher 2004; Heshusius 2004; Skrtic 2004). Gallagher (2004) expresses this argument aptly:

Because those opposed to full inclusion are generally disposed toward believing that disability is scientifically definable and identifiable (at least theoretically) and that specialized teaching practices can be derived through empiricist scientific research that teachers can and should be trained to use, they believe instruction often should take place in separate environments. In challenging all of these premises, others have countered that the problem of full inclusion is fundamentally, and inevitable, a moral one' (4).

They argue that disability (and by extension difficulties with learning) cannot be so identified and defined because according to them disability is about how meaning is given to human differences in different social contexts (Gallagher 2004). So the meaning of those differences will depend on the social context and, of course on the person who assigns that meaning.

Others (Thomas and Loxley 2001) share the view that inclusion can be argued for on philosophical grounds. However, they eschew what they call the grand theory of writers such as Gallagher (2004) and Skrtic (2004), instead insisting that inclusion can be called for on the grounds of relatively simple truths deriving from one's own knowledge, thus resisting the rigid compartments of particular academic or professional disciplines such as sociology or psychology. As they (Thomas and Loxley 2001) argue:

If we are seeking to understand why one child isn't reading, or why another refuses to go to school, we should perhaps trust in our own knowledge as people – trust in our experience and understanding of fear, interest, friendship, worry, loneliness, boredom (ibid, 7).

According to these writers, what inclusion amounts to is to provide a framework in which all children are valued equally, regardless of their gender, ability, ethnic origin, cultural origin or language.

The interesting aspect of inclusion is two fold. Firstly there are those who argue passionately for it and passionately against those who are not for it, for example the aforementioned Skrtic (2004), Gallagher (2004) and Hesuhius (2004) against those resisting the Regular Education Initiative in the United States. Secondly, amongst those who argue for inclusion there are differences in outlook which means that they differ in their understanding of the term inclusion, and also differ in their emphasis on how it is to be achieved (Thomas and Loxley 2001; Barton 2003; Gallagher 2004; Skrtic 2004; Slee 2011). The latter differences can be equally passionate.

Doing Inclusive Education Research (Allan and Slee 2008) reviews and compares the views of a number of prominent researchers who all work (broadly) in the field of inclusive education. This book is interesting because it describes the widely varying attitudes and approaches of some key researchers. The book is also notable for describing the very bitter disputes between activists around inclusion – a most revealing dispute was between two very prominent academics, one accusing the other of overplaying and exploiting a supposedly mild disability (ibid). While this reveals the severity of the dispute it also hints at a significant element in the debate – the views and contributions of those who were themselves disabled. This is significant because the struggle for inclusion is also bound up with the struggle of disabled people demanding their rights and demanding that their own voice be heard. In so doing disabled people were saying something very important – they did not want to be objects of academic debate, they wanted to be at the forefront of that debate.

The struggles of disabled people show that inclusion or a theory of inclusive education (here I am using the terms interchangeably) must be viewed, 'as a political struggle against unequal power relations' (Slee 2011 121). So inclusion is about political power. Here the words of Searle (2001) are instructive:

> *In almost all education systems where exclusion has remained a pivotal*
> *practice it has been an integral part of fear and authoritarianism.*

Teachers working in such systems are empowered to warn errant or difficult students: 'Any more of that and you'll be out of here' and similar threats. The threat of exclusion can be as potent as the act itself, and many teachers have long depended upon it to establish their authority in the classroom. (103)

Here the inequality of the power relations between the teacher and the student is very stark.

On the other hand, Hodkinson (2012), in his interesting review of teachers' understanding of inclusion, states that because of the multiple meanings given to it by teachers, inclusion has become an 'illusion'. He also emphasises the point that inclusion was championed by the New Labour government. The inference from his argument is that given that New Labour is no longer in power (in 2012), inclusion as a project should be abandoned.

I think that is to throw the baby out with the bathwater. Inclusion, as Hodkinson (2012) concedes, was not started by New Labour. Therefore, New Labour's downfall should not signal the abandonment of inclusion. That New Labour while championing inclusion also caused great confusion about its meaning, is not in doubt. But to the extent that inclusion is also a project of disabled people (Rieser 2000) who demand their rights to a decent education, and moreover is a political project against inequality in education whatever government is in power (Thomas and Loxley 2001; Barton 2003; Slee 2011), it should be supported through its ebbs and flows.

Given the disputes about inclusion, it comes as no surprise, then, that working towards a theory of inclusive education is 'messy' (Slee 2011 66). It depends on who the research is for and it also depends on one's political and theoretical perspectives (ibid).

Michael Apple, in his foreword to Allan and Slee (2008) argues that inclusive education should comprise two types of politics, and they should be regarded as of equal importance - the 'politics of redistribution' and the 'politics of

recognition' (viii). I take this to mean that when disabled people (or any other excluded group for that matter) struggle for the right to be given the same education as their non-disabled peers (ie 'recognition'), they are also struggling for an equitable redistribution of resources to enable such an education to be given to them, an important consideration given that this thesis also concerns itself with funding.

2.2.3   Inclusion and Integration

As mentioned, inclusion must be distinguished from integration. The latter has more to do with where students are located and how to regulate the flow of students (Slee 2011). Thus the demand for disabled students to be taught in mainstream schools is about integration, not inclusion. For the fact that disabled students are taught with their peers does not mean that they will be treated the same or given adequate support and assistance. As Slee (2011) argues, integration , 'while generating political tensions (does) not challenge the dominant culture' (110).

The distinction between inclusion and integration is an important one which can easily lead to confusion. Consider this quotation which defines inclusion as:

> the greatest degree of match or fit between a learner's needs and
> existing provision. This is by far the most realistic definition of inclusion,
> …. (Tambi 2012)

In Slee's terms (2011) this is about integration, not inclusion. It is about the pragmatic location of learners within existing provision. It does not question or challenge political power.

Armstrong and Sahoo (2011) refer to a seemingly contradictory tendency observed across both the UK and India in which the more young people who are disabled are integrated into mainstream schools, the more those pupils are marginalized within those schools. That is the result of integration, not

inclusion, as Slee (2011) would argue. In this scenario, the more children with a wider variety of abilities and disabilities and from different backgrounds are included in mainstream schools, the more mainstream schools cannot 'cope' with those pupils, requiring an ever-expanding industry of professionals to supposedly support those children. The expansion of such a special education industry will be explained in greater detail later in this paper.

The effect of having more pupils construed (or constructed) as problematic creates interesting conceptual and linguistic inversions – mainstream schools which cannot 'cope', instead place the burden of blame on the pupil, claiming that the pupil cannot cope. By claiming the pupil cannot cope, the door is opened to a myriad interventions to support the pupil, hence the growth of an 'industry' to suggest strategies (therapists), who offer medication (pharmaceutical industries), who offer diagnoses and explanations (medical and brain scientists) or a heady combination of these interests. The result is an interesting, if disturbing, social and organizational rearrangement. The role of special schools becomes reduced, the role of mainstream schools becomes enhanced, but this is achieved via the addition of an expanded and complex industry (Tomlinson 2012).

It must be borne in mind that mainstream schools have been subject to incredible change. In recent years they have been under even greater pressure, driving a tendency to be more selective and exclusionary. A significant pressure has been league tables, comparing schools on the basis of test scores, thus dividing schools into those that are popular and those that are unpopular. The popular then attract more and better pupils, increasing their funding and success. The unpopular schools, by contrast, get caught in a spiral of decline (Barton 2003, Audit Commission 2002).

Side by side with league tables about test scores, in a context in which many aspects of school 'performance' are measured, there are also league tables about rates of exclusion (Gilmore 2012). This has spawned the development of a phenomenon called the 'inclusion room' which seems like a contradiction in terms. For if a pupil is removed, that is, excluded from the ordinary

classroom and then placed in an inclusion room, naming that room an inclusion room cannot deny the fact that the pupil was excluded from the ordinary classroom in the first place. Nevertheless, the resort to the use of such a room has thrown up an interesting albeit thorny debate. As Gilmore (2012) argues in a review of the use of a so-called inclusion room in a particular school, if inclusion is also about power relations in a school, and the inclusion room is used to renegotiate the dominant power relations in the school, does it in that sense contribute to inclusion despite the fact that it was manifestly used to exclude the pupil from the ordinary classroom? The question is not definitively answered by Gilmore (2012).

My own view is that the inclusion room, notwithstanding the argument that it could be used to challenge dominant power relations in a school (how it mounts this challenge is open to question), is a contradiction in terms. It is closer to integration than inclusion in the way that Slee (2011) has made the distinction between these terms. It seems to me that the inclusion room even if it could generate political tensions, by its marginalised nature is less able to challenge what Slee (2011) calls the 'dominant culture'.

2.3   The standards agenda and neoliberalism

2.3.1   The standards agenda

The government's inclusion agenda did not operate in isolation. The standards agenda, thanks to published league tables, had a much higher profile than the inclusion agenda and resulted in schools being in direct and relentless competition with each other (Barton, 2003). The result was that almost every headteacher interviewed by the Audit Commission saw the standards agenda as an obstacle to the inclusion agenda (Audit Commission 2002). Indeed some headteachers were reluctant to admit pupils with SEN into their schools because they feared that this would lower the school's league table position (ibid). So they perceived that in national tests pupils identified with SEN would not get results in line with their peers.

However, the Audit Commission reported, in the same document, that very 'little is known about the performance of children with SEN' (ibid, 48). And that most LEAs were not monitoring these pupil's achievements (ibid). Thus the reluctance of headteachers to admit such pupils was based on supposition, not real evidence, though in the document this point is not acknowledged (ibid).

It seemed that the competition between the standards agenda and the (special educational needs) inclusion agenda had a predictable result. According to an Ofsted report special educational needs was regarded as 'the weakest area of LEA provision' (OFSTED and Audit Commission, 2002, 5). Surprisingly, and in a direct contradiction of the report mentioned above, it claimed:

> *So far as pupils with learning difficulties are concerned,*
> *however, a certain goodwill can normally be taken for*
> *granted, even where headteachers are concerned about*
> *league tables.*
> *(OFSTED and Audit Commission 2002, paragraph 36).*

This statement can be seen as an attempt to play down the effect of the standards agenda. In so doing it becomes easier to posit the recommendation that a version of league tables, now called 'value added' tables (see Audit Commission, 2002) should be used to acknowledge work schools are doing with pupils designated with SEN. The problem with this recommendation is that it fails to acknowledge, as implied in the discussion above, that direct competition between schools is problematic regardless of whether the measure of this competition is academic results or inclusion (however defined).

It is therefore interesting to read in the same section of the same document the Audit Commission's recommendation that the government 'should create new systems for recognising and celebrating' the work schools are doing with

pupils designated as having special educational needs (Audit Commission, 2002).

As is illustrated in the discussion above, the standards agenda reinforced the notion of the education market. If schools were competing against one another, it meant that parents could compare schools and therefore choose the 'best' schools for their children.

2.3.2   Neoliberalism

But the education market was also an economic market. The economic market schools operated in was reinforced because schools were functioning increasingly as businesses (Puschel and Vormann 2012). This move was encouraged by the provisions of Local Management of Schools (LMS) introduced by the 1988 Education Act which gave schools the ability to control their own budgets (Lee 1992; Lunt and Evans 1994; Gray 2002). The greater its budget, the better off the school (Lunt and Evans 1994). So apart from the competitive market in which schools had to vie for the 'best' pupils to get the 'best' judgements from Ofsted, they also had to operate in a financial market to get more money.

One can also see the attraction of the 'best' pupils in terms of the movement and application of 'social capital'. Parents who were well off and privileged would be in the best position to deploy their 'social capital', that is their better social position, their better social skills, to move their children into the 'best' schools (Apple 2001).

This development, where schools are looking for 'motivated' parents and 'able' pupils is significant. As Apple (2001) argues:

> *This represents a subtle, but crucial shift in emphasis—one that is not openly discussed as often as it should be—from student needs to student performance and from what the school does for the student to what the student does for the school. This is also accompanied too*

uncomfortably often by a shift of resources away from students who are labelled as having special needs or learning difficulties, with some of these needed resources now being shifted to marketing and public relations. 'Special needs' students are not only expensive, but deflate test scores on those all-important league tables (413-414).

So pupils identified with SEN could be less marketable because they have less to offer in the new market conditions in two ways– they have less to offer in terms of student performance and in terms of what they can do for the school.

The creation of a market is all part of the march of neoliberalism, also called globalisation in its neo-liberal form (Apple 2001; Thomas and Loxley 2001; Davies and Bansel 2007; Hall 2011; Lingard and Rawolle 2011; Lall 2012). The state withdraws from the provision of public services, and actively encourages the market, the private sector, to take over. In this situation there are definite implications for the provision for pupils identified with special needs in schools. The education financial market determines that pupils must not be a drain on the schools' financial resources. The standards agenda determines that schools have to compete for the 'best' pupils. And the two agendas are mutually reinforcing.

In the light of these developments the need to secure sufficient funds for pupils identified with SEN becomes more important. Such pupils, more so than other pupils, could be viewed increasingly as having a price on their heads. They could be admitted provided the school has the requisite funds to meet their 'needs', they could also be admitted on the proviso that they do not threaten the school's performance as measured by school league tables (Apple 2001; Gillborn 2001).

Apple (2001) notes a further effect of marketisation which could have serious implications for pupils identified with SEN. In England as well as elsewhere, like New Zealand, the growth of the market discouraged diversity in the curriculum and pedagogy. This, surely, could have negative consequences

for those identified with SEN who, because of their diversity of difficulties, will require precisely that which the market denies – greater variety in the curriculum and pedagogy.

Gillborn (2001) is in accord with Apple that pupils with SEN can be denied resources in the education market. He calls this process rationing. His reasoning is:

> *The pressure to compete and deliver yearly league table improvements provides a powerful (sometimes irresistible) pressure to ration resources in ways that will best influence published scores. (110)*

The result, according to Gillborn's (2001) research and that of Gillborn and Youdell (2000), is that schools divide pupils into two groups, those deserving additional treatment and the hopeless cases, those who did not make the benchmark and therefore for whom spending additional resources would be considered a waste. As Gillborn (2001) goes on to describe, just as in the case of Black pupils and those in receipt of Free School Meals,

> *Pupils designated as having 'special educational needs' were similarly seen as incapable of achieving the benchmark. They were seen as obvious hopeless cases, sometimes from the moment they entered the school. (109)*

That pupils identified with SEN were condemned as early as when they started at the school is quite remarkable.

The reluctance of schools to admit pupils with SEN because of league tables and financial pressures has implications for inclusion because inclusion is also (necessarily but not exclusively) about the integration into mainstream schools of pupils identified with SEN. Under these circumstances special education, the system of education for those excluded by the mainstream or identified as different within the mainstream, becomes more about the accommodation to the market and about a battle for funding than about

resolving pupils' difficulties. The battle for funding will be discussed later in this chapter

2.4   Disability

2.4.1   Models of disability

As the previous sections have made clear, integral to a discussion of inclusion is the struggle against segregated special schools. In this struggle the distinction between the medical model and the social model of disability became an important rallying cry for those who opposed segregated special schools (Mason 1992; Rieser 2000; CSIE 2012). Rieser (2000) and Mason (1992), disabled activists themselves, described the medical model as one imposed on them by medical professionals who located the problem in the disabled who could not fit into 'normal' schooling, which in turn meant that they had to be sent to special schools.

Instead they advocated the social model of disability, meaning that it was society which treated people with impairments differently, and it is for society to accommodate and welcome people with impairments. Thus they argued against the segregation inherent in special schools, advocating instead that all disabled students should be taught in ordinary schools (ibid). Needless to say, while the social – medical model distinction has thrown up a great amount of debate, the fundamental distinction still stands and is still useful in ongoing discussions on special education.

2.4.2   The social model and the struggles of disabled people.

It is also claimed that the social model was so strongly championed and became so influential that it was embodied in a landmark piece of legislation, SENDA (Tambi 2012). But the social model, apart from being the result of the struggles of disabled people themselves, is also the result of the efforts of those who theorised disability in a different way. Often the disabled people

and the theorists were the same people of course. In this respect the contribution of disabled theorists/activists like Oliver (2000), Finkelstein (as referred to in Brindle 2012), and the aforementioned Rieser (2000) and Mason 1992) come to mind.

The social model and the struggles which were associated with it came to a head in the 1980s (Brindle 2012). However, in a Guardian article written at the time of the 2012 Paralympic Games, Brindle (2012) citing the views of disabled theorist Tom Shakespeare, argues that the struggles of disabled people have reached a 'crossroads' and seems to have 'run out of steam' (Brindle 2012). However, this has been heavily contested by other disabled activists who in response wrote:

> *It is not true that there are no disabled activists these days. We in*
> *Disabled People against the Cuts are committed to direct action to stop*
> *the criminalisation of disabled people as "cheats" and "scroungers" by*
> *the press and government alike. (Clifford, Murthwaite et al. 2012 37)*

The context is clear from this quotation. Disabled people are facing serious cuts to their benefits as the Coalition government tries to reduce the welfare bill. Disabled people are being blamed for the increase in the government's welfare bill on the grounds that they are avoiding seeking work and that they are 'scroungers' (Rutherford 2012).

2.4.3   SEN, Disability and Special Schools

The overlap between (segregated) special schools and the struggle of disabled activists (as discussed so far) means that there is a fundamental connection between special schooling and the rights of disabled people. However, a clear distinction must also be made. The rights of disabled people are about more than special schooling, and the issues around special schooling are about more than disabled people themselves.

Disabled people, of course, argued against special schools but this also meant that they were advocating for proper access to be arranged in ordinary schools and of course in society at large.

Special schools on the other hand are not strictly for disabled pupils. The label disabled does not result in children in England automatically being consigned to special schools. The latter in England and Wales are integrally connected with the SEN Code of Practice (DfES 2001). Children are formally assigned special educational needs according to the Code of Practice (ibid). And it is in terms of the special needs thus assigned that pupils can then be sent to special schools. Therefore, in England and Wales there is a direct connection between the Code of Practice (ibid), special educational needs and special schools. The overlap with disability is that pupils with a disability could be assigned to a special school but they would be so assigned on the basis not of their disability per se but their special needs as formalised by the Code of Practice (ibid).

2.5   SEN and Special Education

SEN must be distinguished from special education. The latter is a sub-system of the state education system (Tomlinson, 1994). It consists of a web of services intended to benefit 'diagnosed' pupils (Skrtic 1991, Bart 1984). Skrtic (2004) argues that special education is based on a series of grounding assumptions.

These grounding assumptions are:

> *1. Disabilities are pathological conditions that students have.*
> *2. Differential diagnosis is objective and useful.*
> *3. Special education is a rationally conceived and coordinated system that benefits diagnosed students.*
> *4. Progress results from rational technological improvements in diagnostic and instructional practices. (Skrtic 2004 96)*

All of these assumptions, are in fact questionable (Skrtic, 1991). The first assumption was directly questioned by the disabled activists who struggled against segregated special schools. Their very argument (as I have shown) was that they refused to be pathologised and thus to be sent to special schools or other segregated institutions. In the words of Rieser (2000), which require no further elaboration:

> *Other people's (usually non-disabled professionals') assessments of us are used to determine where we go to school; what support we get; what type of education; where we live; whether or not we can work and what type of work we can do; and indeed whether we are even born at all, or are allowed to procreate. (119)*

Later, when dealing with the SEN category EBD (Emotional and Behavioural Difficulties), difficulties with diagnosis will be dealt with in greater detail. Suffice it to state at this stage that diagnosed categories routinely employed in special education in the past such as 'maladjusted' and 'educationally sub-normal' have no agreed criteria for their use (Riddell, 1996) and therefore cannot be regarded as objective or useful. So the idea that special education is a rational system as mentioned in the last two characteristics above, is also questionable.

Special education, as Riddell (1996) has argued, concerns more than those who have SEN. It is about all those who are excluded by mainstream education, whether because of 'race', 'ability', 'disability' or as stated above, being regarded as 'maladjusted'. In this conception special education is therefore about systems and procedures which exclude and discriminate against certain groups of children (Thomas and Loxley 2001).

SEN on the other hand is the term used to describe some of those pupils diagnosed, that is identified, segregated and excluded by the special education system. The Warnock Report (DES, 1978) and the SEN Codes of

Practice (DFE 1994, DfES 2001c) ushered in the term SEN (Riddell and Brown, 1994). Prior to the Warnock Report (DES, 1978) pupils diagnosed by special education were called 'maladjusted', 'handicapped' and 'sub-normal' (DES, 1978). So special education pre-dates SEN. It therefore follows that if SEN as a term were to fall into disuse just as 'maladjusted' did, it does not follow that special education would necessarily disappear. In my view this shows how intractable and formidable a sub-system of the schooling system special education actually is. It also shows that if special education, chameleon-like, can change the categories and types of candidates it admits, whether called 'special' or 'maladjusted', the difficulties of overcoming special education could become considerably greater.

A critical literature about special education and special educational needs developed in direct and indirect response to the Warnock report (DES, 1978). Examples of such literature in the U.K. are Booth et al. (2000), Tomlinson (1982) and Riddell and Brown (1994). Writers from other countries have also made a contribution, including Fulcher (1989) and Slee (1997) from Australia, and Bart (1984), Skrtic (1991), Skrtic (2004) and Heshusius (2004) from the United States. All this literature has called into question apects of special education as an educational sub-system and has implicitly or explicitly cast doubt on the usefulness and the apparently benign intention of the term SEN.

According to the SEN Code of Practice (2001) SEN is defined as follows:

> *Children have special educational needs if they have a **learning difficulty** which calls for special educational provision to be made for them.*

> *Children have a **learning difficulty** if they:*

> a) *have a significantly greater difficulty in learning than the majority of children of the same age; or*

b) *have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority*

c) *are under compulsory school age and fall within the definition of a) or b) above or would so do if special education provision was not made for them. (6)*

Writers (Lunt and Evans 1994; Marsh 2003) have pointed to the fundamental problems with this definition which asks more questions than it answers. How does one measure a 'greater difficulty than the majority'? What is a 'significantly greater difficulty'? Whose judgement can be relied on to make these decisions? Surely the 'educational facilities of a kind generally provided for children of the same age in schools within the area of the Local Education Authority' are bound to change between one Authority and the next. Does this not mean that learning difficulties will be differently identified in different local authorities? As Gallagher (mentioned earlier) has argued, human difference cannot be given a fixed meaning given varying social contexts and given varying points of view of the people trying to make sense of such difference. Thus none of these questions can be answered definitively.

Lunt and Evans (1994) sum up the fundamental problem of the Code's definition of SEN thus:

> *there has always been a lack of clarity and agreement over what (level of need) constitutes 'special educational needs' (34).*

The problems thrown up by these questions are serious because without a uniform understanding of what constitutes special educational needs, the system based on this definition is thrown into turmoil. The relativism of the definition will be especially difficult to deal with when financial resources are allocated on the basis of special

educational needs. What level of need will require additional financial resources? (Marsh 2003)

This definition reveals a good intention to help those pupils who experience 'difficulty'. However, this definition also shows that the focus is on an individual child who is compared with his/her peers and is found wanting. This definition does not make any allowance for learning being a social act significantly influenced by the social situation such as the effect of the teacher, the effect of the curriculum and the contribution of other pupils in the classroom.

That learning is a social act is theorized by Vygotsky (1978), for example. His Zone of Proximal Development (in learning) is all about how a child can overcome her/his difficulties with the skilled and informed help of the teacher. In terms of this view, what the Code of Practice calls a 'learning difficulty' is completely and fundamentally called into question. Rather than a 'learning difficulty' being an unchanging and within-child characteristic, Vygotsky (1978) shows that it can be overcome with the right kind of assistance.

Another way of conceptualizing learning, in my view, is to consider what happens when children learn in small groups. In this situation some children can learn more effectively because if they have a difficulty, one of their peers could perhaps give them an explanation more effectively than could the teacher. Would that child, in terms of the Code of Practice (DFES 2001) quotation above, still 'have a significantly greater difficulty in learning than the majority of children of the same age' (ibid.)?

The Warnock report (DES, 1978), according to Riddell and Brown (1994), was welcomed by some commentators as 'representing a moment of enlightenment in official thinking on special needs' (p93). Indeed the well-

intentioned approach of the Warnock Report is evident in the following words of the report itself:

> *Education as we conceive it is a good … to which all human beings are entitled. (Quoted in Tomlinson 1982, 67)*

2.5.1 The Codes of Practice

Respective governments issued 2 Codes of Practice (DFE 1994, DfES 2001c), the second replacing the first, in the wake of the Warnock Report (DES 1978). The full name of the 1994 Code gives a clear indication of its function: Code of Practice on the Identification and Assessment of Special Educational Needs (DFE, 1994). So the Code was regarded as a type of manual to guide schools and LEAs as to how to identify special educational needs. Although the Code (2001) was not statutory, there was an implication that schools should conform to it – in the words of the Code (ibid):

> *schools, early education settings and those who help them – including health and social services – must have regard to it. They must not ignore it. (DfES 2001 iii)*

Both versions of the Code are therefore key documents for professionals and for the understanding not only of SEN but also of the special education system of which the concept of SEN is part.

The Codes of Practice (DFE 1994, DfES 2001c) were based on the principle of a continuum of need for those pupils 'assessed' by the system (DES, 1978). However, despite this, both Codes introduced defined and demarcated stages of intervention into the system. The focus for all these stages was the individual pupil invariably identified by the teacher.

It must be noted that the use of a continuum of need also has a more sinister and insidious connotation in the history of special education. Tomlinson (2012) observes that:

Cyril Burt, appointed by the London County Council as its first psychologist in 1913, noted what was later described as a continuum of special educational needs, when he wrote of the difficulties of classifying the disabled, the lower attainers and those in need of special attention as 'the defective merge into the dull and the dull into the normal (Burt,1937, pp. 14–15). (4)

So a continuum of need can also be used to separate out the 'normal' from those regarded as not 'normal'. This demonstrates that the conception of SEN and the use of SEN to classify children can have negative consequences far beyond the classroom.

The 1994 Code (DFE, 1994) was based on 5 stages of diagnosis and intervention. Stages 1 to 3 were school-based stages requiring minimal outside intervention apart from seeking advice from non-school based professionals eg education psychologists. Stage 4, also called the Statutory Assessment stage, was when the submission of 'advice' from a raft of professionals including an educational psychologist, medical professionals and Social Services professionals. Advice would also be sought from parents/carers. The final Stage of the Code was when the pupil would be issued with a Statement of Special Educational Needs, a legal document outlining the special educational needs of the pupil and specifying the provision ie the support to be provided for the pupil, including where the pupil would be educated, whether in a specified mainstream or specified special school. While the relative informality of the school-based stages of the Code of Practice (DFE, 1994) make for some elasticity and permeability, the Statement of Special Educational Needs is rigidly defined and demarcated.

The 2001 Code represents a further step removed from a continuum of need. For instead of 5 stages, the 2001 Code (DfES, 2001c) introduced 3 Stages,

thus making for a less smooth progression. The Stages, now given names, are School Action and School Action Plus, both School based, and the Statement of Special Educational Needs which, as in the previous Code, would be the legal document drawn up by the LEA. While the new Code no longer included a specific Assessment stage, the latter did not disappear. It was simply incorporated into the Statementing stage. Thus in the new Code (DfES, 2001c) the involvement of professionals remained as important as in the previous Code (DFE, 1994).

The 2001 Code gives a curious reason for the change from 5 stages to 3 stages. In explaining the stipulation of two school-based stages it states:

> *The Code recommends that, to help match special educational provision to children's needs, schools and LEAs should adopt a graduated approach through School Action and School Action Plus and Early Years Action and Early Years Action Plus in early education settings. (iv)*

I think that in order to have a more graduated approach one requires more stages, not fewer. In order to map progress or a decline in a more gradual way, surely dividing such change into more and smaller steps should be more effective.

It seems that the two Codes of Practice(DFE 1994; DfES 2001), stemming from the Warnock Report (DES 1978), exemplified a change in the landscape of special education and in turn in schooling in England in general. Prior to the Warnock Report (ibid) the distinction was between mainstream education and special education, with special schools being the province of the latter (Riddell and Brown 1994, Lunt and Evans 1994). Subsequent to the Warnock Report (DES 1978), and formalized in the Codes of Practice (DFE 1994, DfES 2001c), special education was in effect introduced into mainstream schools. The Codes of Practice (ibid) were therefore an expression of the systematic mainstreaming of special education. They were therefore instruments of integration.

Whereas before, a child identified with so-called special needs would be sent to a special school, the Codes were in effect a manual for a 'graduated response' up to the Statementing stage, of integrating such children into the mainstream school without having to send the child to a special school. In that sense the Code changed the landscape of special education. This is all about the location of pupils formerly in special schools who can now be accommodated in mainstream schools. As Rieser (2000) says, this is about integration – 'a matter of location' (Rieser 2000 150). Integration can also be seen as regulating 'the flow' of pupils from special schools to mainstream schools (Slee 2011).

However, as Armstrong and Sahoo (2011) show, in the UK the tenacious existence of special schools remains to this day, a phenomenon which in my experience is also evident in Keystone itself.

2.5.2   The Code of Practice and disability

The distinction between the category SEN and disability is clear from official documentation. The code of Practice (DfES 2001), dealing with SEN, gives separate definitions of SEN (as already described elsewhere in this thesis) and disability. It defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on his (the child's) ability to carry out normal day-to-day activities' (Code of Practice, 7). In its definition it does not say that a child with a disability also has SEN. But in its definition of SEN it states that children have a learning difficulty (and therefore SEN) if they:

> *have a disability which prevents or hinders them from making use of*
> *educational facilities of a kind generally provided for children of the*
> *same age in schools within the area of the local education authority. (6)*

So the Code enshrines a complex relationship between SEN and disability. Those with a disability are not defined as having SEN; the definition of those with SEN includes those with a disability if the latter are prevented by their

disability from making use of educational facilities. The distinction between SEN and disability is important because SEN is not only about disability, and disability is not necessarily about SEN. The Social – Medical Models of disability are important for a debate about SEN and Special schooling but have applicability to wider society as well. By contrast special schooling does not concern - and have implications - only for disabled people.

On the other hand the Social – Medical Model critique can be applied to the Code. Its definition of SEN locates the problem explicitly with the child. So the implication is that the child is defective and therefore needs support. It does not say society, in this case, the school, is defective and therefore has to change to accommodate the diversity presented by the child who is different. Whilst retaining this definition, therefore retaining the concern with the child as a problem, the Code also states that Schools must also conform to the SENDA 2001 and therefore schools must not discriminate 'against disabled children in their admissions arrangements, in the education and associated services provided by the school for its pupils or in relation to exclusions from the school' (v). So the Code is ambivalent – while embodying a medical model definition of SEN, it also makes a concession to the Social Model by stating that mainstream schools must change to accommodate disabled pupils. They must accomplish such accommodation by making 'reasonable adjustments', the implication being that if they cannot make such 'reasonable adjustments' they need not admit the child.

The Code of Practice explicitly applies only to schools and those under school going age, so that SEN is only a schools-based and pre- schools-based category. It disappears (almost magically) when a child leaves school. Thus the Code of Practice does not apply to colleges or universities. However, in the definition of disability given in the Code, disability is acknowledged as having long-term effects beyond the experience in school.

2.6 Rights and Needs

The assertion of rights must be distinguished from the emphasis on children's needs (Roaf and Bines 1989). (It is worth noting that the Code of Practice is mainly about children's special educational *needs*, not their *rights*.) Rights arguably confer more entitlement (ibid). If a child has rights these rights can be unequivocally asserted and the implication is that they must be addressed. However, if a child is characterized as having needs there can be extensive debate about how and the extent to which those needs should be met (ibid). There are also implications for funding. How extensive is the need? What quantity of funding will be required to meet the need? On the other hand, funding becomes less dominant and less debatable in a context of rights. If someone has rights it implies that funding and other resources must then be allocated to realise that entitlement.

If pupils are given rights they are also accorded respect and dignity. This becomes more clear in the context of demands for funding. With rights, the allocation of funding is about pupils getting their due, with needs the allocation of funding is akin to pleading for a handout (ibid).

The emphasis on rights as opposed to needs has the added advantage of moving the debate outside of education to encompass other groups who are also subject to discrimination. Roaf and Bines (1989) assert:

The developments in relation to special education could do much to move provision and curriculum from traditional deficit-based and paternalistic approaches towards approaches which would embrace and protect the interests of all minority groups. (quoted on p23 of Thomas and Vaughan, 2004)

The interesting aspect of this quotation is that it also highlights the way that needs implies a deficit-based approach towards the individual whereas the term rights is bold and does not imply that the person is defective (which is

what the deficit approach is about), rather it implies that the person is and should be empowered.

But even rights are not automatically guaranteed. As will be explained later, the case of the four families who went all the way to the European courts to assert their children's human rights to be taught in their local mainstream school and had their case rejected, proves this.

Theoreticians such as (Mason, 1992) and others from the CSIE (Centre for Studies on Inclusive Education, 1997), as discussed earlier, take the view that pupils with SEN, pathologized and medicalized by so-called experts, are referred by these experts into segregated provision. In this way their 'special needs' are used to deny them their human rights. In terms of this view the separation of pupils with SEN into special schools is therefore viewed as against those pupils' human rights.

Thus, according to this view, the problem with segregation is that pupils are diagnosed, then separated out, and then offered a curriculum designed to 'normalise' them (Mason, 1992), without the recognition that their removal from their peers is what created the need for them to be 'normalised' in the first place (Centre for Studies on Inclusive Education, 1997).

This is a powerful argument against segregated schooling. It draws parallels with arguments against other forms of compulsory segregation, for example that based on 'race' (as in apartheid), to show that all pupils disabled and non-disabled should be taught together just as all people whether 'black ' or 'white' should live together (Centre for Studies on Inclusive Education, 1997).

2.6.1   Not all 'special needs' are the same: the case of EBD

In a similar way to what happened prior to the Warnock Report (DES 1978), when the categories 'educationally sub-normal' and 'maladjusted' were in regular use, the Code of Practice introduced different categories such as

'emotional and behavioural difficulties', 'profound learning difficulties' and 'specific learning difficulties' (DfES, 2001c).

According to Ofsted and the Audit Commission the kind of special need which was most problematic for both LEAs and schools was emotional and behavioural difficulties (OFSTED and Audit Commission 2002, Audit Commission 2002). This suggests that schools and LEAs placed different kinds of special educational needs into an hierarchy.

To illustrate the point, the category physical difficulties and in particular the issue of (physical) access can be used as a basis for comparison. In 2001 in England just 23% of primary schools and 10% of secondary schools were deemed fully accessible (Audit Commission, 2002). This is the same year that the SEN and Disability Act 2001 amended the Disability Discrimination Act 1995, placing a duty on schools not to treat pupils with disabilities 'less favourably' than their peers (Audit Commission, 2002). Yet, as the reports cited above illustrates, this did not, in the words of Ofsted, 'exercise' LEAs (OFSTED and Audit Commission, 2002) in the same way as the issue of emotional and behavioural difficulties.

Despite the fact that schools could not fulfil the requirements of the new legislation and that therefore parents of pupils with physical difficulties and headteachers agreed that these pupils experienced difficulties with being admitted to the schools of their choice (Audit Commission, 2002), Ofsted reported that this was still not a significant concern for headteachers (OFSTED and Audit Commission, 2002). What was most problematic about inclusion – indeed integration - was those pupils with 'behavioural difficulties' (OFSTED and Audit Commission, 2002).

It is also important to note that when Ofsted referred to pupils with 'behavioural difficulties' (OFSTED and Audit Commission, 2002), it was not referring to the whole category which covers both those who display challenging behaviour and those who could be withdrawn or isolated (DfES 2001c). It was concerned only with those whose behaviour challenged the

order in the classroom (OFSTED and Audit Commission, 2002). This is a reductionist and essentializing argument (See Slee, 1997). The main problem for integration has been reduced to the category EBD and the category EBD has been reduced to those with challenging behaviour.

This trend is in line with the argument that the role of professionals working in 'special education' is to control 'troublesome' social groups (Tomlinson, 1996). There is no doubt that those pupils who display challenging behaviour are by definition very 'troublesome'. So whilst those who are 'troublesome' are given significant attention, those who are troubled go relatively unnoticed.

An extremely damning critique of the category EBD has been advanced by Thomas and Loxley (2001). It is worth citing their exact words:

'A search through the last ten years' issues of five leading national and international journals finds not a single paper which discusses in any detail the provenance, status, robustness, legitimacy or meaning of the term 'emotional and behavioural difficulties' (EBD). This surely is cause for concern' (47)

This is not just a cause for concern. It suggests that the category EBD – and by implication SEN itself – really constitutes a theoretical and conceptual fiction. But the role it plays in a school is surely cause for concern. It shifts the focus away from the school's inability to control the child and onto the child's supposed inability to exercise control and conformity.

2.6.2   Social Construction and Deficit Theory

The fact that special education has employed categories such a 'emotional and behavioural difficulties' and 'maladjusted' has led to the view that these categories are really social constructs used to label such pupils as being negatively different from their peers (Riddell, 1996). The process of labelling is what Skrtic calls 'pigeonholing':

As we know, from the structural frame of reference, all
professionals, including teachers, apply their standard programs
by pigeonholing a predetermined contingency, or perceived
client need, to an existing standard program.
(Skrtic, 1991, 177)

The danger here is that instead of the pupil being treated as an individual, the
pupil becomes reduced to a label. In other words the professional acts on the
assigned characteristics of the pupil rather than the pupil himself or herself.
Thus Daniels (2006) presents evidence of pupils who have complex
difficulties being assigned to the category ADHD (Attention Deficit
Hyperactivity Disorder) to justify the highly questionable use of medication to
control their perceived problems.

In contrast to the social construction theory, 'deficit' theory holds that
difficulties pupils experience in the classroom can be ascribed to deficits they
themselves are subject to (Riddell and Brown, 1994). In other words, when
pupils have difficulties one should not ascribe these difficulties to any aspect
of the surrounding physical or social environment, including the curriculum.
Instead one should view these difficulties as stemming from within the child
(Booth et al, 2000).

Consequently the epithet SEN has been used to describe a pupil as having a
'deficit' (Booth et al, 2000) and therefore as not being 'normal' (Barton 2003,
Coard 1971). Such an analysis which narrowly focuses on the individual child
has been termed a 'within-child' (Troyna and Vincent, 1995) and
'pathological' analysis (Slee 1997, Troyna and Vincent 1996).

The very term pathological, because of its medical connotations, suggests
that the child needs 'treatment' from 'experts' who know and understand the
'problem'. This kind of treatment as applied to disabled people has been
referred to as a type of oppression (Abberley, 1987).

This kind of reasoning has led the influential document, the Index for Inclusion (also mentioned earlier), to reject the term special educational needs and instead to refer to 'barriers to learning and participation' (Booth et al, 2000). In so doing it is not replacing one term with another. It is calling for a fundamentally different approach which gives full recognition to the following:

> *When educational difficulties are attributed to student deficits*
> *this may obscure barriers to learning and participation that*
> *occur at all levels of the system and those developments in*
> *school cultures, policies, and practices that will minimise*
> *educational difficulties for all students.*
> *(Booth et al, 2000, 13).*

So focusing on the pupils with special educational needs could divert attention and thus make it more difficult to focus on other pupils and even other practices. It is ironic that this very document, the Index for Inclusion (Booth et al, 2000) which rejects official terminology as being problematic was sponsored by the DfES, distributed to every school (Barton, 2003) and even cited favourably in official literature (DfES, 2001b).

2.7   Special Schools

Although the Codes of Practice served the purpose of giving mainstream schools a way of systematically managing special education within their confines (as has already been argued), they did not dispense with the use of special schools. Thus the 2001 Code states:

> *Where an LEA proposes to issue a Statement or amend Part 4*
> *of an existing Statement they must name the maintained school*
> *– mainstream or special – that is preferred by the parents.*
> *(DfES 2001c para 8.62, 108)*

This is in line with the Warnock Report which claimed that the Special schools represent a 'highly developed technique of positive discrimination' (quoted in

Riddell and Brown 1994, 93). In terms of the discussion about the continuum of special education provision, the continued resort to (separate) special schools certainly expresses a clear organizational discontinuity within what was intended to be a continuum.

The use of special schools in the past was controversial. They attracted criticism because they became repositories for pupils who, in terms of a white middle class viewpoint, did not 'fit in'. Thus the critics of such schools pointed to the disproportional over-representation of black pupils and working-class pupils in such schools (Coard 1971, Tomlinson 1982). The trend continues to this day, although not in the same form. Tomlinson (2012) notes that the last paper on SEN written for the Labour government in 2010 pointed to the strong correlation between having SEN and being from a low income family, and as far as black pupils were concerned, they are still over-represented in classes which are not part of the mainstream.

The fact that special schools in the wake of the Warnock Report (DES 1978) and subsequent Codes of Practice (DFE 1994; DfES 2001) are no longer for pupils classed as 'sub-normal' does not mean that these schools have stopped attracting criticism about their discriminatory role.

One contradiction of segregation concerns the fact that special schools by their very nature of serving a needs-based client group cannot serve all pupils from a particular geographical locality. To counter the effect of this kind of segregation the Salamanca Framework (UNESCO 1994) states that disabled children should attend the same neighborhood school that they would attend were they not to have a disability (Centre for Studies on Inclusive Education, 2003). The Labour government policy commitment to special schools, insofar as it does not contain this proviso, contradicted this Framework.

The Labour government in fact went further. Despite its emphasis on mainstream schools, it gave its most unequivocal commitment to special schools (DfES, 2003b). In the Foreword to a report on Special Schools, Baroness Ashton (the Minister) stated:

> *The Government is strongly committed to the sector and*
> *wants to work in partnership with them to ensure they have a*
> *long-term future. (1)*

In fact the Labour government went so far as to say that special schools will have to help mainstream schools to develop 'more inclusive learning environments' (DfES, 2003b, 8). This is a contradiction in terms. Special schools by their very nature are exclusive, not inclusive.

2.7.1 Relationship between special schools and mainstream schools

An explanation for the Labour government's clear, strong commitment to special schools is that the latter have powerful vested interests to which the government has deferred (Barton, 2003). Another explanation is that in the previous decade, when the government called for greater inclusion into mainstream schools the effect was minimal. In this period the addition of pupils with 'high levels of need' into mainstream schools had progressed 'very slowly' and the reduction in the special school population had been 'gradual' (Audit Commission, 2002). It should therefore come as no surprise that the government concluded:

> *Moreover, given the historically slow pace towards inclusion,*
> *it seems likely that in most areas, special schools will*
> *continue to play a significant role in the spectrum of SEN*
> *provision, for the foreseeable future. (21)*

This means that the government was simply bowing to existing reality. Nevertheless this does beg the question, what could the special school sector provide which the mainstream sector could not? One answer to this question is that special schools have access to certain services which mainstream schools have had difficulty providing. This is the case with both Health and Social Services support (Audit Commission, 2002). In the same report parents of pupils in mainstream schools recalled how difficult it was for their

children to be provided with Speech and Language Therapy, prompting them to opt for special schools instead. The report offers no reason why Health and Social Services support cannot be provided in mainstream schools other than to acknowledge that there was a national shortage of such services available to schools.

On the other hand, as stated earlier, the government envisaged an enhanced role for Special Schools to help mainstream schools develop 'inclusive learning environments' (DfES, 2003b). This was to be achieved by special schools sharing their 'expertise' with mainstream schools (DfES, 2003b). Yet in another report it was acknowledged that many staff in special schools lack adequate training (Audit Commission, 2002). It is hard to envisage how schools which lack training themselves are to share this with others.

It is ironic that despite this, some parents of pupils with SEN seemed to be defenders of special schools (Peacey et al, 2002). Asked whether LEAs should provide more funds to (mainstream) schools for children with 'very high support needs', some parents claimed that it might be more 'appropriate' for these children to be placed in special schools (Peacey et al, 2002).

On the other hand parents and young people consulted on the government's Special Schools Working Group Report were more equivocal:

> *They stressed the importance of redefining the role of special*
> *schools and specialist services in supporting the mainstream*
> *sector and in encouraging greater inclusion within the*
> *education system. Parents and young people were*
> *concerned that inclusion was properly supported and that*
> *specialist provision should be available as required.*
> *(DfES, 2003b, 117)*

This is not a whole-hearted endorsement of special schools. The latter are seen as subordinate to mainstream schools. The comments of the parents and young people, especially in the latter sentence, imply that they were not

arguing for separate schooling *per se*; their concern about inclusion was that the specialist help, if required by the pupils, should be available regardless of the setting.

2.8 International and other developments

2.8.1 The major national and international legislative developments

The UN Salamanca Statement was issued in1994 as discussed above. This was followed some years later by the UN Convention on the Rights of People with Disabilities. It was widely adopted internationally:

> *In 2006 the UN Convention on the Rights of People with Disabilities promoted the right of 'persons with disabilities' to inclusive education through Article 24 which was adopted by 117 countries, including the UK and India. However, while India ratified Article 24, the UK chose to add what was called an 'interpretative declaration' to Article 24, which allowed for the continued use of special schools. (Armstrong and Sahoo 2011 109).*

The fact that the UK made an exception for its special schools is very significant. It means that the UK wanted to retain arguably the most visible and potent symbol of special education, the segregated special school. It also means that in the historical arc from Salamanca to Article 24 of the 2006 Convention, the segregated special school, the demise of which seemed to be signalled by Salamanca so long ago, is still a dominant feature of special education in the UK. Thus the social model (Rieser 2000; Brindle 2012) developed by disabled activists and aimed against segregated education, was still not being applied in the way it was intended.

The Salamanca Statement (UNESCO 1994) became popular in the UK because its message was easy to understand (Thomas and Vaughan 2004) . No doubt this occurred because it embodied a human rights perspective (ibid)

– it was arguing (in the way I have discussed earlier) that children belonged in local schools because it was their human right to be so served.

The Salamanca Statement (UNESCO 1994) was an expression of a worldwide clamour for all children, including disabled children, to be accorded their full human rights. It was part and parcel of a wider battery of international children's human rights statements which included

> (t)he United Nations Convention on the Rights of the Child (1989), the UN Standard Rules on Equalisation of Opportunities for Persons with Disabilities (1993) and UNESCO's Salamanca Statement and Framework for Action … (Wertheimer, quoted in Vaughan and Thomas 1994 142)

The UK formally supported all these documents (Thomas and Vaughan 2004). Despite this, families who wanted their disabled children included in mainstream schools – explicitly against the wishes of their English LEAs and the then Department for Education and Science – were thwarted by the European Commission on Human Rights which in 1989, the same year that the UN Convention was published, rejected the families' case. The commission argued on the basis of a medical rather than social model of disability and surprisingly 'none of the 13 members of the Commission had any real knowledge or understanding of the arguments in favour of including disabled children in ordinary schools (Thomas and Vaughan 127).

This case illustrates an important point. Despite the international legislative context which favoured the education of disabled children in mainstream schools and in the face of clear family appeals, the letter and spirit of international human rights legislation was thwarted on the local, national and European-wide levels. The importance of this development pertains not only to how it affected the families concerned as they challenged local, national and the European government. The precedent which was set would also have been an immense blow to any other parents who wanted the same for their disabled children.

2.8.2 The call for 'irregular' schools

Slee's argument (2011) that both special and regular (ie mainstream) schools
are the problem is captured in his notion of the irregular school. While the
term irregular school is used tongue in cheek, the argument is a serious one,
namely that it is wrong to think that regular schools are problem-free and that
special schools are the problem to the extent that (only) special schools
embody the segregation and the separation for all who are taught within
them. While the latter is true because special schools are separate from
regular or mainstream schools, the important point is that mainstream schools
are implicated in the act of segregating students in that these students are
placed in special schools precisely because they have been excluded from -
or have not been deemed eligible for - mainstream schools. So mainstream
schools and special schools are in a symbiotic relationship fostering
exclusion. Hence the need to change the whole system. Hence the need for
what has been coined the irregular school (Slee 2011).

The problem with special education was spelt out by Tom Skrtic who argued
that there were two major threats to democracy: special education and
educational administration.

> *Special education compromised democracy by excluding students from*
> *the right to be enrolled in their neighbourhood school, and educational*
> *administration provided the organizational rationale and infrastructure to*
> *do so. (Slee 2011 75).*

This is an interesting distinction between special education and educational
administration. It puts a separate spotlight on educational administration,
emphasising that it is not neutral, it can play a pernicious role in exclusion.
And it raises an interesting aspect of democracy – that democracy and
human rights go hand in hand. Pupils are denied their democratic rights if

they are denied the opportunity to go to their local school because they have to attend a segregated special school.

It is useful to place a specific focus on educational administration, thus emphasising that the role of staff in local authorities can be dangerous (important for me because my research deals with staff in local authorities). But it also shows the symbiotic relationship between special education and educational administration more generally, thereby cementing the idea that special education should not be conceived of as distinct from general education, it is part and parcel of it. Of course this is the argument Slee (2011) is making in his call for the irregular school.

2.8.3 The role of professionals/educational administration

One criticism of the Warnock Report (DES, 1978) is that it altered the balance of power within special education to favour professionals (including educational administration, as mentioned above) rather than parents (Riddell and Brown 1994) and of course children. According to this argument, and contrary to the professed intentions of the Code of Practice (DFE, 1994), special education in the wake of the Warnock report (DES 1978) did not sufficiently strengthen the rights of parents to challenge professional discretion (Riddell and Brown, 1994). This argument is reinforced by a view of professionals that they arm themselves with 'esoteric knowledge', expecting that their clients should not question their judgements (Tomlinson, 1982). Also, the Department of Education and Science bolstered the hand of professionals by stipulating in 1980 that professional reports on pupils (with 'SEN) should remain confidential and therefore should not be revealed to parents in full (ibid).

To treat reports on pupils as confidential is to imply that they are like patients whose medical records should be treated as confidential. This gives the impression that pupils in special education are 'sick' and are therefore in need of 'treatment' (ibid).

So one consequence of the Warnock Report (DES 1978) is that it has exacerbated potential inequality of power between professionals and parents. In this sense the Warnock Report (ibid) and associated legislation has ushered in a version of special education which can be like a battlefield between contending forces, namely parents and professionals.

In this struggle the interests of the child, at the centre of this battle, could be completely overlooked. The views and interests of the child are not necessarily those of either the parents or the professionals, notwithstanding the fact that both parties could claim to be speaking on behalf of the pupil (Centre for Studies on Inclusive Education, 1997).

The idea that professionals preside over the 'problems' of those with SEN and act as seemingly neutral arbiters who dispense scarce resources to those who 'cannot fight for themselves' has given rise to the view that professionals practise ''benevolent humanitarianism'' (Troyna and Vincent, 1996, p136). In other words this view holds that professionals act in a well-intentioned but perhaps paternalistic manner towards their clients. However, this still gives the impression that professionals act on the system rather than being integrally bound up within the system. It ascribes too much agency to professionals without acknowledging that professionals themselves are highly dependent on the system.

As Oliver (1990) argues in relation to professionals working in the field of disability, the professionals are as dependent on their 'clients' as their clients are seemingly dependent on them. Put in very blunt terms, professionals are dependent on their 'clients' for their jobs and their livelihood (Oliver, 1990). This makes them significant stakeholders, that is those who have a real stake in the perpetuation of the system.

The above is not to suggest that 'special education' professionals can exercise no choice in their day to day work or that they necessarily foster a relationship of dependence over those they serve. They do have a choice (Fulcher, 1989). When professionals use technical language to confirm that

they are the experts and therefore have the means to control their 'clients', they are asserting their 'professionalism', that is exercising their power over their 'clients'. However, professionals can also adopt what Fulcher (1989) calls 'democratism' whereby they act to facilitate the ability of their 'clients' to exercise the power and control over their (ie the clients') own lives (Fulcher, 1989).

2.8.4 The expansion of special education and the special education 'industry'

Mike Oliver (Oliver 2000), a prominent proponent of inclusion, has argued that special education far from getting stronger, is actually on the wane. Some have even gone so far as to say that special education is on the wane and the time has come to dance on the grave of special education (Slee 1998). But a sobering rejoinder to this argument is that special education is as strong as ever, even growing. (See Slee 2011 , Tomlinson 2012, and Armstrong and Sahoo 2011).

Whilst Oliver's conclusion that special education could be on the wane is open to question, an interesting question which he addresses is what purpose does special education serve (in wider society) which accounts for its persistence? Oliver (2000) argues that special education has historically served to bolster capitalism. However, in its present stage, capitalism no longer needs special education. The argument here is that the purpose special education served in the previous stage of capitalism was as a way of excluding, rooting out those people who are not useful to capitalism, namely those who cannot be part of the labour force. Such people were shifted to the margins and into special education. At the present stage of its development, Oliver continues, capitalism has become more vicious. It still forces those who are surplus to its requirements to the margins but in a more draconian way. The safety net of special education is being removed and those who were previously within its ambit will be cast adrift to fend on their own (Oliver 2000).

While special education has not come to pass in the way Oliver (2000) predicted, special education is nevertheless operating in a capitalist society which according to Giroux (quoted in Nambissan and Lall, 2011) has the kind of characteristics which accord with those Oliver (2000) noted.

> *The incessant calls for self-reliance that now dominate public discourse betray a weakened state that neither provides adequate economic and social safety nets for its populace, especially those who are young, poor, or marginalized, nor gives any indication that it either needs or is willing to care for its citizens. In this scenario private interests trump social needs and profit becomes more important than social justice (Giroux 2003:180). (Nambissan and Lall 2011 7)*

If one conceives of special education (notwithstanding its faults) as a social safety net for the marginalized, Giroux's analysis meshes well with Oliver's (2000).

But special education also operates in a form of capitalism which has changed education more generally. Education now operates under neo-liberal market principles 'such as competition, deregulation and stratification' (Nambissan and Lall 2011 6) and, of course, as has already been argued, also in a way which transforms schools into small businesses.

Given these neo-liberal market conditions, Felicity Armstrong and Pratyasha Sahoo (2011), in their comparative analysis of the UK and India, observe two contradictory tendencies in the schooling of disabled children. As they point out, on one hand international policy statements have called for the inclusion of disabled children into ordinary schools, yet when these children are placed in ordinary schools, they are increasingly marginalised by selection, that is on the grounds of 'ability'. On the other hand, while the implication of such policy statements is that special education should be shrinking, the opposite has happened – the special education industry is growing.

Tomlinson (2012) agrees with Armstrong and Sahoo (2011), explaining that the definitions of children who are being incorporated into special education are expanding. The reasons for such expansion are outlined as follows:

'These include national and international government beliefs that higher levels of education and skill training for all young people, including those with learning difficulties and disabilities, are needed for successful competition in a global economy; an expansion of middle-class and aspirant parental demand for resources for their children who have difficulty in learning in competitive educational environments; the continued needs of teachers who are required to mark students to higher levels and have the slower learners, the disengaged and the troublesome removed from their classes; and the expansion of professional and often profitable vested interests, including the neuro-scientific professions and pharmaceutical businesses, in dealing with young people. (Tomlinson 2012 3)

More pupils, defined in more ways, are supported by a veritable army of adults comprising:

'learning support assistants, inclusion education specialists, resource centre staff, autism and dyslexia specialists, language and communication specialists, behaviour and emotional support teams, educational psychologists, medical and therapeutic staff, counsellors, mentors, transition staff, and careers guidance and others, ….'
(Tomlinson 2012 13)

It does not take a great leap of the imagination to infer that such an army of adults must be paid, and will require and deploy a host of resources such as diagnostic regimes, equipment, facilities, dedicated programmes of various kinds, and even medication. The expanded special education industry therefore comprises expanding layers of adults using an expanding array of programmes, equipment and aids.

Thus the paradox pointed out by Armstrong and Sahoo (2011) has been explained. The adoption of seemingly progressive legislation granting young people formerly not eligible for mainstream schools the opportunity to attend such schools has spawned a veritable industry to identify, diagnose, advise, medicate and even legally advocate for these young people.

Furthermore, the paradox is deepened when the contribution of social class is considered. Not all parents have the means to afford and to demand the intervention of the myriad professionals and actors who form part of the industry. Those parents who are able and can afford it can therefore command greater use of and access to the special education industry.

However, Tomlinson (2012) points out that special education has served a further class-based function – it has incorporated significant numbers of poor pupils into its system. Tomlinson (2012) explains it thus:

> *A constant theme repeated in historical and current research, policy documents and public belief is that a majority of those troublesome in learning and behavioural terms are from disadvantaged social and economic backgrounds, with fears of family disorganisation, crime and likely unemployment looming large (Ofsted, 2010, p.5). Links between high levels of deprivation, low attainment and 'having SEN' were a particular concern for the New Labour government in Britain (1997–2010) which was eager to demonstrate policies which had raised levels of achievement for all in deprived areas, predominantly inner city areas with large minority populations and outer city 'white' council estates. (Tomlinson 2012 7)*

This suggests that the role played by special education in relation to young people from disadvantaged backgrounds is an insidious one. It serves to link special education to social disadvantage, a point also highlighted by the research of Gillborn and Youdell (2000). Moreover, by linking special education to troublesome behaviour of those who are socially disadvantaged, special education can be associated with a form of social regulation and

social control. Special education therefore has different tendencies for the poor compared to the rich. For the poor special education can serve to regulate their perceived behaviour difficulties, for the rich special education can serve as a justification and as a means of extra support for their inadequacies in the classroom.

If the industry is expanding, according to both Tomlinson (2012) and Armstrong and Sahoo (2011), what about the actual numbers in special education? Is the number of pupils in special education increasing?

> *There is evidence to support the view that the number of young people designated as having special educational needs/disabilities in England has increased over the last 10 years. (Hallett and Hallett 2012 2).*

2.9   Funding and SEN

In the period between the publication of the Warnock Report (DES 1978) and the 1988 Education Reform Act, funding responsibility and indeed the responsibility for providing additional teaching support for pupils deemed to have special educational needs within mainstream schools, fell to LEAs (Lee, 1992). However, funding for pupils with SEN was changed significantly by the introduction of the 1988 Education Reform Act which ushered in Local Management of Schools (LMS) (Lunt and Evans, 1994).

> *The overriding aim of LMS is the delegation of powers and resources from LEAs to schools to 'secure the maximum delegation of financial and management responsibilities to governing bodies' (DES 1988: para.10). Schools receive a 'delegated' budget, calculated primarily according to the numbers of pupils on roll for the head and governors to manage. The distinctive feature is the degree of control schools hold over how their budget is spent.*
> *(Lee, 1992, 282)*

More importantly in terms of funding, LMS exacerbated the problems of funding special education within mainstream schools. For LMS highlighted a disparity between Statemented and non-Statemented pupils with special educational needs. This is clear from the following:

> *Our research and that of others suggests that the pressures for statements are having the effect of reinforcing a discontinuity between statemented and non-statemented pupils with special educational needs. On the one hand, a small number of pupils with statements is guaranteed extra resources while, on the other hand, schools see or fear that LEA resources which previously supported non-statemented pupils with SEN in mainstream are being cut as the LEA meets the requirement to delegate at least 85 percent of the Potential Schools Budget. (Lunt and Evans, 1994, 40)*

The reason Statemented pupils were guaranteed funding was that in terms of the Codes of Practice (DFE 1994, DfES 2001c) the support pupils were to receive and by implication the funding for this support was written into the Statement. It is also noteworthy, and important for the school, that the funding for any Statement was not the school's responsibility but that of the LEA. In other words, as opposed to the funding granted to the school via LMS, the funding for Statements was centrally arranged by the LEA (Lunt and Evans 1994).

The other interesting information in the quotation is that LEAs were under significant pressure to delegate a specified percentage of their budgets to schools. This kind of pressure made it difficult for LEAs to exercise flexibility in terms of the proportion of their budgets they could retain for Statemented pupils or other centrally deployed support, including administration and assessment, for pupils identified with special educational needs (Lunt and Evans, 1994).

Needless to say, findings from national surveys showed wide disparities between LEAs in the numbers of pupils identified with Statements and those identified with SEN but without Statements (ibid, Marsh 2002). But there is surely another reason for this disparity – the lack of a common agreement about what SEN actually means in practice (ibid), as explained earlier. For if there is no common agreement, there is bound to be disparity between LEAs in their rates of identification of SEN. Moreover, the national surveys also found, given the variation in the identification of SEN, that there was wide variation in the percentage of resources LEAs allocated through their LMS formula specifically for SEN (ibid, Marsh, 2002).

2.9.1   Funding Disparities between LEAs

If the greater the number of pupils identified with SEN, the more funding a school is allocated, the question arises as to whether identification of SEN becomes a means to access greater funding. The tendency for schools to identify more pupils with SEN so as to get more funding has been called the 'perverse incentive' associated with the 'over-identification of needs' (Beek, 2002,11). How schools try to increase their funding by the supposedly illegitimate means of identifying more SEN than they should, will be discussed next. However, it is necessary to pause to examine more carefully the idea of the 'perverse incentive' to 'over-identify' SEN.

The notion that SEN can be over-identified is questionable given the well-rehearsed argument, discussed so far, that there is no common agreement about what SEN is. For if there is no agreement about what SEN is, surely there can be no common agreement as to how or when SEN is over-identified. And if some schools are identifying more SEN than another, on what grounds can it be held that one school is over-identifying compared to another?

The argument can be taken to the opposite extreme. Is it not possible to argue that if one school is identifying more than another, then the problem is under-identifying rather than over-identifying? The argument is reduced to the

absurd because there is no common agreement about what SEN is in the first place. And a problem of funding then becomes a problem of the lack of an agreed definition of what is being funded, namely SEN.

However, there are arguments about how schools or LEAs do try to increase their funding by employing questionable means to identify SEN. Indeed Daniels asserts, drawing on the work of other writers, that a deficit approach (used by a school or LEA) can lend itself to obtaining more finances.

> *As Corbett and Norwich (1997) remind us, the re-emergence of medical labelling in order to obtain scarce resources marks a point at which the notions of individual deficit becomes a political rather than psychological concept.*
> *(Daniels, 2006, 4)*

It is obvious from this quote - but surprisingly not mentioned - that under these circumstances medical labelling also becomes a decidedly economic concept. Difficulties a pupil could be experiencing are identified with the pupil's own problem or deficit, which in turn is used politically to secure more funding. In this scenario pupils identified with SEN can become embroiled in – or even the centre of - funding battles.

Variation in the way individual LEAs allocated funding to schools for SEN in terms of LMS can also be explained by the fact that each LEA had to set its own SEN funding formula (Marsh, 2002). However, the Labour government made suggestions about how to design such funding mechanisms. In line with its exhortation to pay attention to those pupils who had been identified with special educational needs but who did not have statements it suggested that such pupils should be funded on the basis of what it called 'proxy indicators' such as the incidence of the eligibility of Free School Meals in a school or Key Stage test scores for the school (DfES 2001a; OFSTED and Audit Commission 2002). These more 'objective' measures were suggested because the government recognized that schools differed widely in the number pupils identified as having special educational needs (OFSTED and

Audit Commission, 2002). (Of course the government did not admit that this could be due to the fundamental problems of the definition of SEN, as I have already argued.)

It is clear from the discussion so far that SEN, as administered by LEAs and schools within the special education system, had many complications. SEN was described as an elastic or permeable category (DES, 1978). However, funding SEN was not similarly elastic or permeable. Indeed, as Tomlinson (1994) suggested, schools and LEAs were affected by a general shortage of funding and this shaped the way they took decisions about SEN.

2.9.2 Funding and conflation between SEN and Inclusion

The DfES offered LEAs and schools advice on how to put in place funding procedures to underpin inclusion (DfES, 2001a). Nevertheless, in response to schools expressing concerns about funding, the Audit Commission stated:

> *Inclusion is not – as some have suggested – 'SEN on the cheap'.*
> *(Audit Commission, 2002, 34)*

This statement was made in the context of a discussion about the widespread difference in perception between schools and LEAs about what constituted a school's SEN budget. Whereas headteachers routinely viewed the SEN budget as the funding they received above their base budget, LEAs saw schools' SEN budgets comprising a proportion of the base budget in addition to some monies identified separately, eg money set aside specifically to fund pupils issued with Statements (Audit Commission, 2002). This resulted in schools viewing LEAs with some suspicion (Audit Commission, 2002).

What is also remarkable about the Audit Commission quotation is the way that in the context of funding the terms SEN and inclusion have become conflated. This means that in funding disagreements between schools and

LEAs, inclusion was not only associated with SEN but was viewed as a way of LEAs spending less on SEN.

These disagreements about funding also have an implication for the way that pupils identified with SEN are viewed in relation to their peers. To treat the funding of pupils with special educational needs as wholly separate from the funding for their peers in a mainstream school implies that whilst all the pupils are taught under one roof, pupils identified with SEN are not only being viewed as different from but also separate from their peers. So the reality of physical integration is not necessarily conducive to a shift in attitudes to pupils identified with SEN as Slee (1997) has argued. Moreover, if the funding of SEN has the potential to cause conflict, the pupils placed in this category will inevitably be caught up in this conflict.

2.9.3 Additional Educational Needs

The government documentation on funding inclusion also suggested the use of the broader category of Additional Educational Needs (AEN) instead of SEN. The motivation was as follows:

> *The concept of distributing resources for Additional*
> *Educational Needs is based upon the fundamental principle*
> *that those with the greatest need will require additional*
> *resources to support their learning. Such children will include*
> *those who experience social deprivation, special educational*
> *needs, or who may be drawn from other vulnerable groups*
> *including Travellers, children from minority ethnic*
> *backgrounds and those who are in public care*. *Although*
> *pupils with special educational needs are required to be*
> *identified and assessed individually, in most circumstances it*
> *is not appropriate to identify children and young people in this*
> *way for resource purposes. (DfES, 2001a, 4)*

The quote above draws a distinction between the way that pupils with special educational needs are identified and the way they are funded. In the case of the former this must be done on an individual basis but this does not apply to

the latter. This could lead to a situation in which the pupils with special educational needs are discretely identified but it is not as clear where the funding for the identified individuals will be found.

It is also worth noting that the government guidance specifically dealing with funding inclusion (DfES, 2001a) used the term AEN but this term was not used in other government documents dealing with SEN (eg DfES, 2001c) or inclusion (eg DfEE, 1999). The fact that this document (DfES, 2001a) recommended a funding regime which was not specifically earmarked for all the pupils with SEN was also likely to add to the confusion amongst schools and add to the conflict between schools and LEAs (discussed earlier) as to what constituted the school's budget for SEN.

2.9.4   Funding and Corruption

Just like Daniels (2006) who was referred to earlier, Slee (2011) reports a disturbing trend amongst schools to diagnose disabled students as a way of getting more funding. In his words,

> *The bureaucratic discourse that focuses on the diagnosis of disability as a lever for delivering resources to individual students conceals reductive thinking on a number of fronts. (Slee 2011 123)*

Certainly the obvious way in which this reductive thinking will operate is to regard the disabled pupil simply as a source of funding and therefore to deny the pupil's humanity and the very real difficulties the pupil could be experiencing in the classroom. Another interesting issue raised by this quotation is the reason why schools would operate in this way. It seems inadequate and somewhat implausible to think that schools would stoop to this level in their treatment of disabled students simply because they are being callous.

I think that a more convincing explanation for schools to behave in this way in relation to disabled students is contained in the discussion earlier. If schools

are seen as small businesses, they will want to admit disabled students only if they have the necessary funding associated with those students. I have pointed this out by citing Daniel (2006), and so has Slee (ibid). However, the point Daniels (2006) makes is not about reductive thinking. He is more blunt, calling the practice 'corrruption':

The dangers of corruption are all too present in parts of an educational system that too often seems content to categorise and then stop learning from the experience of teaching the hard to teach. (Daniels 2006 8)

I have already stated that this could stem from schools being forced to operate as small businesses. Daniels (2006), though, is making a further interesting point. Corruption can also come about to the extent that schools short-change themselves by not learning how to teach those whom he describes as hard to teach. They expend their efforts trying to secure the funding for such pupils at the expense of concentrating on their main business – how to effectively teach such learners. Daniels (2006) is making a profound point here. The quest to find funding detracts from a school's purpose in two ways. The first and obvious one is that they do not become effective at teaching such learners, the second and more subtle one is that they stop becoming learning organisations themselves. It seems from this that when schools become businesses their role as educational institutions becomes undermined.

2.9.5   Is there a relationship between increased funding and inclusion?

In the light of the expansion of the special education industry as explained earlier, it is unsurprising that Marsh in the UK (2003) and Parrish (2000) in the United States point out that growth of expenditure for disabled students has grown exponentially. Slee (2011), who cites both Marsh and Parrish, is quick to point out, though, that the calculation of financial resources is 'an inadequate measure of inclusion' (148). This raises an interesting question. Can measuring financial resources really be a way of determining the extent

of inclusion? Here the conundrum discussed earlier presents itself again. The question has to be answered by stating that it depends on the definition of inclusion. If the definition of inclusion is about questioning and challenging the power relations in schooling which give rise to exclusion, then the deployment of more funding to support the integration of more disabled children into mainstream schools cannot necessarily be an indicator of inclusion.

While there has been a significant growth in the expenditure of disabled students in mainstream schools, the expenditure on disabled adults has gone in the opposite direction. Referring to payments made to disabled people, Tomlinson (2012) notes

> *In the current global recession governments find it easier to*
> *focus on individual deficiencies and the removal of welfare payments*
> *rather than more costly strategies of reorganising educational institutions*
> *to support all young people in their preparation for adulthood. (17)*

This reveals another interesting contradiction regarding government's treatment of disabled people. While more is being spent on the schooling of disabled children, the benefit payments to disabled adults are being cut. This is one important inference to be drawn from the quotation above. However, the claim in the quotation that reorganising educational institutions to support all young people is more costly, should be pondered more carefully. The claim gives the impression that reorganising education in the interests of all learners is necessarily very costly. But why is this? It could be argued that the dismantling of the very expensive special education industry would save a great deal of money. Is it not possible, then, to use such savings to reorganise education in a better way? Therefore the argument is not about necessarily spending more money. Rather it is about questioning whether the costly interventions like the special education industry could not be redeployed in a more constructive way in the interests of all learners. My thesis asks this question implicitly but does not explore it sufficiently. Therefore I think this would be an interesting avenue of exploration for further research.

A debate about the use of financial resources in relation to disabled students should not be about 'how much'. It should start with a focus on 'to what end'. It should also focus on a sensitive examination of how the funding will be used. Commenting on the reform of funding of special education in New York, Parrish (2000) makes a similar point by calling for the need for improved accountability systems for all students rather than developing systems which create a separation between students who have disabilities and those who don't. This again emphasises an interesting aspect of funding for disabled learners – the mere addition of such funding does not necessarily work in their best interests.

On the other hand Graham (2006) emphasises this point from the opposite perspective. Her research shows that where 'disabled' students are integrated into mainstream schools and no additional funding has been provided for them, this has not stopped the discrimination against them. So neither the addition of funding nor the absence of funding have worked in the better interests of disabled students. The inference from this requires emphasis – funding per se cannot make the difference for disabled students. It depends on how, and also to what purpose, that funding is used.

2.10 Conclusion

This chapter started by examining the concepts of SEN and inclusion and the relationship between them. It has shown that the meaning and associated practices of both these terms are heavily contested and politicized. Hence it is possible to consider these terms as 'condensation symbols' or as 'slogan systems' (Troyna and Vincent 1995, Edelman 1971). 'Condensations symbols' or 'slogan systems' are used by contending parties across a political and theoretical divide to bolster their respective positions.

The Labour government of the time was a serious contender in this battle over the meaning of these terms. It contributed to the controversy by using the term inclusion in its documentation in a confused and confusing manner.

Two examples can be used to illustrate this point, as described in the chapter. The first example concerns the Salamanca Statement (UNESCO 1994). On the one hand the government endorsed the Salamanca Statement, on the other it wholeheartedly supported segregated special schools. This is not in the spirit of the Salamanca Statement which emphasizes the use of mainstream schools unless there are what are called compelling reasons not to. The second example concerns the Index for Inclusion (Booth, Ainscow et al. 2000). Whilst this manual helps schools to criticize and improve their own practices, questioning the use of the term special educational needs, the government contradicted this by continuing to use and endorse the term as if this term was not at all problematic.

Ranged against the government, it was argued, were many writers and groups who questioned the use of the term SEN and contended that SEN and inclusion are incompatible. In this view SEN is seen as a barrier to inclusion. The writers of the afore-mentioned Index (Booth, Ainscow et al. 2000) fall into this category.

It was shown that in terms of a critical view of the term SEN, this term is used to describe young people who are in some way defective or not 'normal'. In order to treat such young people a whole system, special education, has arisen in which young people with SEN are identified, classified and 'treated' by a wide range of professionals and administrators. Although this gives the impression that such professionals play a negative role, it was emphasized that this is not necessarily the case on an individual level.

Important features of special education in England were discussed. These included the Codes of Practice and special schools - which are segregated from mainstream schools. It was shown that special education has many serious negative effects such as making certain children appear not 'normal' and segregating them from their peers within the classroom or in separate schools. Funding mechanisms, as discussed, add a further measure of complexity to special education. In particular it was shown that when the DfES described funding mechanisms for inclusion the terms inclusion and

SEN were conflated. This was an illustration of the way the terms SEN and inclusion have become completely entangled and in turn how funding mechanisms for SEN have become conflated with funding for inclusion.

It follows from this that the more SEN and inclusion become intertwined, the more inclusion becomes a term which can be incorporated into special education rather than having any potential to be used to question and challenge the negative effects of special education. The rest of this thesis will explore this possibility by examining the way inclusion has been debated and deployed within the confines of the SEN department of a particular LEA.

This chapter has also reviewed some of the key literature on special education and inclusion produced in the last decade or so. Its purpose was to examine trends in the fields of SEN and inclusion since the period focused on by the thesis, namely 2002 to 2003.

The chapter has shown that trends in special education and inclusion over the last decade or so can be divided into significant continuities and discontinuities.

The review started by showing how inclusion could be regarded as a frontal assault on special education. The first significant continuity described in this chapter was the continued existence of special education despite this assault. The next important continuity was the contested nature of inclusion and the consequent confusion around the way the term is deployed even by those who are trying to use it in the most progressive sense. While inclusion can be conceived as a political struggle against the unequal power relations in schools which give rise to exclusion, the struggles of a particular group who have been excluded, the disabled, have played a significant role in the battle for inclusion. The use of a particular theoretical model, the social model, continues to have a significant role in the battle for inclusion.

As far as discontinuities are concerned, the inexorable rise and growth of the so-called special education industry has been highlighted. This shows how

things have moved on and also how they have stayed the same. It can certainly be argued that the special education industry is the means by which special education has renewed itself. It is important to highlight that the tentacles of this industry extend very widely. The chapter did not explore such tentacles at length. Suffice it to state that the pharmaceutical industry and areas of biomedical science have been implicated in this industry. In the light of this significant development, maybe Tom Skrtic's famous critique of special education has to be updated. To recall, he identified two threats to democracy - special schools and educational administration. In the present period it could be argued that the threats are special schools (which still exist) and the special education industry (with special education administration absorbed into it).

Given the emphasis in the thesis on funding, the chapter devoted some space to this subject. The fundamental problem of funding SEN, it was argued, stems from the lack of an objective definition of SEN. Without such a definition there would inevitably be problems with associating funding with, or assigning funding to, SEN.

As explained, the government expected each LEA to devise its own funding formula for SEN. In so doing the problems were worsened to the extent that it legitimised the variation in funding between one LEA and another. So not only was there no agreed definition of SEN as discussed, this was exacerbated because there was no agreed way, from one LEA to another, about how SEN could be funded.

The term AEN was introduced. It was shown that this term added greater complexity to the funding formula for pupils with SEN. As a result there was increased emphasis on Free School Meals as one factor of deprivation which determined funding for pupils with SEN, thus, in funding terms, linking the incidence of SEN directly with the occurrence of the take-up of Free School Meals in schools.

This situation was further complicated because in a competitive financial market dominated by neoliberalism, schools are of course in relentless competition with one another. This meant that the competition for funding could influence the way that pupils with SEN were identified by schools, so much so that a tendency was noted of schools identifying pupils specifically to obtain funding or to ensure that they would not lose their competitive advantage if funding was not 'attached' to the pupil.

3 THEORY, METHODOLOGY AND DATA

3.1 Introduction

Research can be regarded as combining two distinct but interrelated domains – namely the theoretical with the empirical (Brown and Dowling, 1998). The object of research is to narrow down a body of theory comprising academic and theoretical precedents into an area which can be examined more closely in a specified real-world setting. Brown and Dowling (1998) refer to this process as a combination of 'specializing' the theoretical framework and 'localizing' the empirical framework (p.144). This chapter will describe how this research has been specialized and localized. In so doing it will deal with the methodology I have adopted and the research methods I have employed. By methodology I am referring to the methods used to gather data, the type of data collected and the way the data was analysed (Crotty 1998).

All theoretical, methodological and ethical issues concerning research are hotly contested (Robson 1993; Cohen et al. 2000). On the other hand research cannot neglect these issues, otherwise it will be without a frame of reference. Thus this chapter will provide a brief description of the approach and methods adopted in this thesis in the conviction that by making my stance explicit the reader will be able to ascertain how I have tried to give the research some coherence and will be in a better position to evaluate its potential use and its weaknesses.

The rest of this chapter is structured as follows. It will start with the theoretical and philosophical issues involved in the research. Thereafter it will deal with a discussion of the research design. Then it will describe the data which was collected and how this data was analysed. Finally it will raise a number of ethical considerations which were inseparable from the research process.

3.2 Theoretical and Philosophical Perspective

The research in this thesis is concerned, among others, with the administration of SEN in a LEA. The subject of SEN and its associated practices raise serious concerns about social justice. This is evident in many writings on SEN eg Armstrong and Moore (2004), Barton and Tomlinson (1984), Booth (1998; 1998), Slee (1998) and Daniels (2006). It is appropriate, therefore, for this research to adopt critical theory as its theoretical framework. For critical theory is intimately concerned with the pursuit of social justice (Ozga and Gewirtz 1994, Cohen et al. 2000).

The best way of approaching what critical theory is, is to state what it sets out to do:

> *The challenge becomes the desire to change the more oppressive aspects of life that silence and marginalize some and privilege others.*
> (Tierney, 2003, *312-313)*

The influence of critical theory is evident in a number of works dealing with the inter-related themes of education, inequality, SEN, gender, disability and 'race', such as Coard (1971), Daniels (1998), Gillborn and Youdell (2000), Tomlinson (1982), Oliver (2000), Barton (2005), Slee (2011) and Armstrong and Sahoo (2011). Of course, this does not mean that all these writers explicitly subscribe to critical theory. Nevertheless it is in the questioning tradition of such writing that I propose that this research is inserted and indeed evaluated.

Critical theory does not simply recognize social injustice. In its own way it wants to overcome it (Crotty, 1998). Critical theory thus owes a debt to Marx with his famous dictum:

> *The philosophers have only **interpreted** the world, in various ways; the point is to **change** it. (Emphasis in original.) (Marx 1970 123)*

To this end the purpose of research based on critical theory is to 'set out to explain how injustices and inequalities are produced, reproduced and sustained' (Ozga and Gewirtz, 1994, 123). The existence of injustice and inequality in the world suggests that research which turns its back on such inequality will simply perpetuate it. In this sense research cannot be neutral or objective as contended by the theoretical/philosophical approach of positivism (Denzin and Lincoln, 2003). By contrast this thesis will be about inequality and injustice (in education). In that sense it will be political.

I proceeded in this way because I was an insider researching within a Local Authority. According to Ozga and Gewirtz (1994),

> *Local authorities cannot afford to channel scarce resources in exposing unequal power relationships or the inequities of central state-induced changes. Their concerns are somewhat more immediate - how best to cope with these changes. (123)*

This surely throws up an interesting and challenging dilemma: how to remain (relatively) comfortably working within the Local Authority while recognising and even exposing its limitations, one of many ethical dilemmas I will return to later in this chapter. Nevertheless it also suggests that an insider is well placed to recognize the limitations and challenges of the environment inhabited and thus to make a positive contribution to researching that environment – provided such an insider can maintain a critical distance.

Finally I must acknowledge the influence of the disability movement perspectives on my thinking. Thus it is no accident that throughout this thesis I refer to and discuss the struggles and influence of disabled writers, activists and others. Of course, the point that the disability movement perspective is not characterised by one unifying theoretical position (Thomas and Loxley 2001) must be conceded. Nevertheless the likes of writer-activists like Rieser (2000), Mason (1992), Oliver (1990) and Finkelstein who is referred to by

Brindle (2012), have made important contributions. The centrality of the social model of disability, advocated by these writers, is one example of the contribution these writers have made. On the other hand, the heterogeneity of disability movement perspectives is evident if one takes into account the contributions, for example, of Abberley (1987), who advocates the theory of disability as oppression where this type of oppression is the by-product of capitalist relations, and Morris (1993) who compares gender and disability as social constructs.

3.3   Theoretical paradigms

Coe (2012) and Waring (2012) contend that educational researchers cannot avoid taking a stand on ontology (the nature of the world), epistemology (the nature of knowledge) and methodology (the procedure or logic used). As they explain (ibid) usually a particular ontology, like realism – that is the approach whereby the real world is accepted as having an independent existence outside of the perception of individuals – goes hand in hand with a positivist epistemology, namely that the world (including social phenomena) can be measured. The adoption of a positivist epistemology in turn is associated with the use of an experimental methodology whereby the research is conducted by using experiments with measurable outcomes. Together, as these writers (ibid) contend, the ontology (realism) – epistemology (positivism) – methodology (experimentalism) relationship constitutes a particular paradigm. However, as these writers go on to point out, the philosophical and theoretical neatness of particular paradigms is subject to very serious debate, one contention being that paradigms are neither separate nor incompatible:

In this view, the differences are real and important but, in the words of Gage (1989), 'Paradigm differences do not require paradigm conflict.' For example, one may believe in a realist ontology but still emphasise an interpretive approach, focusing on the meaning that participants bring to a situation and using naturalistic observation with qualitative data to study them. (Coe 2012 8)

I go along with this view. In this thesis, I too employ an interpretive approach, using qualitative data, namely interview material regarding participants who were employed by the Local Authority, Keystone, the subject of my research. Whilst, as I contend, I use an analytical approach based on critical theory, I have also been influenced by Marx who, in terms of his famous dialectical materialist approach contends that there is an external social reality, the social relations of production, which exist independent of the will of human beings, but which crucially is subject to constant change and at certain times fundamental change (Marx 1979).

Having stated that Marx is an influence, it is important to emphasise that it will be counterproductive for me to read off from such a world view, expressed about the level of the whole of society, a mechanical application of this approach at the level of Keystone. Instead I have used Keystone in a particular historical period as a case study of the intersecting issues of SEN, inclusion and claimed funding shortages.

Nevertheless, theorising about special education and inclusion is replete with philosophical and theoretical contention, confirming of course that debates in and about special education and inclusion go much deeper than special education and inclusion themselves. In the introduction to this thesis, I refer to debates about inclusion in the United States where Gallagher (2004), Heshusius (2004) and Skrtic (2004) argue that the differences between those who are for inclusion and those who are against can be traced to the respective differences between constructivists and empiricists. As far as they are concerned, those who want inclusion are eager to construct or rebuild a new reality whereas those who are opposed to inclusion want to be bound by existing empirical reality which embodies separation and segregation (ibid).

Indeed Thomas and Loxley (2001) state that theorising about special education is 'something of an epistemic jumble' (17). Furthermore, they reference Slee (1998) to show that there are many theoretical and political critiques and perspectives on special education. As Slee (1998) shows,

following Riddell (1996), such perspectives can be summarised as 'essentialist perspectives' associated with deficit approaches, social constructionist approaches which see disability as social constructs (as the classification implies), materialist perspectives which borrow from Marx and are tied to the perpetuation of capitalism, postmodern perspectives which reject the Marxist approach, and disability movement perspectives which do not have a unifying theoretical stance (Thomas and Loxley 2001).

Slee's (1998) typology is interesting because it shows that Coe (2012) and Waring's (2012) theoretical – philosophical classification into wide and generalised paradigms corresponding with the big divides between realist and constructivist ontologies, cannot be directly applied when trying to make sense of theoretical debates about special education. In Slee's (1998) typology there is a clear link between his social constructionist perspective and a constructivist ontology. However, Slee's (1998) classifications of materialist perspectives, postmodern perspectives and disability movement perspectives, all do not easily correspond with the over-arching paradigms described by Coe (2012) and Waring (2012).

Yet I am reluctant to wholly accept Thomas and Loxley's argument (2001) that one can dispense with theory and that what is needed is an 'atheoretical analysis', notwithstanding the caveats with which they couch their argument:

> *If 'atheoretical analysis' in education is a contradiction in terms to some, it is anathema to others, who see any such analysis typifying a philistine anti-intellectual stance. (Thomas and Loxley 2001 6)*

With such an analysis, it seems to me that Thomas and Loxley (2001), by their own admission, fall at the first hurdle. For an atheoretical analysis by its very nature is itself theoretical. After all, it is posed in theoretical terms. However, in their defence it must be conceded that Thomas and Loxley (ibid) are making an important point against the use – or abuse – of grand theory, the tendency to analyse in such a way that it fits in with, and becomes closed off by, one's theoretical perspective. But their conclusion, a plea for a simpler

approach, must itself be critiqued. To give proper due to their argument, I will quote it at length:

> *We make an argument here for a loosening of hold on the erstwhile theoretical knowledge behind special education, contending that less of our inquiry into children's difficulties at school – and, more importantly, less of our response to those difficulties – should be defined and tackled in the way that it has hitherto. An argument is made, if we are looking to the shape of an education system for the future, for more reliance by all in education – practitioners, planners, academics, researchers – on ideals about equity, social justice and opportunity for all. In pursuing those ideals, in improving the education system, we should accept rather than deny the insights which emerge by virtue of being human – insights which emerge from our own knowledge of learning; our own knowledge of failure, success, acceptance or rejection. (17)*

These are laudable views. The call for all in education to be involved, whether academics or practitioners, is important because it breaks down the barriers between the so-called theoreticians and practitioners, which could give rise to an improved theory and practice by ensuring that theory is not the province of theoreticians and practice that of the practitioners. Their views also give succour to me because I was a practitioner who wanted to engage with theory. However, their argument becomes questionable when it is connected with the ideals of 'equity, social justice and opportunity for all'. For, laudable as these ideals may be, it must also be acknowledged that these ideals, individually and collectively, are themselves laden – and loaded – with theory. So the argument of Thomas and Loxley comes full circle. Having called for an atheoretical stance they themselves land up with an approach which itself is laden with theory. Thus, try as they might, they cannot escape theory.

But the baby must not be thrown out with the bathwater. I have tried to show that I have some misgivings about the analysis of Thomas and Loxley (2001). Nevertheless, their important contribution about the way that theory in special education can be counterproductive, must be supported. Furthermore, in the

same book they extend their argument by raising some powerful evidence –
showing that a central term used in special education, emotional and
behavioural difficulties (EBD) has no serious theoretical basis, relying on what
they call 'all kinds of quasi-scientific explanation' (46). This should surely give
all practitioners and theoreticians of special education serious cause for
concern. So whereas I have some doubt about the analysis of Thomas and
Loxley, I have to laud the useful insights they provide.

Likewise, whilst my theoretical position, based on critical theory as I have
already stated, must be declared and must also be open to critical scrutiny, I
hope that the information I provide and the findings I unearth can and will be
used in the field, by those who subscribe to critical theory and by those who
don't. Certainly my approach has not been based on what Thomas and
Loxley (2001), Slee (1998) and Skrtic (2004) decry – the tendency, in
theorising about special education, to work within theoretical strait-jackets and
to muster arguments and evidence to fit in with, and reinforce, such narrowed
thinking.

3.4   Design of the Study, Data Collection and Analysis

As far as a design frame is concerned, this research is a case study. The
case study approach seems a logical choice insofar as the research focus, a
Local Education Authority, is institutionally based. Of course, an institutionally
based terrain need not automatically imply that the case study method is the
most appropriate. However, for my purposes, in which I want to trace the way
the special education system is reproduced in a LEA, the case study
approach is applicable, given that

> *Case study is a strategy for doing research which involves an*
> *empirical investigation of a particular contemporary*
> *phenomenon within its real life context using multiple sources of*
> *evidence.*
> (Robson, 1993, 52)

Thus the research constitutes a case study of special education and inclusion within a LEA under pressure and undergoing rapid change. In particular this is a case study of how the notion of inclusion is mobilized in the process of producing Statements SEN, given funding shortages.

Brown and Dowling (1998) question whether case study can be a valid form of educational research. For them academic research must be separated from professional practice. This is a valid point. However, it is valid to make professional practice the subject of academic research, which is the approach of this thesis.

This study is specific and contextually embedded within a particular LEA. However, it also fits a wider theoretical and social policy context, thus enhancing the critical value of the research and creating opportunities for transferability. Coe (2012) draws a distinction between research which is nomothetic, that is seeking to make 'generalisable predictions to further cases' (10), and ideographic, that is dealing with an individual case and which 'aims to describe what is unique and distinctive about a particular context, case or individual' (10). My research falls somewhat between these two classifications. It is dealing with a unique and distinctive situation but at the same time it aims to draw wider lessons from the specific LEA, given that the LEA was subject to national pressures which were felt by all LEAs at the time.

Thus my research should form a critical lens through which LEA and special education analysts (whether academic or professional) can view their own work. This research will therefore talk to a body of work including Ainscow and Tweddle (2003), Evans et al. (2001), Audit Commission (2002), Slee (2011), Armstrong (2011) and Tomlinson (2012), all discussed later in the thesis.

However, this study is also an exercise in personal and professional self-reflection. In my view the grind or excitement of day to day work does not easily make for serious and deep analysis of one's professional strengths and, more importantly, limitations. Here, too, critical theory is useful because

it raises the spectre of 'conflict and oppression' (Crotty, 1998, 113) and therefore necessarily begs the question whether I as the insider researcher, in my professional capacity, am complicit in such conflict.

Insider research is similar to practitioner research (Armstrong and Moore, 2004) because both are carried out in a familiar institution. Armstrong and Moore (2004) assert that practitioner research can have wider benefits than just for the site being researched. Thus they state:

> *One purpose of practitioner research is to support the generation of theory, in the sense that the processes and changes which emerge through your project may have an impact on the way you - and others - understand other theories, ideas, beliefs and practices. (Armstrong and Moore, 2004, 9)*

It is my intention that this thesis will also support the generation of theory as described here, and indeed contribute to the theory on special education, funding and inclusion.

The case study approach is associated with the collection of particular kinds of data. These are interviews, documents and observation (Robson, 1993). However, all the kinds of data collected must still be justified in terms of their ability to illuminate the research focus. Therefore it is to the research focus that we have to turn to determine the efficacy of the kinds of data which have been collected.

The research focus makes clear that the concern is with the operation of the SEN Statementing and funding system in a particular setting. Hence data has been collected from two sources – documentary sources produced by the LEA and views of key LEA personnel intimately involved in the production of Statements, including their funding, and Statementing policy documents. Using these sources corresponds with a useful approach to policy analysis (Ball, 1994) in which different arenas or 'contexts' - of 'influence' and 'text production' are scrutinised (p26). Hence to penetrate the arena of 'influence',

interviews were conducted, and to understand 'text production', actual texts were analysed. It is to be noted that although this thesis is not principally about policy analysis, it nevertheless is concerned with the Local Authority's policy on special educational needs and inclusion.

The research was deliberately designed to make use of two different types of data. For neither on its own would have been sufficient. An exclusive reliance on the views of professionals, no matter how well these views could be analysed, would have ignored the complementary documents they would have produced and been guided by. On the other hand, to have used only the texts would have omitted the views and insights of those who had produced them. To use multiple sources for, and therefore multiple approaches to, the research is in accord with triangulation (Cohen et al, 2000) in which the object of research becomes better understood because - in a certain sense - it has been approached from different angles.

3.4.1   The interviews

I interviewed a number of LEA colleagues whose roles were directly concerned with the production and funding of Statements of SEN. (Please see the Appendix for a table showing the roles and responsibilities of all interviewees.) For obvious reasons I started with 2 colleagues who were responsible for writing Statements (Interviewees 1 and 2). Their formal title was Advocacy and Monitoring Officer. These officers were formerly called Statementing and Placement Officers, which gives a better indication of what their role entailed. On a complementary level, because of my interest in inclusion, I interviewed an officer colleague who was responsible for promoting inclusion in the LEA (Interviewee 3). This officer's formal title was Advisory Teacher for Inclusion and Effectiveness. All these colleagues were on the same level of the LEA hierarchy, which was also the level at which I worked. In the light of Ball's (1994) reference to the context of 'influence' it is important to allude to the levels of the hierarchy to give some idea about the degrees of influence and power which all the interviewees had in the

organization. It is also necessary to place myself in this hierarchy to indicate that I was not interviewing anybody whom I could influence or pressurize unduly, purely because of my relative position of power within the organization.

Moving up in the hierarchy, I then interviewed two managers who also had direct responsibility for Statementing. One of these managers (Interviewee 4) oversaw the production of the Statements which according to the Code of Practice (DfES, 2001c) meant gathering the evidence submitted by professionals such as Education Psychologists and then writing the actual document, the Statement of SEN. The job title of this manager was SEN Performance Manager, formerly called Principal Case and Resources Officer. This manager supervised the aforementioned interviewees who wrote the Statements. The other manager (Interviewee 5), working side by side with the SEN Performance Manager, was responsible for co-ordinating the funding of Statements. The formal title of this manager was SEN Budget and Contracts Manager, also formerly called Principal Case and Resources Officer. It was necessary to interview the latter because this manager's role, too, was integrally tied to the overall production of the Statements. Thus the role of one complemented that of the other. The hierarchical positioning of the SEN Budget and Contracts Manager also gives an indication of the importance the LEA attached to funding Statements, assigning a manager of the same power and influence as the Manager responsible for overseeing the writing of the Statements. (Where officers had been subject to a recent departmental restructure, I've included their former titles as well. These titles give a clearer description of their roles.)

Finally, moving up the hierarchy yet another level, I interviewed the Assistant Chief Education Officer (Interviewee 6) who supervised the managers referred to above. The Assistant Chief Education Officer was responsible for overseeing the whole Special Educational Needs system of the LEA and was also responsible for inclusion.

And where was I in relation to all these officers? I was on the lowest level of the hierarchy constituted by all of them. The Assistant Chief Education Officer, of course was the most powerful. This officer line managed the two on the next level, the SEN Budget and Contract Manager and the SEN Performance Manager. The SEN Performance Manager in turn line managed the two Advocacy and Monitoring Officers. The only officer I interviewed who was not part of this management structure was the Advisory Teacher for Inclusion and Effectiveness. This Teacher had the same hierarchical status as the Advocacy and Monitoring Officers. My role in the hierarchy was SEN Resources Officer. I had the same status as the Advocacy and Monitoring Officers, and the Advisory Teacher for Inclusion and Effectiveness. So I was on the same rung of the hierarchy as the latter officers.

Interviewing this range of officers, 6 in all, on three different levels of the hierarchy, gave me a breadth and depth of views and information in two important respects. Firstly as key personnel they were well placed to give me important insights into the process of producing the Statements on the industrial, factory floor level, as it were. Secondly, given their roles and range of levels within the organization, and to the extent that they represented the organization, collectively they were also able to reveal how the LEA viewed the Statementing process.

The group of professionals I interviewed comprised an interesting gender and ethnicity mix. In all the 6 interviewees consisted of 4 white males, 1 white female and 1 female who was also from a black ethnic minority. Their respective places on the hierarchy was as follows. The Assistant Director, the most powerful, was a white male. On the next level, one of the two managers was a white male, the other was a white female. On the lowest level of the hierarchy which I interviewed were 2 white males and the only black interviewee who was female. This was broadly representative of the power structure within the SEN department, although my recollection is that there were more female staff members than male staff members in the Education Department as a whole at the time. The Director of Education was white female.

The clear disparity in terms of ethnicity, in which the only person I interviewed from an ethnic minority was also on the lowest tier of the hierarchy, was broadly reflective of the power structure in the whole Education Department. However, exceptionally the Deputy Director of Education was female and from an ethnic minority.

Personally and professionally, I was on friendly terms with all the interviewees. They knew me as a reliable and competent colleague who was friendly and approachable. However in my day to day work, I made it no secret that I was an active member of my teachers' trade union and that I was prepared to help fellow members of the union. The fact that I was overt about my membership of my union did not have a noticeable effect on those colleagues, the interviewees included, who were on my level of the organisational hierarchy. However, some managers, the interviewees amongst them, accorded me wary respect. This was manifest when I requested permission to conduct my research in the Department from the Assistant Director whom I interviewed. I recall that he was helpful and promised to secure agreement from the Director of Education. But he did add the rider that he hoped that my research would not be embarrassing to the Department. Of course this can be read as a standard response to anyone wishing to conduct research in the department. However, I could not help feeling that his response was more pointedly at me than would have been the case had someone else approached him with the same request.

All the interviewees in their own way were very co-operative and tried to give me as full answers as possible. In more than one case the interview could not be finished in one sitting. Yet in each case the interviewee was very eager to give me more time to get through all my questions

Two interviewees commented very explicitly on how stimulating they had found the interviews. They were both of the opinion that the interviews had given them a chance to engage in active reflection on their own work. Both commented that they thought that their everyday work did not furnish them

with ready opportunities to engage in and comment on their own work in a constructive and thoughtful manner. They thanked me for giving them the opportunity to do this. This demonstrated to me that for them the interviews were a uniquely two-way experience – I was gaining to the extent that their answers were helping me with my research, but at the same time they were benefiting because they were granted a rare opportunity to review their own work.

These interviewees showed explicitly (and the other interviewees showed this implicitly) that Schon's (1983) idea of the active and reflective professional, captured in his work The Reflective Practitioner, was an ideal rather than a reality for these professionals. The daily grind of targets and deadlines did not give them leeway to practise in the way Schon (ibid) suggests. The interviews afforded them an unusual occasion in which they could step back from and comment on their own work.

There was no doubt that individual interviewees' personal attitudes to me influenced the answers they furnished. The only interviewee who, like me, is from an ethnic minority was very eager to co-operate in the interview because she was of the view that my research gave me an opportunity for social advancement and to show what I was worth. Her attitude and opinion, elicited from her in my personal relationship with her, was that opportunities for members of staff from ethnic minorities to gain opportunities for promotion were limited in the organisation. She and I shared the opinion that the organisation was subject to institutionalised discrimination to the extent that the cumulative practice of the organisation was not to deliver equal opportunities of promotion to all members of staff. Her position as a member of an ethnic minority also gave rise to the observation that parents of children from ethnic minorities would have to fight hard to gain the right support for their children who were identified with SEN. She was also of the view that some parents from ethnic minorities would have to resist if their children were to be mislabelled with SEN. Her views were shaped by her own experience - that she too had to fight to achieve and defend her position in the organisation. Her answers were indeed forthright and candid.

On the other end of the hierarchy, the most senior officer I interviewed was also trying to give me very candid answers. However, in his case the answers were coloured by the distinct attempt to give me the benefit of his insights which were a function of his position of power. In the interview I was made aware that he had a powerful position and had powerful insights. Interestingly, his answers made for rich data because in order to emphasise his own position and to demonstrate his own knowledge, he waxed lyrical by providing me with a great deal of useful information. My experience in relation to this interviewee was very similar to what Ozga and Gewirtz (1994) describe. The difference between my situation and that of Ozga and Gewirtz (ibid) was that they, as female researchers, were interviewing males with power. I was a male interviewing a (much) more powerful male who was the line manager of my line manager.

One interviewee with whom I thought I was fortunate to talk had vast experience in SEN administration as a result of many years' work in authorities other than Keystone. At times in the interview it became clear that his attitude to the changes was uncritical. For example he told me that the authority was putting more money into schools for SEN whereas in fact the authority had changed the method of funding to schools and had limited the total funding for schools as I describe in Chapter 5. His vast experience did not compensate for his sometimes glib views on what was happening in Keystone.

It was evident that the quality of each interviewee's response was influenced by his/her own personal experience, the position that each occupied in the hierarchy and therefore the relationship of each to the power structure within the organisation, and of course the personal relationship which each had with me. I think this made the data more rich and revealing. However, what I will never know is to which extent they withheld information from me notwithstanding my attempts to penetrate their defences.

The six officers who were interviewed do not constitute a representative sample of the personnel in the LEA involved in with Special Educational Needs in general and Statementing in particular. Of course, given the description of their roles, they were of crucial importance and certainly the most important given my purpose. Nevertheless it is best to describe this range of interviewees as a theoretical sample (Charmaz, 2003), even a 'purposive' sample (Cohen et al, 2000, 103), chosen because of their undoubted ability to provide information essential to the study.

The kind of interview used was a semi-structured interview (See Robson 1993). The reason is that this type allows for a level of comparison of the data but does not make for an overly rigid format and outcome. Importantly, it also enables interviewees to elaborate on their responses, thus providing me with crucial additional detail. Furthermore, the flexibility afforded by the semi-structured interview allowed me to probe to a depth which otherwise I would not have been able to explore.

I was keenly aware that these interviews were not cold data-gathering affairs. They were by their nature social, interpersonal interactions rich in insights and information (Cohen et al, 2000). At the same time they were encounters between colleagues which meant that it was necessary for me to deliberately distance myself from the interviewee to ensure, for example, that they did not omit elaborating on attitudes and information which they could have assumed that I shared.

All the interviews were with people working in the LEA. This was deliberate. I wanted to focus on what happens in the deep recesses of the LEA, to uncover how special education was reproduced there. Hence the earlier analogy to conducting interviews with officers who worked on the factory floor of the Statementing process. While I was acutely aware that the effects of the Statementing process would be felt by schools, parents and the pupils themselves, I saw all of these as of secondary concern. The LEA was my primary concern.

On reflection, had I interviewed parents and/or teachers in schools, no doubt the findings and insights could have been considerably enriched. However, it would probably not have allowed me to focus so thoroughly on the LEA itself and thus would have become a different thesis. Nevertheless it would undoubtedly be very useful and insightful if complementary research on the experiences of families or schools concerning Statementing and inclusion were to be undertaken.

3.4.2 Documents

Complementing the interviews, I also analysed key documents produced by the LEA. All these documents dealt with the key themes of the study, namely SEN Statementing, funding and inclusion.

The documents analysed were all related to key consultations, occurring over the period of about one year, which the LEA was conducting with schools and with parents of pupils who had been issued with Statements of SEN. The first major document issued was sent to schools. It was a review of funding which the LEA had to transfer to schools, and in particular the funding for SEN and Statementing, issued on 29 October 2002 (Keystone LEA, 2002b). Related to this document, the next important documentation analysed in this thesis is what the LEA sent to parents about the wording on Statements issued to their children and dated 7 March 2003 (Keystone LEA, 2003f). These documents were in turn succeeded by other major documents. An updated Handbook on SEN and Inclusion, dated September 2003 was issued to all schools in the LEA (Keystone LEA, 2003d). Also, at about the same time, undated but headed Autumn 2003, yet another major consultation document entitled Special Educational Needs Inclusion Strategy (Keystone LEA, 2003h) was issued. This is not an exhaustive list of the documents to be analysed in the thesis. (A proper timeline of the documents produced by the LEA will be provided later in the thesis.) But they do give an indication not only of the

breadth of activity relating to SEN and Inclusion taking place in the LEA but also of the frenetic and perhaps chaotic pace of that activity. And of course they also give an indication of the useful information contained in the documents which I analysed.

Together these documents provided a rich source of analysis on the major themes of this study namely Statementing, funding and inclusion. The analysis of these documents could be directly related to the interview material in that work of the officers interviewed, by virtue of their roles within the Statementing process, was governed by the consultation and strategy documents produced by the LEA. Of course, some of them would have been responsible for writing or overseeing the production of these documents. The interviews could therefore serve the purpose of eliciting important information not explicitly stated in the documentation about the motivation for the consultation but also the way the outcome of the consultation was likely to impact on informants' role and work.

3.4.3 Data analysis

The type of analysis adopted for interviews need not be the same as that associated with documents (See Robson, 1993). However this study has adopted an approach which allows for analysis across the types of data used, while accepting that all the data is qualitative rather than quantitative. The distinction is that a qualitative approach is about 'processes and meanings' whereas a quantitative approach, as its name implies, is about 'measurement' (Denzin and Lincoln, 2003, 13).

The approach was to identify units of analysis which could be traced across all the data. These units started being the main themes of the study, namely inclusion, funding, special educational needs and Statementing, which became more refined as sub-themes were identified such as segregated education and league tables, both of which have a crucial influence on the

argument about inclusion. A big theme such as inclusion had to be analysed at length and in its own right because the documentation and the interviewees had so many differing interpretations of what it meant.

Thus the analysis followed an 'iterative approach' (Powney and Watts, 1987) in which more specific levels of meaning or units of analysis were revealed as the data was examined and then re-examined. In so doing it was easier to address a real tension in such analysis. As Cohen et al (2000) state, referring to interviews,

> *The great tension in data analysis is between maintaining a*
> *sense of the holism of the interview and the tendency for*
> *analysis to atomize and fragment the data - to separate them*
> *into constituent elements, thereby losing the synergy of the*
> *whole, and in interviews the whole is greater than the sum of the*
> *parts.*
> *(282)*

The 'synergy of the whole' (ibid) was also maintained by adopting a consistent approach to analysing all of the data rather than analysing the types of data, interviews and documentation, separately and differently. Still, I bore in mind the injunction of Powney and Watts (1987), that analysis is not the same as description, it is a 'creative, constructive affair' (161).

3.5   Ethics

Research cannot be conducted without the concern about ethics (Robson 1993, Cohen et al 2000). This research has been no exception. In this outline it is impossible to refer to all the ethical issues which are relevant. Instead some important ethical issues I have had to take into account will be referred to.

Perhaps the most striking ethical dilemma (which also influences what has been stated above) stems from the fact that I was conducting insider research. This throws up a range of explicit issues. The most obvious is that I was researching the very institution which was paying my salary. How I disseminate my findings would have to be carefully considered, especially if those findings could be potentially threatening or embarrassing to the LEA. Moreover, I was researching my own colleagues and managers. Thus it was wise for me heed the injunction of Cohen et al (2000):

> *If you are an inside researcher, you will have to live with your mistakes, so take care. (p57)*

The fact that I was carrying out insider research does not mean that my ethical dilemmas were fundamentally different from that of other researchers. Insider research highlights some of these dilemmas in a very specific way. Thus, as Cohen et al (2000) state, in general researchers 'must recognize their links with power groups who decide policy' (42). If such researchers are part of or akin to such power groups, this could be uncritically reflected in the outcomes of their research. This also applies in my case as an inside researcher. As stated, many of the people I interviewed were my superiors within the organization. My dependence on them in terms of my day to day life had to be taken into account, even within the interviews.[5]

The political and power interplay between researcher and researched is of great ethical importance. Ozga and Gewirtz (1994) describe how they had to emphasise their relative powerlessness as female researchers to gain access to powerful male policy-makers. On the other hand, especially as a researcher employing critical theory, I have had to be aware that I was gaining the views of relatively powerful actors, yet had to maintain sufficient independence to

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[5] Since these words were written, after the research was conducted, I was made redundant by the Local Authority. While this means that there are no longer consequences for me on a day to day basis, there is a heightened responsibility on my part to be fair to the Authority and my informants.

ensure that I could express my findings even if these actors would find them potentially embarrassing. As for those colleagues who were interviewed and who themselves were supervised by interviewees who were their organizational superiors, it was necessary to ensure that as far as possible they would not be individually identified or blamed if the research caused some unpleasantness. So, all in all, a fine ethical balance had to be struck.

I was in a similar power relationship to that of Ozga and Gewirtz (ibid) – in that I was interviewing people either at my level or higher in the organizational hierarchy. Therefore I could be relatively confident that the answers they gave to my questions were not influenced by the interviewees feeling that I had professional power over them in the day to day situation. In fact I think the answers I received were more open because the interviewees did not feel I could exercise undue pressure on them.

Yet, to ensure fairness to all who participated in the research it was still necessary to emphasise confidentiality and anonymity. For this reason Robson (1993) states

> *An insight into the complexity of ethical issues can be gained by examining thorny questions eg 'Will individuals participating be protected, not only from any direct effects of the intervention, but also by the investigator ensuring that the reporting of the study maintains confidentiality? (31).*

It is interesting that in this quotation the potentially confrontational aspects of the interview are brought into focus, when thorny issues are raised. Some interviewees could construe certain lines of questioning as unnecessarily intrusive or uncomfortable. In this kind of situation, I, as the interviewer, had to be aware that consciously or not I could steer the encounter away from the subject under discussion and thus perhaps miss out on valuable insights or information. This shows that interviews are two-way processes in which both

interviewer and interviewee can become uncomfortable and locked into an inter-personal tussle.

Nevertheless, I maintained confidentiality by ensuring that all the interviewees would not be identified using real names. In the text their contributions are all anonymised. The same applies to the name of the Local Authority. This has been given a fictionalised name in the text. Of course, by protecting the anonymity of all the interviewees and the Authority, I was also protecting myself.

Ensuring anonymity and confidentiality not only gives better protection to all involved. It also contributes to improving data quality. The more reassured interviewees feel about the way they will be treated – and the point and purpose of the research, of course – the more likely it is that they will give forthright and comprehensive answers. As Miles and Huberman (1994) state, 'weak consent usually leads to poorer data' (294).

The subject matter, special educational needs, has an inherently ethical and power dimension. Those identified as having special educational needs are often cast as powerless and in need of benevolent assistance. (See Armstrong et al, 1999, Tomlinson, 1982 and Mason, 1992). As these writers maintain, this is itself an oppressive approach. It poses an important dilemma: how does one study a field fraught with inequality without raising serious questions about whether the research reinforces this inequality or disturbs this inequality? In more stark terms, the question has been asked , whose side are you on? This has been raised pointedly by disabled theorists who have acknowledged the inequalities associated with special education (Mason 1992; Rieser 2000), and also by those writing about 'race' (Carrington and Troyna 1993).The research which I conducted had to avoid reinforcing inequality – by at least subjecting it to critical scrutiny.

A reading of many writers (Mason 1992; Corbett 1999; Booth, Ainscow et al. 2000; Barton and Armstrong 2001) also suggests that the very terminology, special educational needs, carries negative, dehumanising connotations. In

this thesis and as part of my conduct in undertaking this research, I was careful to refer to pupils as 'identified' as having or 'with' special educational needs. However, the term I avoided at all costs, and which was common in my day to day professional experience, was 'special needs children', as if they were a different type of child who were sick and who required different treatment.

The need to avoid such negative terminology is also highlighted (explicitly or implicitly) by the likes of Slee (2011), Loxley and Thomas (2001) , and Thomas and Vaughan (2004). It is also worth mentioning the Index for Inclusion (Booth, Ainscow et al. 2000), a manual which addresses the power relations in the school by advocating the need to change whole school 'cultures' and by encouraging the participation of children and pupils in shaping the ethos of the school. Indeed the Index for Inclusion (ibid) calls for the avoidance of the term special educational needs altogether, because of its negative connotations. Instead, the Index (ibid) opts for the term 'barriers to learning and participation' (p13). Of course in this thesis I could not avoid the term special educational needs because that very term – and its relationship with inclusion - was the object of my research.

Ozga and Gewirtz (1994) insist that critical theory cannot avoid ethical responsibility because by its very nature it recognizes, and commits itself to overcoming inequality. Furthermore, they emphasize that such inequality is the result of 'the intrusive power of the State and the repressive character of much state action including action in the sphere of education policy' (123). Thus for them an ethical stance which is integral to critical theory must oppose and seek to overcome the oppressive actions of the state.

Given the concern in this thesis with the effects of state action on special education and inclusion, the adoption of critical theory on my part means I am aligning myself with Ozga and Gewirtz (1994). In so doing I am recognising that I do not operate in a vacuum, that as a researcher I have a social and historical role and in turn that my position is socially and historically situated

(Denzin and Lincoln, 2003). Thus in the Introduction I give a description of my own personal history in the field of special education.

3.6   Conclusion

This chapter has acknowledged that all research theory, methodology and related issues such as data analysis are very keenly contested. Thus, when discussing all such issues, it is necessary to proceed very carefully. Given the debatable nature of the terrain, controversy is inevitable especially when adopting critical theory which is so explicitly political.

This chapter has dealt with the theory and methods adopted to conduct the research. The research focus, the Statementing process, funding and inclusion, was approached by interviewing key actors involved in the process and by analysing important documents which shaped the process. Of course, methodology and methods must be shaped by an underlying theoretical focus. Thus the chapter started by explaining the theoretical approach, namely critical theory. Finally, because the research was about people and involved people it could not proceed without due regard to a range of ethical considerations. It was emphasised that critical theory which is concerned with social justice also holds that to overlook the need for social justice is itself unethical.

Finally, this chapter has agreed with the words of Miles and Huberman (1994):

To us it seems clear that research is actually more a craft than a slavish adherence to methodological rules. No study conforms exactly to a standard methodology; each one calls for the researcher to bend the methodology to the peculiarities of the setting … (5)

Appendix

LIST OF INTERVIEWEES AND THEIR RESPONSIBILITIES
(In hierarchical order – those grouped together are on the same level)

Assistant Chief Education Officer (Interviewee 6)
Responsible for inclusion and the whole Special Education system
for the LEA

SEN Budgets and Contracts Manager (Interviewee 5)
Responsible for the funding of all Statements issued by the LEA
SEN Performance Manager (Interviewee 4)
Responsible for the production of all Statements issued by the
LEA

Advocacy and Monitoring Officer (2 interviewed – interviewees
1 and 2)
Responsible for writing Statements issued by the LEA
Advisory Teacher for Inclusion and Effectiveness (Interviewee
3)
Responsible for advising schools and officers about inclusion

4   THE CONSTRUCTION OF THE CRISIS

4.1   Introduction

This chapter is about how Keystone LEA responded to a political and economic crisis it faced. In order to understand and draw lessons from Keystone's response, it is necessary to describe the crisis. That is the purpose of this chapter.

This chapter will show that the crisis for Keystone consisted of a number of distinct but related elements. A key element was financial. Keystone was having significant financial difficulties. Another important element was that Keystone LEA was struggling to prepare for an impending Ofsted inspection. The third significant element was the findings of a group of consultants who pointed to a number of areas requiring significant improvement on the part of the LEA. The elements of the crisis will all be explained in turn.

This chapter will draw heavily on two sources of information to explain the crisis. The first is the report (Clarion Consulting Limited 2002) written by a firm of external consultants hired by Keystone, which was the spur for Keystone's new strategy on SEN and inclusion – one focus of the research for this thesis. The second is the Ofsted report (OFSTED 2003) which comments on Keystone's new strategy on SEN and inclusion after that strategy was implemented. So the sequence of events which frames Keystone's response is as follows: the consultants report was produced in 2002, Keystone's SEN and inclusion strategy was produced in mid-2003 and the Ofsted inspection took place in late 2003. This is the time period covered by the research.

4.2   Key Information about Statements and SEN in Keystone

Before discussing the crisis itself, it is necessary to provide some important information about Keystone's pupils who were issued with Statements

according to the Code of Practice (DfES 2001). All the information is derived from Keystone's document entitled Special Educational Needs Inclusion Strategy (Keystone Council 2003k) and is summarised in the Appendix to this Chapter. It is important to emphasise that whilst it is necessary, at this stage, to be provided with information about all the pupils of Keystone who had Statements, my research deals with an important sub-set of these pupils, namely those who were taught and funded to receive additional support in ordinary classrooms in mainstream schools. These were the pupils who were the subjects of Keystone's funding proposals, the concern of this thesis. The latter pupils must be distinguished from those who were taught in special units of mainstream schools. Those who were in such units were not the subject of Keystone's new funding proposals and thus were not within the scope of my research.

In 2002/3 Keystone had responsibility for a total of 53,746 pupils, the majority of whom were taught in the borough, but a small minority with Statements of SEN were taught in specialist provision outside the borough. Of all Keystone's pupils, 1650 or 3.07% had Statements of SEN. According to Keystone (Keystone Council 2003k), this was marginally higher than the national percentage rate of pupils with Statements, 3%. Of the 1650 pupils with Statements overall, 1016 (62%) of these were taught in ordinary classrooms in mainstream schools. So the new funding proposals affected all the latter pupils, namely 62% of all pupils with Statements in Keystone.

During the same period the key financial information, also taken from the same document (ibid), was as follows. Keystone spent a total of £28.8 million on all its pupils with Statements. Of this total £13.7 million (48%), just under half, was spent on pupils with Statements in mainstream schools. The latter, of course, are the concern of this thesis. £6.6 million (23%) were spent on pupils in the borough who were taught in special schools and special units. However, £8.4 million (29% of the total) was spent on those pupils who were taught in special schools and specialist provision outside the borough. As will be discussed later, this was a major bone of contention for the external firm of

consultants who were drafted in to comment on, amongst other things, the problems facing Keystone expenditure on SEN.

4.3 The LEA's very low financial settlement.

A crucial element of Keystone's crisis was the severe budgetary pressure it faced which affected both the council's budget for education and budgets for schools. Local headteachers were part of a nation-wide campaign which was demanding £15 billion more for schools (Guardian, 6 June 2002). By August 2003 headteachers across the country were claiming that their schools were in such serious financial difficulties that they were publicly warning about making serious staff cuts (William Stewart, TES 29 Aug 2003). Headteachers in Keystone were no exception to this trend. A borough newspaper showed headteachers delivering a petition to 10 Downing Street (Keystone Council 2003).

The financial problems affecting the schools were also evident in the LEA itself. Keystone LEA warned that it was facing a lower financial settlement than the majority of Local Authorities nationally. One reason for the LEA receiving such a low financial settlement was that it had a relatively affluent socio-economic profile. As Ofsted acknowledged during this period,

> *Because of its socio-economic profile, the council does not benefit from major programmes of government funding that are focused on urban deprivation or community regeneration.(OFSTED 2003)*

A further complication was raised in a letter sent to schools by the LEA (Keystone LEA 2003l):

> *You have been briefed on the real problems which the Council is facing as a result of being expected to passport an increase of 7.6% when we receive only 3.5% for Council services overall. So far we have received a negative response from all of the representations we have made to*

Ministers in which headteacher representatives have taken part
alongside leading members and all 3 MPs have lobbied on behalf of
Keystone Schools, Ministers at both the DfES and the Office for the
Deputy Prime Minister did however acknowledge that Keystone is the
worst hit authority by the Settlement and the government passporting
proposals.
(Letter to all Headteachers in the borough
From Director of Education and Children
Dated 18 February 2003)

This letter shows that the financial pressure on the LEA was also due to the
way that the Council had been expected to 'passport' a higher percentage
increase of funds to schools than the increase the Council was receiving from
central government as a whole.

In the light of the financial problems for both the schools and the LEA,
Keystone was facing a severe economic crisis. The crisis, as the words
above show, was not of its own making. Nevertheless, it had to respond.

4.4   Anticipated Ofsted Inspection.

The LEA was expecting an Ofsted inspection in 2003. In anticipation of this
inspection the LEA published a consultation on its new SEN and Inclusion
Strategy (Keystone Council 2003k) in the same year.

Preparation for the inspection had to be taken seriously because the previous
inspection, in 1999, had highlighted significant concerns about the service for
SEN in the LEA. The 2003 inspection report (OFSTED 2003), highlighted
problems which were evident in 1999 and were still persisting then, in 2003:

Some of the unsatisfactory areas from the previous inspection remain,
most notably in special educational needs (SEN), where the LEA's

strategy is poor and its functions to support school improvement are
unsatisfactory. (ibid 2)

This is a significant and devastating judgement because it shows that in the
four years between the inspections (1999 to 2003) the LEA was unable to
make significant enough headway for Ofsted to come to the view that the LEA
had made notable strides as regards its overall SEN strategy and its ability to
influence school improvement. Moreover, the Ofsted finding is clear that it is
not a specific aspect of the LEA's SEN strategy which is problematic, nor a
specific aspect of its support for school improvement which is wanting, but its
SEN strategy and support for school improvement as a whole.

The 2003 inspection report acknowledged that a major restructuring of the
LEA took place in the 12 months prior to the inspection and that furthermore
some of these changes were still being carried out (ibid). However, this simply
confirms that in the 4 years between inspections the LEA was still in an
unsettled state.

The same Ofsted inspection report (ibid) approved of the LEA's use of
external financial consultants:

Good use was made of external financial consultants to review the
actions taken by the council during the 2003/4 budget-setting process.
The consultants' report provided helpful independent evidence to
headteachers to confirm that all reasonable steps had been taken to
prioritise school budgets. (p.9)

These findings of the Ofsted inspection (OFSTED 2003) are of note for two
reasons. First it reinforces the point made earlier on above, that the LEA was
experiencing some pressure on its budget. Second, it shows that the LEA's
financial difficulties could have a knock-on effect on school budgets, the
implication being that school budgets were also under pressure and that
headteachers were skeptical about school budgets being prioritized by the
council.

As regards the LEA's relationship with schools and therefore the possibility of heightened sensitivity about both the SEN and schools budgets, Ofsted's (ibid) pre-inspection school survey was quite explicit:

The pre-inspection school survey showed that both primary and secondary schools rated almost all aspects of the LEA support for SEN less than satisfactory and significantly worse than other LEAs surveyed. (27)

Under circumstances in which both the LEA and the schools were under significant budgetary pressures, this shows that the LEA would have to exercise extreme care when changing schools SEN budgets, for fear of worsening an already problematic relationship.

The Ofsted inspection (ibid) placed a great emphasis on the LEA's SEN budget. It stated that,

'A pattern of overspending has been turned round to a budget under control' (28).

Unfortunately no evidence is provided by Ofsted in the report (ibid) as to how this conclusion was reached. Yet, further on the Ofsted report (ibid) appears to contradict itself. It states

[T]he principles of inclusion are at the heart of the draft policy for SEN. However, this is still being consulted upon and, as yet, there are no robust, timed and costed action plans' (30).

The apparent contradiction consists in this: if the SEN policy were in draft form and there were no 'robust' or even 'costed' action plans to accompany this policy, surely it is not possible to so categorically state that the SEN budget could be under control. However, the purpose here is not to critique the Ofsted report for Keystone. Rather it is to emphasise the real difficulties

the LEA was experiencing to keep its SEN budget under control and how complex a task it was to achieve this in the light of the fact that the SEN budget could not be seen separately. For the way the SEN budget was allocated was part and parcel of the LEA's whole policy on SEN.

The Ofsted report (ibid) also gives some insight into the political and economic crisis around the LEA's SEN policy. It shows that the crisis was political to the extent that the LEA was struggling to improve a SEN strategy described by Ofsted as poor (its overall judgement rating was 6 which is described as 'poor' with 'significant weaknesses'). It also shows that the crisis was economic insofar as the LEA was trying to balance a budget which, as Ofsted stated above, had previously been 'overspent'. However, it is also important to note that these were not two separate crises. They were interlinked insofar as the SEN strategy, according to Ofsted (2003), was also meant to have costed action plans attached.

That the crises were linked is expressed by Ofsted (2003) in the following terms:

> *'The previous inspection report noted that the LEA was aware of weaknesses with its SEN strategy and had instigated a review to clarify the policy and bring about a more efficient distribution of resources' (26).*

These words reveal that it is possible to read Keystone's SEN crisis in a different way. Rather than, as has been done so far in this chapter, conceptualizing the crisis as a combination of two distinct crises - a political crisis and an economic crisis, it is possible to read the two crises as one. In other words, that the political crisis of SEN in Keystone was in fact an economic crisis insofar as the (political) strategy was related to the 'distribution of resources' and, of course vice versa, that the economic crisis namely the 'distribution of resources' was correspondingly political in that it directly informed the LEA's SEN strategy.

Why is the questioning of the political and economic distinctions within the crisis facing Keystone's SEN strategy so important from an analytical point of view? I think that it is important because a SEN strategy by its very nature should deal with SEN first and foremost. However what the quotation reveals is that what Ofsted was emphasising was not SEN, for example the quality of provision for children with SEN. Instead it was emphasizing the distribution of resources. In other words it was putting a very high (political) priority on the economic/financial concern about the 'distribution of resources' and it was therefore saying to Keystone that if it did not resolve this 'problem', its SEN strategy, not its financial strategy, would be regarded as problematic.[6]

It is also important to note that Ofsted was required to pass judgement on '[t]he extent to which the LEA has exercised its SEN functions to meet the requirements of value for money'. For this it gave the LEA a rating of 4, 'Satisfactory'. This shows two things: that Ofsted was concerned about SEN as regards 'value for money' and also that in the preparation for Ofsted the LEA would have been eager to demonstrate that its SEN functions delivered 'value for money'.

4.5   The findings from the Consultants' report

A key report (Clarion Consulting Limited 2002) which influenced the LEA's whole SEN strategy on inclusion and finance was written by external consultants called in by Keystone. For the purposes of this thesis the consultancy which wrote the report will be called Clarion Consultants. The LEA commissioned these consultants to identify the main issues regarding SEN and to advise about a way forward. As stated before, this report is

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[6] This raises an interesting question: what is Ofsted's role here? Is it political or economic or should one say that its political role is in fact economic as well? It also means that funding is highly political and any neglect of SEN funding is a political/social rather than supposedly dry economic/financial consideration.

important because it was largely in response to it that the LEA developed its SEN and inclusion strategy.

This report is also of interest because it gives important details about the financial problems facing Keystone. In highlighting these financial problems, the report also made suggestions about how the problems could be solved. In fact the Ofsted report (OFSTED 2003), as will be shown later, used the findings of the Clarion report (Clarion Consulting Limited 2002) to bolster its own findings.

The consultant's report (ibid) became the springboard for the LEA's consultation with schools and parents about changing the way Statements were written and funded. These consultations will be dealt with in the body of the thesis.

At this stage, however, it is necessary to highlight some important details regarding the funding and associated problems Keystone was encountering concerning SEN.

The consultants' report (ibid) states the following:

> *'The scale of the spending on out-borough placements in (Keystone) is disproportionately high by any measure, and shows no signs of reducing:' (p4)*

In turn, the Ofsted report (OFSTED 2003), drawing on this finding, makes the following call:

> *'more needs to be done to reduce the high number of pupils with SEN currently placed out of borough' (26)*

The consultants' report (Clarion Consulting Limited 2002) showed that Keystone spent £5.8 million on out-borough placements whereas two neighbouring boroughs spent £2.06 and £3.26 million respectively. The

concern about out-borough placements was the first 'key issue' highlighted in the report (ibid).

To clarify, when the report was referring to out of borough 'placements' it was commenting on those pupils who had Statements of SEN who were placed in schools in neighbouring boroughs or in expensive residential placements elsewhere in the country. The cost of residential placements would have been particularly expensive given that the LEA would have had to bear the cost of the specialized education required and it would have to be responsible for the cost of the residential component of the child's stay. For all out of borough placements, it means that these pupils would have required specialized schooling which was not available within Keystone.

There is a clear implication of this finding - that if these 'placements' were in the borough, the cost would be brought down significantly. Such a significant cost saving would come about because there are two costs when pupils are educated outside the borough – the cost of the pupil's place at the specialist school and the cost of transport. Bringing the pupil's schooling back into the borough would, if nothing else, save on transport. The SEN Code of Practice (DfES 2001) is very clear about the LEA bearing the cost of transport for children with statements who are educated in residential provision a far distance from their home:

> *Where the LEA names a residential provision at some distance from the parents' home and the local authority, the LEA should provide transport or travel assistance; the latter might be reimbursement of public transport costs, petrol costs or provision of a travel pass. (DfES 2001 112)*

It should now be clear why out-borough placements were expensive for the LEA. But the SEN Code of Practice (DfES 2001) also makes explicit that out-borough placements should not be the first resort for LEAs when seeking suitable schools for children with statements:

*Where an LEA proposes to issue a statement or amend part 4 of an existing statement they **must** name the maintained school - mainstream or special - that is preferred by the parents providing that:*
- the school is suitable for the child's age, ability and aptitude and the special education needs set out in part 2 of the statement
- the child's attendance is not incompatible with the efficient education of other children in the school, and
- the placement is an efficient use of the LEA's resources. (108)

So if Keystone was educating children outside the borough it would have had to exhaust the possibilities of a 'maintained school – mainstream or special' in the borough, or it could have been heeding the parents' preference. Nevertheless, the placement should have been in keeping with the 'efficient use of the LEA's resources' (ibid). This implies that a decision to place a child outside the borough would not have been taken lightly and would have been considered with due consideration regarding expense involved, as is implied by the words 'efficient use of the LEA's resources' (ibid).

The second key issue highlighted by the Clarion report (Clarion Consulting Limited 2002) was:

The number of statemented pupils is too high and still rising dramatically. (4)

This issue also has significant funding implications: as a component of overall SEN funding the funding for pupils with Statements is, of course the highest because the Statement stage of the SEN Code of Practice (DfES 2001) is the highest stage, after the two prior stages, SEN Action and SEN Action Plus. It means that lesser (and less expensive intervention) had not been sufficient to address the child's difficulties, therefore a Statement was required.

These two key findings suggest that funding for pupils with Statements in Keystone was cause for great concern. This is evident from the alarmist tone of the second quote, namely that the number of pupils with Statements is

already 'too high' and 'still rising dramatically'. Furthermore, these findings suggest that the funding for special educational needs, of which funding for pupils with Statements is the most significant component, was either out of control or could soon be so.

The question as to whether Keystone's funding for SEN was part of a pattern of 'overspending' on SEN (as reported by Ofsted and mentioned earlier) can be evaluated in relation to a term called the SEN funding 'time bomb'. This is an important term the relevance of which for Keystone will be discussed and evaluated at greater length later in the thesis. However, at this stage, and before discussing some other factors influencing Keystone's crisis, the term SEN funding 'time bomb' will be described in some detail.

4.6   The SEN Funding 'Time Bomb'

A key dilemma for special education is the so-called SEN 'time bomb' (Marsh 2003), that is the increasing demand for Statements which, it is claimed, puts too great a financial strain on the Local Authority budgets. This fits in with, and is relevant to, the dilemma for Keystone as explained earlier – it was operating its special education system in a context of increasing austerity in that the funding for the whole Council was under pressure. Furthermore, the seemingly alarmist tones of the Clarion consultants' report (Clarion Consulting Limited 2002), that the number of Statements of SEN being issued by Keystone was rising 'dramatically' would have placed greater pressure on SEN budgets.

The SEN 'time bomb' is alluded to in many different guises by a range of important writers.

In his book Marsh (2003) explains the context of the SEN 'time bomb' thus:

the backcloth of this book has been the widespread concern about the
escalating costs of providing for pupils with additional and special
educational needs (124).

Another author, (Fletcher-Campbell 1996), referred to 'escalating special
education budgets', linking these directly to overall education overspends in
some local authorities. 'Controlling the special education budget', she stated,
'has become a critical management issue in a political-economic context of
concern over public expenditure' (p. 6). In relation to the discussion in this
chapter, it is noteworthy that Fletcher-Campbell (ibid) is also emphasising the
'political-economic context', thus reiterating the observation that funding is
inseparably a political and economic issue.

Bowers and Parrish (2000) also refer to this problem, that SEN funding has
finite limits. Comparing the finite limits of SEN funding with the finite limits of
common land used for grazing animals, they allude to the 'the Tragedy of the
Commons' (ibid 167), in which at some point there will be so many animals
that the common land will not be able to sustain them, thus leading to
overgrazing and destruction for animals and humans. Referring to their
source, Hardin, they write

> *Hardin was addressing the problem of population growth. He*
> *concluded that only by taking drastic steps to control population size*
> *can we avoid the destruction of the 'commons' that are important for*
> *maintaining both the quality of our lives and our lives themselves.*
> *(167)*

Bowers and Parrish (2000) argue that the analogy of the 'Tragedy of the
Commons' is instructive to the debate about funding for SEN (thus relevant to
Keystone and elsewhere) because it affirms that funding has definite limits.
Therefore, given mounting demand on the part of more pupils who are given
Statements, just like the Commons which constitutes a finite area, at some
stage the funding must run out. At that stage hard, harsh choices must be
made. Of course, as Bowers and Parrish (2000) assert, this is not a problem

confined to special needs funding. Special needs funding could rise too dramatically in relation to overall education funding. Education funding, in turn, could rise too drastically in relation to the budget of the Authority as a whole. No matter how broadly the problem is posed, so the argument goes, the same dilemma reasserts itself – somewhere along the line the money is going to run out.

But I think it is important to point out that where the limit is imposed, whether confined to SEN funding itself, or the education budget as a whole, or even the Local Authority budget in total, is a political decision. It's a decision which must be taken by those in power, whether Local Authority officials or councillors. The problem with the analogy of the 'Tragedy of the Commons' (and that of the SEN 'time bomb', too, of course) is that it gives the impression that the outer limit is objectively imposed, that somehow it is unhampered by human intervention. However, to put it very bluntly, my contention is that it is a political decision whether and where the funding for SEN is capped, it is a political decision whether and where the whole of the education budget is capped, and it is a political decision whether and where the budget for the whole Authority is capped.

This also implies that whose political decision it is depends on the level at which the budget is set. If the decision pertains to the budget within the Local Authority it becomes a political decision of local government. If, however the decision concerns the budget imposed on the Local Authority as a whole, it must be a decision of central government. In that sense the economy of special education is politicised (and therefore must be seen as a political economy, a term I return to later in this thesis).

The dilemma about the SEN funding 'time bomb' was raised in an important report written by accountants Coopers and Lybrand (1996), cited by Marsh (2003) and by Bowers and Parrish (2000). The report is important because it had widespread endorsement nationally in that it was commissioned by a consortium of 59 local education authorities in England and Wales, and the

study was supported by the DfEE and CIPFA, the Chartered Institute of Public Finance and Accountancy (Coopers and Lybrand 1996).

In circumstances where the SEN budget is capped and overspends are not permitted, the report (Coopers and Lybrand 1996) suggests two solutions to the 'time bomb', either 'reducing the value of the SEN unit' or 'reducing the value of the non-SEN unit' (33).

This is an interesting use of terminology. It gives the impression that the 'SEN unit' and the 'non-SEN unit' are just monetary or financial terms which require some reduction. However, these terms actually refer to real children. The 'SEN unit' are those children or young people with SEN, the 'non-SEN unit' are those children or young people in schools who do not have SEN. So the use of these terms depersonalizes and depoliticizes those children which these terms refer to. The fact that Coopers and Lybrand (1996) are referring to real pupils becomes evident later.

Regarding the first solution, lowering the 'value of the SEN unit' they explain:

In effect the LEA is deciding to expand the proportion of pupils with SEN it considers require an additional resource but it is doing so by reducing the resource for the existing SEN cohort. Carried to an extreme the LEA could find itself in a position where the resources allocated for the original 2% of the pupils is now halved and spread over 4% of the pupils. (33)

While this is a mathematically and perhaps financially elegant solution, it raises an important social issue – that the resources considered necessary to support a given number of children identified with significant SEN can simply be stretched to be used for (many) more children. In effect it calls into question a diagnosis of SEN requiring a definite amount of support. For it must be recalled that the Code of Practice (DfES 2001) requires that a Statement identify both the SEN of the pupil for whom it is written and the specific amount of support (for example the number of hours of Teaching

Assistant support) required for the child to be able to address that SEN. The solution of reducing the 'value of the SEN unit' would overturn the requirement for defined support in a Statement. It is little wonder that Coopers and Lybrand (1996) stated 'We do not consider that this can properly be done without the decision by elected members (ie elected local councillors)' (p.33).

Regarding the second solution, 'reducing the value of the non-SEN unit' (Coopers and Lybrand 1996 33), the same report states:

> *[This] is normally achieved by the LEA capping the ASB (Aggregated School Budget) and funding any overspend which arises from additional statements by making a first call on the subsequent year's ASB (which is then further reduced according to the new estimated level of statements). The effect on the overall school budget is neutral although, in effect, pupils with SEN gain at the expense of pupils without SEN (ibid).*

Again, the language is seemingly benign, note the use of the term 'neutral' – pupils with SEN gain and those without SEN lose as if in a game. But if one reduces a 'unit', by definition some or all covered by that unit inevitably get less, and by definition they cannot get more. So to say that some will 'gain' and some will 'lose' is actually incorrect. More precisely, some will retain the funding which they had before, others will 'lose', but there can be no 'winners'. Thus I contend that reducing budgets, whether this is described as reducing the 'SEN unit' or the 'non-SEN unit' is an economic/financial construction which obscures a political choice about who will 'lose'. Whether and how this applied in Keystone will be discussed later in this thesis.

4.7   The pressure to promote inclusion

During the period when Keystone LEA produced its SEN and Inclusion Strategy (Keystone Council 2003k), analysed in this thesis, the government, Ofsted and the Audit commission, among others, called for LEAs to promote

inclusion. Moreover, there was a requirement that LEAs become responsible for inclusion (2003).

The relevance of this development for the crisis confronting Keystone LEA is that it can be read as an additional pressure confronting the LEA. It had serious financial and political (that is policy) pressures with regard to SEN, but at the same time it was under pressure to promote and be responsible for inclusion. Later on this thesis will evaluate the compatibility of these combined pressures, that is the emphasis on SEN in relation to the emphasis on inclusion.

4.8   The short timescale within which Keystone had to make changes

This chapter has argued that Keystone was in a crisis and that it is important to describe the components of that crisis. The components of the crisis discussed so far have been described as political and economic. However, a further contributing factor to the crisis has to be acknowledged - the pressure of the constraints of limited time. A key date was the Ofsted inspection of late 2003. This was the date to which all preparation was geared because Ofsted would be evaluating the LEA's strategy. On the other hand the key report produced by the consultants, Clarion (2002), was produced only in 2002. Between these two dates, that is within a time frame of but a few months, the LEA conducted two major consultations both of which will be described later.

What is important for this argument is that those consultations were respectively with the headteachers of all schools and with all parents of children who had Statements of SEN. Bearing in mind that the LEA had close to 100 schools and had issued over a thousand Statements, meaning over a thousand parents had to be consulted, it is possible to understand the scale of the LEA's tasks which had to be conducted in such a short time. My view is that the problem of time constraints can be overlooked as an explanatory factor in how the LEA responded. It is possible to analyse the LEA's response

in terms of how it tried to balance and resolve the competing and contradictory pressures of its financial and policy imperatives. But that would be to overlook the effect of 'adhocery' (Ball 1994). In other words even if the LEA wanted to resolve some of the contradictory pressure on it, if it ran out of time those contradictions would remain.

4.9   Conclusion

This chapter has set the scene for the chapters which deal with the data I gathered. In this chapter I have argued that in order to understand the way that Keystone dealt with the relationship between SEN and inclusion during the time of the study, it is necessary to acknowledge that Keystone was responding to a crisis. Furthermore, in order to understand Keystone's response to its crisis it is necessary to understand the make-up of the crisis itself.

The chapter has shown that Keystone's crisis consisted of multiple and overlapping dimensions. But in broad terms the chapter has demonstrated that there were two key strands of the crisis which have to be seen both as distinct and overlapping: a political strand and an economic strand. The political strand centred around the impending Ofsted inspection, the economic strand related to the LEA's acknowledged financial difficulties with its budget overall.

However, Ofsted itself, passing judgement on the LEA's SEN policy, in turn placed a heavy emphasis on the financial problems relating specifically to SEN, claiming that the LEA had not yet been successful as regards the 'distribution of resources' for SEN. So the problem relating to the LEA's 'distribution of resources' for SEN provision had two sources – an overarching source in that the LEA as a whole had been given a poor financial settlement by government, and a particular source, namely that the LEA's record on balancing its SEN budget was historically weak. Whether it was so weak will be discussed in a later chapter.

The pressure to promote inclusion was mentioned as a contributing factor to the crisis within SEN. While the financial problems relating to the 'distribution of resources' for SEN no doubt had to be resolved, the LEA was also under pressure to at the same time 'promote inclusion'.

Another important function of this chapter was to introduce the concept of the SEN 'time bomb'. It was argued that the use of this term raised the possibility of reducing budgets for SEN. This in turn would mean that some, if not all, children with SEN would 'lose'. The analysis which follows, in the body of the thesis, will evaluate to which extent Keystone was in fact experiencing a SEN 'time bomb'. The analysis will also contribute to theory-making by critically evaluating the usefulness of the term SEN 'time bomb' in the light of the experience of Keystone.

In the following chapters I will argue that Keystone's perceived economic crisis became the vehicle for the reallocation of political priorities. Pupils with Statements and within the overall category of SEN were going to be prioritized in a different way.

Appendix

Key Information about SEN Provision in Keystone, 2002/3

According to Keystone, DfES estimates were that 22% of school pupils in England were identified with SEN and just over 3% had a Statement.

The total number of pupils in Keystone was 53,746.

3.07% of the total number of pupils in Keystone had Statements.
The actual number of pupils who had Statements of SEN was 1650.
Of these, 1186 (66%) were in mainstream schools (including special units).
But 1016 (62% of the total number who had Statements) were in mainstream schools (**excluding** special units).

Expenditure on SEN

Category	Sum	Percentage
SEN/AEN	£9,817,000	34%
Statement Top-ups	£3,943,000	14%
Special Schools	£4,859,000	17%
Mainstream Units	£1,798,000	6%
Statement Out-borough	£8,392,000	29%
Total	£28,809,000	

Special Schools (background information)

Type of SEN	Primary/Secondary	Number of pupils
Severe	Primary	79
Moderate	Primary	85
Severe	Secondary	60

Specialist provision in Mainstream Schools (background information)

Autistic	Primary	12
Language and Comm	Primary	12
Speech and Language	Primary	18
Speech and Language	Secondary	12
Physical	Primary	11
Physical	Secondary	14
Hearing	Primary	20
Hearing	Secondary	14
Specific Learing Difficulties	Secondary	25
Emotional and Behavioural	Secondary	32
Total		170

All the information here is based on:
Special Educational Needs Inclusion Strategy
Consultation on Policy and Provision For Pupils with Special Educational Needs in Keystone (2013)

5   SEN AND INCLUSION IN KEYSTONE LEA

5.1   Introduction

This chapter will deal with the way the LEA responded to the national developments on SEN, inclusion and funding cuts described earlier. To this end it will examine key documents produced by the LEA on special educational needs and inclusion during the period 2002-3. In order to understand these documents more fully it is necessary to describe them chronologically. This chapter will show that this LEA reproduced rather than resolved the confusion about SEN and inclusion evident on the national level.

The chapter will start by describing the key documents on SEN and inclusion produced by the LEA in the period. Then it will analyze two significant sets of proposals which were integral to the LEA's new SEN and Inclusion Strategy (Keystone Council 2003k). The first set of proposals, made to schools, was to do with changing the funding system for pupils with Statements. The second set of proposals, made to parents, was about changing the wording on Statements of SEN. In both sets of proposals the term 'inclusion' was emphasized as part of the motivation for the proposals.

5.2   Chronological survey of key documentation

5.2.1   The documents

A timeline of the key documents is shown as Appendix A. Please refer to this timeline, which contains additional details, to understand the description which follows here.

The series of documents produced by – and for – the LEA begins with an external consultant's report entitled SEN Finance and Strategy (Clarion Consulting Limited, 2002). An important conclusion in this report was the following:

SEN and inclusion policies are not in place. Without these the necessary vision, policy, procedures and practices cannot be developed, implemented, and evaluated. Schools see statements largely as a means of accessing extra cash rather than securing appropriate support. (Clarion Consulting Limited, 2002, 5).

Such a stark conclusion galvanized the LEA into reviewing its key SEN and schools' funding arrangements. Thus during Autumn 2002 the LEA arranged a consultation exercise with all its schools about changes to the LEA Fair Funding Scheme, including the way that schools would be funded for pupils identified with SEN. The Fair Funding Scheme was the mechanism whereby LEAs transferred funding to schools. It described how schools budgets were allocated. Fair Funding replaced Local Management of Schools or LMS in 1999 (Marsh 2003). The review undertaken by Keystone was also in anticipation of an Ofsted inspection of the LEA which was to take place in September 2003 (OFSTED, 2003).

During the same period in which it initiated the consultation with schools about the Fair Funding scheme, the LEA started a related consultation with parents and schools about the way that additional support would be described in Statements of SEN (Keystone LEA 2003e). This consultation was associated with the publication of a revised version of the LEA's document entitled the Banding System, which described the way the LEA would allocate additional funds for each Statement of SEN it issued (Keystone LEA 2003a). During this period the DfES stepped in, writing to the LEA to express concern about its proposals to change the wording on Statements (DfES, 2003a).

During Autumn 2003, when the Ofsted inspection of the LEA occurred, the LEA produced its official consultation document entitled Special Educational Needs Inclusion Strategy (Keystone Council 2003k). This document was preceded in April 2003 by a Discussion Paper which described a number of other documents reviewing specific aspects of SEN provision in the LEA (Keystone LEA 2003h). The final version of the LEA's SEN Inclusion Strategy,

to cover the period 2004-8, was published in November 2004 (Keystone LEA, 2004).

In Autumn 2003 the LEA also published and distributed to all its schools an updated version of its Handbook for Special Educational Needs and Inclusion (Keystone LEA, 2003d). This handbook was a tool and guide for schools, describing the respective roles and responsibilities of schools and the LEA in identifying and supporting pupils who had special educational needs. The handbook (Keystone LEA, 2003d) included criteria the LEA Special Educational Needs Panel would use to decide whether or not the LEA would carry out a Statutory Assessment of SEN - in terms of the Code of Practice (DfES, 2001c) - on any pupil referred to it by a local school.

5.2.2 LEA under pressure

The plethora of documents and activity described in the period under review occurred within specific circumstances for the LEA. The Ofsted inspection in September 2003 has already been mentioned (OFSTED, 2003). In addition, during the same year, the LEA undertook a large-scale restructure of its whole organization (Keystone LEA, 2003c). Moreover, as explained in the previous chapter, this coincided with a time when the LEA was plunged into significant funding difficulties as a result of the government providing it with a very low financial settlement for the financial year 2003/4.

The intense activity associated with the production of so many documents in so short a period, mainly during 2003, suggests that the LEA, its officials and its schools could well have made a constructive contribution to the local debate about SEN and inclusion. With the impending Ofsted visit it even had an opportunity to influence the national debate on these issues.

Of course the LEA faced significant challenges. The short period in which documents were produced means that timescales were tight. Furthermore the fact that the LEA was experiencing financial difficulties held the danger that proposed changes could be ascribed to financial considerations rather than

the need for changes in culture, practice, procedure or pedagogy. The next sections will attempt to examine these issues by carefully analysing the LEA's documentation.

5.3   Conceptions of Inclusion

5.3.1   SEN and Inclusion

An interesting insight into the way the LEA conceptualized inclusion is to relate its use of the term inclusion to the term special educational needs. In fact it called its whole strategy 'special educational needs inclusion strategy' (Keystone Council 2003k). The implication of juxtaposing SEN and inclusion is that these terms are compatible. However there is a compelling argument, referred to earlier, that special educational needs and inclusion are actually incompatible.

To reiterate briefly, the Index for Inclusion and the Audit Commission make the important point that SEN in general and Statementing in particular can be 'at odds with inclusion' (of all pupils experiencing difficulties) (Booth et al, 2000, Audit Commission, 2002) to the extent that the label SEN could shift attention and resources away from those pupils who are not identified with that label (Booth et al. 2000, Audit Commission 2002). For this reason the Index for Inclusion calls for the rejection of the term SEN with its negative labelling connotation, instead favouring the term 'barriers to learning and participation' (Booth et al, 2000). As these writers contend, such barriers can be found in all parts of the education system including in schools and communities (Booth et al, 2000). So the argument about the incompatibility between special educational needs and inclusion implies a fundamental shift of focus away from individual pupils and onto their whole learning environment in the broader sense. As will be shown, this is not what happened in Keystone.

This argument is important to an evaluation of Keystone's whole strategy because had the debate within the LEA and its schools called into question the term special educational needs as raised in the argument above, the whole strategy could have been qualitatively altered. Such an eventuality is not without precedent. Another LEA, Newham, when reviewing its strategy on special educational needs started such a qualitative change by adopting a policy of systematically closing all its special schools (Jordan and Goodey, 1996) .

> *'Newham Council's aim can be summed up by the following mission statement:* **The ultimate goal of Newham's Inclusive Education policy is to make it possible for every child, whatever special educational needs they may have, to attend their neighbourhood school, and to have full access to the curriculum and to be able to participate in every aspect of mainstream life and achieve their full potential'.** *(8) Emphasis in original.*

Newham was therefore aiming to ensure that all children regardless of SEN would be taught alongside one another in their neighbourhood schools. Newham's approach was in accord with the Salamanca Statement (UNESCO 1994) as discussed in my Literature Review earlier.

5.3.2   SEN inclusion

What Keystone focused on, as the name of its strategy implies, is mainstreaming or integration. (This was discussed earlier in this document.) Thus the first aim of the LEA's Special Educational Needs Inclusion review was

> *To plan for increased inclusion of children with special educational needs in mainstream schools….*
> *(Keystone Council 2003k, 5)*

So the concern was with those pupils identified with special educational needs and the objective was to 'include' more such pupils in the LEA's

mainstream schools. As compared with the fundamental shift called for by the Booth et al above in the Index for Inclusion (Booth et al, 2000) and even in terms of the government's definitions of inclusion discussed earlier in the paper, this is a narrow view of inclusion. Nevertheless, if it were to be consistently applied, it means that the LEA would have had a clear and unambiguous view of inclusion no matter what the merits or demerits of this view.

However, elsewhere in the strategy document, when describing the work of one of its central teams, namely the Inclusive Education Advisory Team, it stated

> *The team utilises the Index for Inclusion to assist schools in*
> *developing inclusion.*
> *(Keystone Council 2003k, 22)*

This means that the LEA was advocating the use of a publication which, as explained above, called for an approach fundamentally different from its own policy aim of including more pupils with special educational needs in its mainstream schools. So on one hand the LEA continued to use the term 'special educational needs, on the other it advocated the use of the Index which rejected the very use of the term 'special educational needs. There can be no doubt that this was a recipe for confusion. This argument echoes what was discussed earlier in this paper about the government's lack of consistency in its policy. Despite financially supporting the research for the Index and distributing the Index to every school in the country (Booth et al, 2000), the government's own view of inclusion was not in line with the conception advocated by the Index.

Elsewhere in the Strategy document, the LEA advocated yet another view of Inclusion. In a section called Key Principles under the heading 'What we mean by Inclusion' the document stated:

> *Inclusion sets the concern for excluded groups in a wider*
> *context. It is based on the assumption that it is not only those*
> *excluded who suffer from the consequences of exclusion but*
> *also the wider community.*
> *(Keystone Council 2003k, 51)*

Here the conception of inclusion is one of social inclusion as discussed earlier. Social inclusion, it must be recalled, emphasizes the need to support excluded groups within society (DfEE, 1999).

However, having established this concern, the document drew the following conclusion:

> *By using the above definition of inclusion and the benefit to*
> *the whole community it can be seen that school improvement*
> *and inclusion are directly linked.*
> *(Keystone Council 2003k, 52)*

It then went on to state that this means that all pupils should therefore have better 'teaching', better 'learning', better 'leadership and management' and better 'levels of attainment and achievement' (Keystone Council 2003k, 52). This is an interesting argument. Having established a concern for excluded social groups, it deduces that the emphasis should be placed on improving 'teaching' and 'learning', implying that in this way the benefits will be filtered through to the excluded social groups, thus improving their position. This may well be true (although the document gives no indication as to how it will happen). However, it does not mean that the reasons for the excluded groups being excluded in the first place are being addressed. Thus the initial concern for targeting the excluded groups is side-stepped. It seems from this that the internal logic of the LEA's argument is suspect.

However, as regards inclusion, the argument put forward in the document is that this is well prosecuted by a concern with 'school improvement'. So, somehow, by having improved schools they become more (socially) inclusive.

Unfortunately there is no explanation or evidence as to how improved schools become more inclusive.

5.3.3 Many 'inclusions'

From the descriptions above one can conclude that Keystone LEA was employing a repertoire of different conceptions of inclusion. Earlier on in this thesis reference was made to many 'inclusions' (Barton, 2003). A case can certainly be made for different circumstances requiring different approaches. However, this does not seem a valid argument in respect of a single LEA faced with a unique and specific set of circumstances, establishing a strategy which can be applied consistently by all its schools. Indeed the dilemma for Keystone LEA, as will now be argued, was that it was falling foul of Ofsted's injunction for LEAs to provide consistent local direction for its schools.

Acknowledging that LEAs have significant problems in providing for pupils identified with special educational needs and that the use of the word 'inclusion' with its multiple meanings has led to confusion, Ofsted and The Audit Commission called for LEAs to draw up clear inclusion strategies (OFSTED and Audit Commission, 2002). In so doing they argued that:

> *An inclusion strategy should, therefore, be a definition of a repertoire of interventions aligned to an audit of need, and framed in the light of a statement of principle.*
> *(paragraph 23)*

The conceptions of inclusion used by Keystone LEA and described above are too varied to amount to a unified statement of principle. For Keystone to argue that inclusion amounted to school improvement was to overlook its other argument that inclusion should emphasise those with special educational needs or other excluded groups. And in turn for it to argue that special educational needs should be a concern was to forget that its approval of the Index for inclusion called into question the very use of the term special educational needs. This was most likely to lead to confusion in the LEA's own

ranks and in its schools. Such confusion, arising from assigning different meanings to the same term, was precisely what Ofsted and the Audit Commision expected LEAs' inclusion strategies to overcome (OFSTED and Audit Commission, 2002).

As they stated:

In this context, use of the word 'inclusion' leads frequently to confusion, since the same noun is also applied to a raft of policies designed to secure the full participation in society (social inclusion) of people deemed for a variety of reasons to be 'at risk'. Clearly, not all pupils with SEN are at risk of social exclusion, though some are; equally clearly, not all children at risk of social exclusion have SEN. (paragraph 20)

By citing Ofsted and the Audit Commission in this way, this paper is not arguing, as is implied by these bodies, that it is for LEAs to resolve the 'confusion' about 'inclusion' without acknowledging that the government also has a responsibility to do likewise. For, as argued earlier in this thesis, the government policy on inclusion and special educational needs is complex and contradictory. What the evidence in the paragraphs above has shown is that Keystone seems to have reproduced rather than resolved a dilemma which was also evident in national policy-making on SEN and inclusion.

5.4   Funding SEN and Inclusion

5.4.1   Fair Funding consultation with schools

As stated earlier, the LEA initiated a consultation with its schools about funding for SEN in Autumn 2002. An important aim of this consultation was to promote inclusion. There were several reasons for this consultation. The need for a coherent SEN Strategy (highlighted by an external consultant's report - Clarion Consulting Limited, 2002) and the LEA's impending Ofsted inspection have already been mentioned. Another reason was that the government had changed the rules governing the way LEAs and schools would be funded. In

particular the government required LEAs to identify clearly the amount of money that was going to be centrally withheld (from schools) and the amount to be delegated to schools (Keystone LEA, 2002a). Of the money to be delegated to schools the government recommended that LEAs take account of the influence of 'social deprivation' on schools (Keystone LEA, 2002a). (I will explain later that although the term 'social deprivation' is usually associated with Free School Meal entitlement, the LEA did not define 'social deprivation' adequately.) The consultation Keystone LEA undertook will now be discussed in the light of the government's guidance on funding SEN and inclusion described earlier in this paper.

The LEA proposed that the consultation should take place within a very short period – it would start in November 2002 and the final funding formula would be agreed by February 2003 in time for the preparation of school budgets for the next financial year (starting in April) (Keystone LEA, 2002a). It emphasised that 'SEN/AEN' would be 'the most significant area for review' and that the focus of the funding review would be mainstream schools, not special schools (Keystone LEA 2002a, 8).

The aims of the review were spelt out clearly:

> *The LEA is of the opinion that such funding should be based*
> *on the policy aim of supporting inclusion, and also the funding*
> *mechanism should assist a 'whole school approach' to SEN*
> *resource deployment; be transparent; be flexible in meeting*
> *needs; encourage early intervention strategies and*
> *discourage perverse incentives to obtain statements, and*
> *assist partnership between schools'.*
> *(Keystone LEA, 2002a, 8)*

These aims, in particular the commitment to inclusion and the need for transparency, together with the emphasis on establishing a relationship between SEN and AEN, were in line with the government funding guidance on SEN and AEN discussed earlier.

The need for a 'whole school approach' fleshed out the commitment to inclusion by emphasising that pupils with SEN should be viewed in the same way as other pupils. Thus, in funding terms, the document stipulated that funding for extra support should be used in conjunction with 'age weighted pupil allocations' for which all pupils were eligible (Keystone LEA, 2002a). This ensured that the artificial and negative separation of those identified with SEN, discussed earlier, was avoided.

The reference to discouraging the so-called 'perverse incentives to obtain statements' was concerned with the need to ensure that Statements were not sought for particular pupils simply because the school did not have sufficient funding (Keystone LEA, 2002a). This was ironic because, as will be explained more fully later in this chapter, the LEA also proposed to cap the total SEN budget for schools, thus potentially depriving some schools of sufficient funding for pupils with SEN. So was the LEA not itself creating the 'perverse incentive' which it was ostensibly discouraging? [7] The reference to 'perverse incentives' can also be viewed as a criticism of the Statementing process – that an elaborate and expensive procedure had to be engaged in so that at the end of this process some funding for the particular pupil could be released (Audit Commission, 2002).

5.4.2 The new system[8]

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[7] A fuller discussion of 'perverse incentives' is given in the introduction, where I show that the term is still used in official documents to the present (2013), and also later in the thesis.
[8] The funding system described is all about funding for pupils above the Age Weighted Pupil Unit (AWPU) given to every child in a school. 'It is important to emphasise that the amount of funding delegated to schools as extra support cannot be viewed as separate from the age weighted allocations. All funding must be considered together to ensure a whole school approach to meeting the needs of pupils' (9) (Letter to all schools from Deputy Chief Education Officer dated October 2002

Table 1: Current system of funding

Category	Method of Funding
Non-statemented SEN ie Action Plus	Pupil count
Statemented SEN ie pupils with Statements	Each pupil individually funded, according to funding band 1-9
Free School Meals	Pupil Count
EAL (English as an Additonal Language) ie pupils whose first language is not English	Pupil Count
Pupil Mobility (Where schools get a sudden increase in pupils due, eg, to building of a new housing estate in area)	Pupil Count

In order to understand the finer details of the proposals it is necessary to describe the system which existed at the time and which the proposals sought to replace. Please refer to the table above. During this period the current funding regime for those with SEN and 'AEN' could be divided into distinct categories as outlined in the table: pupils identified with SEN who were not Statemented and who were funded on the basis of an annual audit or pupil count, pupils who were issued with Statements, each of whom was funded in terms of one of nine 'bands' 'according to their level of need' (Keystone LEA, 2002a) and pupils who had a range of needs other than SEN. The latter included those who were entitled to Free School Meals and those who spoke English as an Additional Language. An explanation of the LEA's Banding System governing funding and support for Statemented pupils was contained

in a particular LEA document of the same name (Keystone LEA, 1999). (I will illustrate the Banding System with a table later.)

Table 2: Proposed New System of Funding

2 Budget Pots	Pupils covered	Method of Funding
SEN/AEN	Non-Statemented SEN, Pupil Mobility, Free School Meals, EAL, Pupils on Band3, Band 3 Element of those who were on Bands 4 to 7	Formula based on Free school meals, Prior attainment, pupil mobility, and EAL
Statement Bands 4 to 7 Top-up Funding	Only Bands 4 to 7	Each Band allocated a set sum of money over and above the Band 3 equivalent. Band 3 equivalent still to be accessed from SEN/AEN pot above

The new system (as illustrated in the table above) which the LEA proposed comprised two distinct categories. The first category, for SEN/AEN was meant to provide funding for a mainstream school to cover the following: 'pupil mobility' (ie if a school had a high turnover of pupils), pupils who spoke English as an Additional Language (EAL), pupils who had SEN but who were not Statemented, those pupils who had Statements up to Band 3 (ie those with Statement Bands 1-3) and 'the band 3 basic level amount of all bands 4-7' (Keystone LEA 2002b, 10). (Please refer to the table illustrating the Bands.) The latter meant that for all Statemented pupils who were on Bands 4 to 7 the amount of money equal to Band 3 would be subtracted from the total value of the Band they were assigned to and would have to be found in the school's SEN/AEN budget as described (Keystone LEA, 2002b).

Table 3: Current Bands
Taken from Document Entitled:
Banding System For Pupils with a Statement of Special Educational Needs
Dated: February 1999

Band	Equivalent to	Cash value (in 1999/2000)
1	SEN Action Plus (cash amount)*	£517
2	5 hours Classroom Assistant	£1728
3	10 hours Classroom Assistant	£3456
4	15 hours Classroom Assistant	£5184
5	20 hours Classroom Assistant	£6913
6	27.5 hours Classroom Assistant	£9505
7	32.5 hours Classroom Assistant	£11233
8	10 hours Teacher support (rarely used)	£12954
9	13.5 hours Teacher support (rarely used)	£17488

Note that all hours of additional support are per week.

The second category was exclusively for those pupils with Statements who were on Bands 4 to 7. The amount of money each school would receive within this category was called a 'top-up' because it comprised the sum above the so-called Band 3 equivalent which had been incorporated into the first, namely SEN/AEN category (Keystone LEA, 2002b).

5.4.3   The new SEN/AEN funding formula

The amount of money for each category for each school was calculated in a very specific way. In respect of the second category, namely for pupils with Statements on Bands 4 to 7, the sum of money was calculated quite simply according to the number of such pupils on those Bands who were at that school.

However, the way money was calculated for the (first) SEN/AEN category was more complicated. Each school would receive an amount of money

based on a formula comprising the following factors which in turn were ascribed particular weightings:

- *'Prior attainment (using existing Infant baseline, KS1 and KS2 data)' – 50%*
- *'social deprivation (as measured by FSM entitlement)' – 43%*
- *'pupil mobility' – 3.5%*
- *'EAL' – 3.5%*

(source: Keystone LEA, 2002b)

(Please be reminded that KS1 means Key Stage 1, FSM means Free School Meals and EAL means English as an Additional Language.)

So in terms of this proposal a school would receive 50% of its SEN/AEN budget on the basis of 'prior attainment' as specified and 43% of its SEN/AEN budget based on the number of pupils eligible for Free School Meals. To elaborate, and taking the factor of 'prior attainment' as an example, if a school had a large proportion of pupils whose 'prior attainment' was regarded as low, that school would receive a greater amount of funding than a similar school which had a smaller proportion of pupils whose 'prior attainment' was regarded as low.

It is noteworthy that 'prior attainment' and 'social deprivation' together comprised 93% of the funding formula. This meant that for the LEA as a whole, there would be a significant shift in funding towards those schools which were regarded as the most needy if judged in terms of their prior attainment and 'social deprivation' scores. By the same token, those schools who were not as needy in terms of these measures would receive less funding.

The prominence given to the factor of 'social deprivation' can be directly related to the LEA's regard for the government guidance that the funding formula should address the issue of 'social deprivation'. The question which arises, though, is why 'social deprivation' is incorporated into a formula so

directly associated with SEN. There is an argument, backed up by historical evidence, that there is a correlation between SEN and 'social deprivation' (Audit Commission, 2002). This can account for the association between 'social deprivation' and what the LEA calls 'SEN/AEN'. However, this is but an interpretation. The problem is that one is left to read into what the LEA has stated because the LEA has not been clear about its meaning.

In particular, the LEA did not made clear what it meant by 'social deprivation', what the consequences in a school would be of social deprivation and therefore what the money associated with 'social deprivation' was meant to be used for. In the absence of such clarification schools could easily draw the conclusion that 'social deprivation' was associated with SEN and therefore the money had to be used for SEN. In this scenario 'social deprivation' would then be read as SEN. Without clarification there was the danger of such conflation. It means that if this scenario was played out on an LEA level, those schools which were regarded as more 'deprived' would have more money not to address their overall 'deprivation' but their SEN.

5.4.4   Problems at school level

A further problem with the LEA's proposals could be anticipated at school level. The funding formula comprised the factors mentioned, such as 'prior attainment'. However the funding was also meant to address SEN, although SEN was not counted because some of the factors eg 'Free school means' were regarded as 'proxy measures' (DfES, 2001a). The danger at school level, in the absence of further clarification and guidance was that pupils who fell into the category of the proxy measures, namely those on Free School meals, for example, would be lumped with the pupils identified as having SEN and then together they could become a sort of undifferentiated mass which were all regarded as 'problems'.

On the other hand because SEN was bureaucratised into definite Stages according to the Code of Practice (DfES, 2001c), and the Code (ibid) specified an expected set of procedures for each stage, the pupils identified in

the formula, for example those with English as and Additional Language, could be neglected in favour of those who had been identified as having SEN. The reason pupils affected by the Code (ibid) were more likely to get preferential treatment was that they had the 'protection' of the Code (ibid), which other pupils, eg those with English as an Additional Language, did not have. (This was explained earlier.)

The proposal for Statemented pupils in Bands 4 to 7 was not without complications. The LEA proposed that these pupils would be subject to 'top-up' funding which was clearly described. However, there was a practical difficulty for schools when the funding for any individual pupil on Bands 4 to 7 had to be found. If, for example, the pupil was on Band 5, the school would be expected to spend £6913 (Keystone LEA, 1999). This precise amount of money was specified in the LEA's Banding document (Keystone LEA, 1999). (Please see table earlier on.) However, the way the school would have to obtain the money, according to the LEA's proposal, was from two different sources. The first source, the top-up, would yield £3457 paid directly to the school by the LEA. The rest of the money, however, namely £3456 (Keystone LEA, 1999), the school would have to find from the section of its budget called SEN/AEN (Keystone LEA, 2002b).

If it is considered that this bureaucratic and cumbersome procedure would have to be reproduced for each and every pupil with a Statement in a mainstream school who was on Bands 4-7, some idea of the practical difficulty of implementing the LEA's proposals can be appreciated. This could lead to frustration on the part of schools, and could reinforce a perception that the Statemented pupils who were supposed to benefit from the system could create bureaucratic and financial problems for the school.

5.4.5 Conflict between formula funding and individual funding

The practical financial problems of these proposals for individual schools could be further compounded. As already stated, the LEA's proposal was that SEN/AEN section of a school's budget would be formula funded. The formula

did not take into account the actual number of Statemented pupils (or indeed other pupils with SEN). It was therefore possible for a school to have a number of Statemented pupils in Bands 4-7 and if that school scored low for prior attainment and Free school meals, it was possible that it would not have enough money in its budget to pay for the Band 3 element of the those Statements. It was also conceivable that the school could have enough money to pay for the Band 3 element of the Statements but then could have very little left to cater for all the other difficulties covered by the SEN/AEN category. In that case the school could be in the awkward position of having to trade off the pupils in one category of difficulty against the others. Again, this would lead to frustration on the part of the school and further problems for the students whose 'learning difficulties' the school had identified through the Statementing process.

The practical difficulties just described relate to the way that the LEA was attempting to merge two fundamentally different funding systems into one. One part of the funding system was formula driven and the other was driven by the needs of individuals with Statements. When they operated separately, clearly there was no possibility of conflict (between the two). However, when they were merged the complications could arise. The evidence for their irreconcilability has been described above, where one individual pupil could be fully funded for a specific portion of his/her support, namely the top-up portion, and could not necessarily have access to the other portion, namely the formula-funded SEN/AEN portion.

However the complications arising from using two different funding mechanisms which in the case of some pupils, namely those with Statements in Bands 4-7, had to be used simultaneously, could obscure a more direct problem – that the amount of money required for the pupil's support literally didn't add up. An instance of this kind of outcome was already given above. This kind of outcome was very deliberately built into the system of funding by the LEA. This was done by making it clear to schools that the budget for SEN would henceforth be finite – therefore if more was needed for some pupils,

less would be available to others. Thus the funding would not necessarily be sufficient. This is how the LEA put it:

> *[A principle all schools should accept is to] recognise that the total budget of SEN is finite, so the higher the expenditure in one area (eg statements) the less there will be in another (eg AEN)*
> *(Keystone LEA 2002a, 12)*

In the light of the real difficulties schools could have with providing the correct funding for each pupil requiring additional support, this reads like a coded message from the LEA to schools - if the budget was finite and the funds ran out, the problem was the school's.[9]

5.5 Consultation with parents about the wording on Statements

5.5.1 Letters to parents/carers

Hand in hand with the LEA's proposals to change the SEN funding system, the LEA started a consultation with parents about changing the wording on their children's Statements. The latter was directly related to the proposals about funding in that the LEA wanted to ensure that the wording on pupils Statements was consistent with the proposed new funding regime which was being discussed with schools (Keystone LEA 2002a; Keystone LEA 2002b).

The letter dated 7 March 2003 and sent to all parents/carers of pupils with Statements reads:

> *From April 2003, schools will be funded to enable them to plan on a consistent annual basis so that they can meet pupils' special educational needs. The purpose of this change is to assist a whole school approach to the deployment of resources, so that schools can plan for and support inclusion.*
> *(Keystone LEA 2003e)*

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[9] This is an example of a real 'Tragedy of the Commons', as discussed earlier.

Here, again, the support for inclusion and the need for a 'whole school approach' were emphasised. It is also significant that that the letter is dated 7 March with the aim of implementing the changes by the beginning of April. So the timescale was extremely short.

The letter goes on to refer to the difference in funding the 'Band 3 element' of the Statement and the 'additional element over and above Band 3' as was discussed above (Keystone LEA 2003e).

The crucial section of the letter dealt with the actual change to the wording on the Statement. The changed wording was as follows:

> *The Education Authority consider that *'s needs will be met in*
> *a mainstream school.*
>
> *The funding to provide support for his/her needs has been*
> *delegated to the school. In addition, the school will also be*
> *resourced by complex factor funding *.*
> *(Keystone LEA 2003e)*

The 'complex factor' referred to was the amount above the 'Band 3 element'. The significance of this wording was that it made no mention of an amount of support in hours of teacher time or teaching assistant time which was a requirement in terms of the Code of Practice (DfES, 2001c). This is what the DfES became aware of and consequently wrote to the LEA, as was mentioned earlier, stating:

> *it would appear that [Keystone] LEA is failing in its statutory duty under*
> *section of 324(3)(b) of the Education Act 1998 to specify the special*
> *educational provision in statements of SEN … (DfES, 2003a).*

This conflict is to a large extent a re-run of the dispute the government became embroiled in when it consulted on the Code of Practice (DfES, 2001c). In that dispute the government was forced to back down when it

proposed a wording change which no longer required LEAs to specify and quantify on the Statement the amount of support (from an adult in the classroom) the pupil would need (Mansell, 2001). At the heart of this dispute was a concern on the part of parents' and professional groups that funding for Statements would be endangered (Mansell 2001; NASEN Undated).

It is in the light of the outcome of this dispute that the government was forced to act against Keystone. However, given that the dispute was a national one, it is remarkable that Keystone itself did not take it into account. In proposing to change the wording on its Statements it seems highly unlikely that the LEA would not have been mindful of that dispute and would not have taken into consideration that it would be flouting the Code of Practice (DfES, 2001c) if it went ahead with its proposals.

5.5.2   A new Banding Document

Hand in hand with the letter to parents mentioned earlier (Keystone LEA 2003e), the LEA issued a new version of its Banding Document (Keystone LEA, 2003a). (Please refer to the Table)

Table 4: New Bands

Banding System For Pupils with a Statement of Special Educational Needs dated April 2003

Band	Equivalent to cash value (in 2003)
3	To be accessed from SEN/AEN pot
4 (Called Band A)	£2,003
5 (Called Band B)	£4,006
6 (Called Band C)	£7,011
7 (Called Band D)	£9,014
8 (Called Band E) (rarely used)	£1,5039
9 (Called Band F) (rarely used)	£20,302

This document explained the LEA's revised Banding system and showed how each band of support (for a pupil with a Statement) in the system was worth a

certain cash value – above band 3 (eg Band B which before was called Band 5 was now worth £4006.35).

In a significant departure from the previous Banding document (Keystone LEA, 1999) the new document made no mention of the number of hours of additional support (from a teacher or teaching assistant) any Band would represent. In other words the new Banding system was cash-based. Of course the document did make it clear that the extra cash a school would receive for a Statemented pupil could be used to purchase additional support such as teacher or teaching assistant time (Keystone LEA, 2003a).

However, because the new document did not specify an amount of time associated with each band, it was possible that year on year, if the funding remained the same and teacher and teaching assistant pay rates increased as they inevitably did, the same child with the same statement specifying the same difficulties could have fewer hours of support which the school could afford to pay. The idea that the amount of hours of additional support a child with a Statement should receive was not specified on that Statement, and worse, that the amount of support associated with the same Statement could decrease from one year to the next, was contrary to the requirements of the Code of Practice (DfES, 2001c) as was pointed out in the letter from the DfES to the LEA mentioned earlier(DfES, 2003a).

Another significant difference between the old Banding document (Keystone LEA 1999) and the new was that the new document made explicit mention of inclusion. The definition used was:

> *Inclusion is a process by which schools, local education authorities and others develop their cultures, policies and practices to include all pupils (Keystone LEA 2003a, 1).*

This is very similar to the definition used in the Index for inclusion which also emphasised change in 'cultures, policies and practices' (Booth et al, 2000, 12). It is significant that the document owed its definition to the Index which

offers a critique of, and an alternative approach to, the SEN system based on the Code of Practice (DfES, 2001c). It has already been pointed out that using different definitions made the LEA's policy inconsistent and could cause confusion rather than clarification. Nevertheless, the fact that this definition was used in a document which was sent to parents and was to be used by schools meant that schools and parents were given an opportunity to comment on and indeed even question existing practices. So if this were to be the start of a process of review it had the potential to initiate improved practice.

The new Banding Document also stated that the new funding system would have to operate within the 'inclusive curriculum' which had 'considerable flexibility' (Keystone LEA, 2003a). This meant that schools were being encouraged to develop different and potentially innovative practice in supporting a range of pupils experiencing difficulties. However, in the document (ibid) this 'inclusive curriculum' was neither defined nor explained.

5.5.3 LEA withdraws

In the light of the objections raised by the DfES about the LEA's proposal to change the wording on the Statements it issued, the LEA wrote back to all parents withdrawing its proposals and stating:

> *… in response to concerns raised by a number of parents,*
> *Keystone LEA have decided to revise the wording for the*
> *proposed amendment to your child's Statement.*
> (Keystone LEA 2003f)

The revised wording was appended:

> *The programme to support *********'s needs will be provided*
> *by the school from its total delegated budget in the context of*
> *the whole school inclusion policy.*

> *This will enable the school to provide **** hours from a*
> *Learning Support Assistant per week (or pro rata Support*
> *Teacher time, equipment or resources) for her/his   *******
> *needs.*
> *(Keystone LEA 2003f)*

The revised wording comprised some crucial differences from the earlier version. The most important was that the wording was now in compliance with the Code of Practice (2001)in that 'provision' was specified in terms of hours. Another crucial difference was the inclusion of wording that schools were expected to provide support in terms of the 'whole school inclusion policy'.

The effect of the LEA withdrawing its proposal for a new funding and Banding system meant that the new Banding Document (Keystone LEA 2003a) (which was part of the package of new arrangements) could not be put into practice. This means that the old Banding document (Keystone LEA 1999) would again be in force. However, only the new Banding document (Keystone LEA 2003a) contained a commitment to inclusion and as described above, although it had potential to create confusion with other definitions of inclusion, also had the potential for schools and parents to open a debate about a wider and arguably improved conception of inclusion. With the new document's demise, the LEA, schools and parents were robbed of a document which could have raised interesting debate about inclusion. It is noteworthy that the new Banding Document (Keystone LEA 2003a) was not officially withdrawn. Moreover, the definition and description of inclusion employed in this document was not incorporated into a new document.

5.5.4 Consequences for the aim of inclusion

The about-turn the LEA was forced to make has significance in the context of a discussion about inclusion. It is noteworthy that in the LEA's first letter its motivation was a commitment to inclusion. Because the LEA was forced to withdraw its proposal, inclusion now became associated with a discredited

proposal. This could have given the impression to parents that inclusion was somewhat suspect.

Furthermore, having raised the need for a whole school inclusion policy, one would expect that the LEA would explain what this meant and also give schools guidance as to how to write and implement such a policy. The appropriate means to disseminate such advice would have been the SEN Handbook mentioned earlier and released as a new version in September 2003 (Keystone LEA, 2003d) (or some other complementary documentation). However, a close examination of the Handbook revealed that there was no mention of a whole school inclusion policy despite the fact that the new funding system was explained in detail (Keystone LEA, 2003d). Nor was such an explanation evident in any other LEA documentation. So although the impression was created that the reference to a 'whole school inclusion policy', now part of all Statements of SEN issued by the LEA, would be followed through to school level in the form of documentary detail and advice, this simply did not happen.

Earlier on reference was made to the fact that the first consultation letter to parents (Keystone LEA 2003e) was distributed in March and that it stated that the proposals were to be implemented by the 1st of April, less than a month away. Parents would not only have reacted with alarm because of the short time, they would also have gained the impression that the LEA was trying to rush through its proposals. Giving people a short time in which to respond gives the impression that one has something to hide. These circumstances were certainly not ideal for raising the subject of inclusion.

In the struggle between parents and the LEA, inclusion was not the cause. However, it certainly became implicated in the conflict. The description of the way the LEA tried to change the wording on Statements also illustrates potential conflict of a different kind, namely conflict between the call for greater inclusion and the strictures of the Statementing system. If inclusion is associated with breaking down barriers between pupils, and the Statementing

system as shown, works on the basis of individualized and bureaucratized support, conflict will arise.

5.6 Conclusion

The examination of key policy documents on SEN and inclusion issued by Keystone LEA has shown that the complex and contradictory nature of government policy on these themes is also evident, even compounded, on the local level. Keystone issued a set of proposals to schools about funding pupils with Statements of SEN. However, when examined more closely, there were significant flaws in the proposals, not least in relation to the distinction between SEN and AEN. On the other hand the set of proposals made to parents/carers about the wording on Statements met with significant opposition – including from the DfES. Consequently the LEA was forced to withdraw these proposals. The LEA's two sets of proposals were meant to be sides of the same coin. However, with one set of proposals withdrawn and replaced, the LEA's overall plans were thrown into some disarray. The next section will deal with the views of key LEA professionals who were to a greater or lesser extent involved in drawing up the plans and who were instrumental in implementing them.

There was another very serious purpose to this chapter. It was trying to show that underlying the very technical and highly complex funding formula shifts were significant changes to the ways a range of important groups of pupils were to be taught and supported through their difficulties. In other words, funding shifts for children and schools are not about funding per se. Such shifts are about the changed reality for children and schools affected by those shifts. In this sense, I think, funding shifts reveal changing political priorities. Seen in this light the funding mechanism was not merely about the allocation of funding to schools, it was really about how particular pupils could become 'losers' and therefore be deprived of educational support deemed necessary to help them.

Two important and fundamental shifts were identified beneath the complex changes proposed. The first was that schools could struggle to have sufficient funding to cover the support for all pupils with Statements. In turn and second, in order for schools to allocate sufficient funding to pupils with Statements, other categories of pupils, with serious need of support, like pupils with English as a second language, could be deprived of the necessary support. The new system therefore held the distinct danger that schools could face harsh choices as to the pupils they could support – despite the fact that all the pupils could have identified and in that sense legitimate needs.

The change was brought about by one seemingly small but highly significant shift which was proposed by the LEA and then implemented. That shift was the overall budget would henceforth be finite. What this meant, as was spelt out in one of the documents sent to schools, was that if some of the affected pupils had to get more, the rest of the pupils governed by that funding pot would get less. Thus if the number and needs of those pupils who were designated as having SEN difficulties were to rise, the consequence would be a fall in the financial allocation to those who had other difficulties eg were coming to school hungry because they were eligible for free school meals. Funding systems, decided by LEA officials and offered to headteachers who were being consulted, were therefore the pretext for a more brutal change for a range of schoolchildren deemed to be in need.

The last serious consequence about the new proposals was that it would also create a winners and losers situation between schools. Those schools who had a greater proportion of pupils which attracted funding would be the winners, those who had a lesser proportion of such pupils would be the losers. How headteachers responded to being winners and losers will be covered in the next chapter.

Appendix to Chapter 5

A timeline showing when key documents produced by and for the LEA were issued

The timeline indicates the time period of the research. It also gives an indication of the pressure the LEA was under during the period.

June 2002
SEN Finance and Strategy (Clarion Consulting Limited 2002) report produced. This was a report written by external consultants (Clarion) brought in by the LEA to review its provision for SEN.

November 2002
Executive Report (Clarion Consulting Limited 2002a) of (Clarion Report) SEN Finance and Strategy sent to headteachers. Letter (Keystone Council 2002c) states that Headteachers discussed the report at briefing meetings in July 2002

21 October 2002
Council Cabinet Briefing Meeting adopted the following
Principles for Inclusion – Special Educational Needs (Keystone Council 2002d)

29 October 2002
Letter (Keystone Council 2002e) sent to all schools, Keystone consultation with schools about funding for pupils with Statements
Including Consultation Paper, Fair Funding Scheme Proposed Changes for 2003/04 (Keystone LEA 2002b), dealing with Funding system for schools as a whole – Final formula to be implemented in April 2003
Also sent on same date: Briefing Paper (Keystone LEA 2002a) Fair Funding Review of SEN/AEN funding mechanisms in Keystone (Dealing specifically with SEN/AEN funding)

22 Jan 2003 – Letter to Headteachers (Keystone LEA 2003i)
Re: Fair Funding Scheme – Proposed Changes to Formula 2003-04 (Keystone Council 2003j). This report included provisional funding allocations for all schools. (with details of schools who were 'winners' and 'losers').

7 March 2003 Letter to Parents (Keystone LEA 2003e) setting out 'important changes to funding for pupils with special educational needs' to start from April 2003(!)

21 March 2003 Letter from DfES to Director of Education (DfES 2003a). Specification quantification and in Statements of Special Educational Needs. Letter was warning that Keystone would be failing in its statutory duty if it were to continue with its proposals to change the wording on statements.

25 March 2003
Letter to Headteachers – Report on Fair Funding Consultation (October 2002 and January 2003) (Keystone Council 2003l)
The accompanying report (Keystone LEA 2003m) confirmed that schools would receive a 'top-up' allocation only for 'high band Statements', and that SEN/AEN would be formula funded.

1st April 2003
New Banding Document published (Keystone LEA 2003a).
Title: Banding System – For Pupils with a Statement of Special Educational Needs. (with cash value for bands)

Circa April 2003
Letter to Parents/Carers (Keystone LEA 2003f).
This letter confirmed that the Statements would remain unchanged.
Meaning New Banding document cannot be used.

8 April 2003
SEN and Inclusion Strategy – Discussion Paper (Keystone LEA 2003h)
SEN Strategy Group

September 2003
Handbook for Special Educational Needs and Inclusion (updated version) (Keystone LEA 2003d)

Autumn 2003
Special Educational Needs Inclusion Strategy (Keystone Council 2003k)
Sub-titled Consultation on Policy and Provision for Pupils with SEN in Keystone
Document of 47 pages (excluding 3 Appendices)
Requesting comments by December 2003

September 2003
Keystone Ofsted Inspection Report

6 PROFESSIONALS' VIEWS ON SEN AND INCLUSION IN KEYSTONE LEA

6.1 Introduction

This chapter examines the views of professionals working in Keystone LEA. It is a complement to the previous chapter which focused on written documentation produced by the LEA on SEN and inclusion. Whereas the previous chapter dealt with policy-making in the context of text production (Ball, 1994), that is policy which has to do with written documents, this chapter will analyse policy-making in the context of influence (Ball, 1994), that is policy as regards those who make it and enact it. In so doing an important purpose of the analysis will be to establish the kind of relationship (if any) between the contents of the LEA's written documentation and the way that important professionals within its ranks articulated their views, insights and experiences about the subjects of that documentation, namely SEN and inclusion.

Furthermore by eliciting the responses of professionals in this way it should be possible to shed some light on the 'struggles' (Fulcher, 1989) in which they engaged. The term 'struggles' does not necessarily imply open conflict, it is also meant to convey the tensions which developed in different spheres of these professionals' activity. Such spheres comprised contention with the DfES (responsible for national policy), with their fellow professionals within the LEA, with the schools with which they worked and with parents/carers. Of course it is acknowledged that in each sphere of their activity, just as they were influenced by the other party, for example the schools, they also exerted an influence on that party.

In keeping with the focus of this study, all professionals interviewed worked mainly within, or had responsibility for, the Statementing process which was

guided by the Code of Practice (DfES, 2001c). They were responsible for arranging Statements, deciding whether Statements were required, monitoring their use, arranging funding and placing pupils with Statements either in mainstream or special schools. For a list of the interviewees, their roles and responsibilities, and their relative positions in the organisational hierarchy of Keystone, please refer to the Appendix to Chapter 3.

As described in the previous chapter, this study is concerned with a number of significant events relating to pupils with SEN in general and with Statements in particular. To recall, amongst other events the LEA was consulting about a new SEN and Inclusion Strategy (Keystone Council 2003k) and a new funding regime for pupils with Statements (Keystone LEA 2002b). A purpose of this study is therefore to ascertain to which extent these significant events had a bearing on the views and actions of the professionals concerned and in turn how the views and actions of the latter had a bearing on the events concerned. In pursuit of this purpose a greater insight into the relationship between SEN and inclusion in this LEA should be achieved.

This chapter will show that by and large the professionals who were interviewed saw inclusion as mainstreaming or integration (Barton and Tomlinson 1984). However, their responses showed significant variation, reflecting the complexity of the situation in which they found themselves.

6.2 Mainstreaming or integration

The professionals interviewed had a range of views on the concept of inclusion. Whilst they could have discussed inclusion in more general terms, they emphasized SEN. One of the interviewees typified this focus:

> It's about including children who have special needs
> whatever the nature of those special needs, so enabling
> them, and I, I suppose people might think of it more in terms
> of children who historically, because of the severity of their

needs or the nature of their needs, would have been
assigned to specialist provision, special schools, you(r)
hearing impaired, visually impaired, severe learning
difficulties, profound or multiple, you know, difficulties which
now you are seeing them in mainstream schools.
(Interviewee 1)

Here the concern is definitely about pupils identified with 'special needs'. However the emphasis is on integration, mainstreaming so to speak, that is moving pupils who were formerly in special schools into mainstream schools. Although in this quotation there is no explicit reference to the future of special schools the implication is that the movement of pupils into mainstream schools will mean the reduction or perhaps even the eradication of special schools. Other professionals interviewed also refer to the role of the special schools and this will be discussed later.

What is interesting about this professional's response is the note of caution which is immediately struck:

Now its interesting you ask about what I consider that to be
because I think sometimes all those idealistic
recommendations, they are very ideal, because in reality
there isn't the, there isn't adequate provision, there isn't
adequate preparation, adequate resources to actually enable
that a child with certain severe needs to actually truly be
included. So what we find is there are children who are in the
mainstream school who are literally some of them, and not
just in this borough, others that I know of, who just maybe are
there in a wheelchair or lying down, who because they can't
communicate because of the nature of what their difficulties
are, there's no way that they can be included, you know, but
they're in that classroom. So from the government's point of
view, maybe from their parents, and ourselves, possibly,
they'd be included. But inclusion to me would mean that that

a child was actually participating in that learning environment,
learning within that learning environment, socialising within
that learning environment, and actually therefore benefiting
from being in that learning environment, rather than being a a
token within that environment to say that we are including….
(Interviewee 1)

For this professional even mainstreaming is an ideal which is a far cry from the real situation with which she is familiar. Here, once the child is moved into the mainstream school there is not enough support in the form of preparation, teacher or other adult expertise, and facilities to ensure that the pupil can actually participate in all classroom activities. There is therefore some frustration on the part of this professional who feels the pressure from a range of sources, including the government, the LEA and the parents to arrange for the pupil to attend the mainstream school without giving the school all the support, as mentioned, for the pupil.

Given that, as already stated earlier, this professional along with all the others interviewed, works within the Statementing machinery of the LEA, there is an assumption that the pupil when moving to the mainstream school has a Statement. Indeed, the Code of Practice requires that pupils attending special schools should have a Statement (DfES, 2001). So the frustration expressed by this professional relates to the inadequacy and limitations of the Statementing process in the LEA insofar as (in keeping with the Code of practice) the Statement should specify the amount and kind of support the pupil needs but will still leave the onus on the school to fulfil a number of important obligations not necessarily specified in the Statement. Hence the example cited of the school not being given enough time and support adequately to prepare for the pupil's arrival and accommodation within the classroom. (The fear that schools may not have had the necessary training to deal with some pupils who have Statements was also expressed by another professional, but in the context of a discussion about the amount of funding delegated to schools.)

The view expressed by this professional is explicitly in defence of the learning of the pupil and in sympathy with schools which may not have the wherewithal to support children who experience serious barriers to their learning.

6.3 Whole class activity

Two other professionals also view inclusion as mainstreaming. However, as far as they are concerned, inclusion must be understood as opposed to a particular form of (unacceptable) classroom practice. This is what one of these professionals says:

> *It's quite easy to define what inclusion isn't, it's less easy to define what it is. But inclusion isn't a child sitting in a class with an LSA (Learning Support Assistant) next to them without that child participating in whole class activities, without that child being taught by the class teacher as every other child erm without being part of smaller groups within that class group because then all the incidental learning, all the social parts of learning aren't happening for that child. (Interviewee 4)*

In terms of this conception inclusion is a classroom-based activity intended to overcome the isolation which individual pupils with special educational needs could experience by being in a mainstream class while still being taught separately from their peers. The purpose of inclusion, according to this view, is to restore classroom learning to a desirable state in which all pupils can participate fully in lessons. Thus it is aimed at eradicating what is deemed to be an undesirable practice. Furthermore, this conception is based on the acknowledgement that learning is not only an individual activity, it is also a social activity.

Laudable as this view is, it ignores the fact that a Statement is a legal document which in a sense guarantees a pupil a specified amount of support typically from a Learning Support Assistant for that pupil's exclusive use. The legal status of the Statement is confirmed when, during a conflict, the Statement is discussed at the SEN Tribunal (DfES, 2001c). This Tribunal, if considering the amount of additional support the pupil is receiving, usually asks the LEA to confirm the support given exclusively to the pupil concerned (personal communication with Assessment and Monitoring Officer). Thus the idea expressed by the interviewee, of what inclusion should not be, is precisely what the Statement guarantees.

So, despite the fact that this view is expressed by a professional thoroughly familiar with the Statementing process, there is no acknowledgement of the conflict between what the Statement usually specifies and what is being advocated as desirable classroom practice (See Audit Commission, 2002). The only way of accounting for this contradiction is that the professional concerned is implicitly advocating that schools adopt this approach in spite of the specification in the Statement. However, this was not acknowledged. Instead the kind of classroom practice advocated by this professional was related to the argument about the delegation of funding, which will be tackled later in this chapter.

6.4   Inclusion and the 'community'

The two professionals mentioned above added another dimension to their argument about how they understood inclusion. (The interviews were conducted separately, though). As far as they were concerned, inclusion relates to being part of a 'community'. Another professional put the argument this way:

> *For me, as well, the key thing is to be included in the local*
> *community because I think a lot of special needs children that*
> *are bused across the authority actually lose the opportunity of*

being with their friends or the party thing, the friendship side of things. And I think it's important that the young people should be near to their home and their peers and their friends as they possibly can, and that's you know regardless of the school. That's a key part of inclusion for me. (Interviewee 5)

Although this is an argument about mainstreaming/integration insofar as the pupils referred to are those identified with SEN, this professional is highlighting social aspects of this kind of inclusion. Hence the reference to the 'party thing', that is being part of friendship groups and being invited to parties.

This is also an argument against separation and isolation. It builds on and takes to its logical conclusion the view described earlier that children with SEN are disadvantaged if, even when in the same class, they are effectively being taught by a different adult to the rest of their peers. Thus the professional concerned is arguing that it will be inconsistent for the pupil to become part of the classroom and school community if that pupil is not also part of the local community. As the quotation makes clear, this is an appeal against the practice of placing pupils with Statements in schools which the LEA deems appropriate, whether they are special schools, special units or mainstream schools, but which are not in their geographical community, thus necessitating the busing of these pupils to and from these schools. This can be related to what Gregg Beratan (2012) called Institutional Ableism and also the work of Linda Graham (2006). It reveals the limitations even of schools which are held up to be beacons of inclusion but which exclude in the sense that the children who are identified with special needs, despite being part of the school, are still seen as different and are treated differently.

6.5 Schools' responses to the LEA

In the next quotation the professional explains inclusion by comparing the responses of different mainstream schools when the LEA requests that they admit a pupil with a Statement (or who has been identified with SEN but who does not have a Statement).

> *You and I, I, can certainly draw a spectrum of how inclusive a school is for every primary school all 94 primary schools and the extremes on both end are really quite extreme from [named school] at one end, give us a child and we'll sort him out to some of the religious schools at the other who don't have children with Special Educational Needs. I'm not just, I don't mean Jewish schools I mean Church of England, Catholic primaries and so on that don't have any good practice on special needs teaching. (Interviewee 6)*

It is evident from this quotation that a measure of how inclusive the school is is its readiness to comply with the LEA's request. This readiness is associated with the school's 'good practice on special needs teaching'. However, as described by one of the professionals earlier on, to successfully admit a pupil with a number of barriers to his/her learning the school needs more than simply this kind of generalized 'good practice'. It may also require the correct facilities, the appropriate expertise and adequate preparation. Even if one grants that the phrase 'good practice on special needs teaching' is used loosely, it is still difficult to concede that it incorporates all these elements.

The use of the terms 'give us a child and we'll sort him out' is interesting because it suggests that the child necessarily and essentially presents as a problem requiring to be 'sorted out'. The child is not seen as more than the problem s/he has, and by implication more than the problem s/he presents to the school. The notion which derives from this argument is that inclusion consists in the even distribution (throughout the LEA) of all these so-called

problems. This implies that inclusion is hampered when some schools resist taking a share of the problems.

6.6   Inclusion and restricted admissions

The examples cited, of religious schools who are reluctant to admit pupils with SEN are worthy of note in that the implication is that because these schools are by definition selecting on the basis of religion, they are in some way or other resisting the admission of pupils with SEN. Surely the fact that they are religious schools cannot explain why they do not have 'good practice on special needs teaching'. The logical interpretation is that they are religious *and* they are reluctant to admit pupils identified with SEN or perhaps that they are using religion as a cover for that reluctance. In either event they therefore cannot develop 'good practice' and thus in a self-fulfilling prophecy they are then seen as not *having* good practice.

These examples which suggest that schools use some form of selection to resist the admission of pupils identified with SEN must be related to the interpretation of national policy on inclusion on the local LEA level. The overwhelming presumption in the national documentation (eg DFE, 1994) as well as the documentation produced by the LEA (eg Keystone LEA 2003d) is that all mainstream schools are by and large the same. Of course some are more ready to accept pupils with SEN than others. However, the suggestion in the above argument is that these religious mainstream schools resist the admission of pupils identified with SEN in a more systematic way. If this is the case it means that the local educational landscape is significantly distorted by implicit selective procedures. Surely this is a significant obstacle to even integration. Yet both national and local policy (eg OFSTED and Audit Commission 2002, Keystone Council 2003k) is notably silent on the challenge to inclusion presented by this form of selection.[10]

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[10] I think this also applies to the silence on selection by 'ability'.

The examples of religious schools also calls into question the earlier references made by other interviewees to the relationship between inclusion and 'community'. The earlier discussion conceded that a pupil identified with SEN should be included in the local (geographical) community. The reference to religious schools adds a different dimension to the notion of 'community'. If one takes religion into account one could argue that if a child and his/her family are part of a religious community that the child if s/he is identified with SEN should be able to be educated in that religious community's schools. This is not likely to occur given what was said about religious schools in this LEA.

There is a similar complication if one were to consider a child identified with SEN but from a non-religious family. It seems that if the local school is a religious school of the type described earlier, the child is doubly deprived of having the chance of attending the local community school – once because the religious school could resist his/her admission because it deprives even pupils of that religion who have SEN of a place in the school and a second time because it deprives all children who are not of that religion a place at the school.

The idea that a pupil with SEN should have access to a local school is what integration (Barton and Tomlinson, 1984) is about, as already discussed. However, the existence of religious schools or schools which restrict their intake and therefore place further barriers in the way of pupils with SEN being educated in these schools present a significant challenge even to the aim of integration. This is a challenge which LEA professionals should explicitly address if their conception of inclusion is to acquire any consistent meaning.

6.7   Index for Inclusion

It has been mentioned before that all the professionals referred to so far see inclusion as integration. There was one notable exception to this, a professional who saw inclusion as a wider concept than merely the integration

of pupils with SEN. This is what the professional stated when prompted about whether or not the focus of work on inclusion is on SEN:

> *It is, yes, it is. Erm, but obviously we are in fact guilty of this a bit as an Authority [LEA] in that we do, we interchange them quite readily and we forget that inclusion is about a whole range of areas, whole other groups of children. Adults in school as well. So, yeah I, but most of my inclusion work is around SEN. Well I do kind of I mean I do other bits of training for, on the [Named] course, [Named Person's] course, the teaching assistant course, and that's more about general inclusion, looking at things like the Index for Inclusion getting schools to … (Interviewee 3)*

This professional cites the approach used by the Index for Inclusion (Booth et al, 2000). This approach is about changing school's 'cultures', 'policies' and 'practices'. The Index calls for the identification and eradication of 'barriers to learning and participation'. It is noteworthy that the Index states that such barriers can occur not only within schools but also in communities, local policies and national policies (Booth et al, 2000).

It is clear from the quotation that although this interviewee knows about the Index and understands the Index he still claims that the bulk of his professional work is on SEN. What is more, there is a clear suggestion that the LEA is 'guilty' of this approach. In so doing, by conflating SEN and inclusion, which according to the Index is in fact opposed to the narrowness of SEN practice, inclusion becomes a substitute for SEN. Therefore, as revealed by this professional, the LEA has made a linguistic adjustment (Oliver, 2000) without any significant change in practice.

Of course the quotation does show that the Index is used by the LEA. However, this is confined to a particular professional development course specifically aimed at teaching assistants. It is certainly most useful for teaching assistants to be given this kind of training. But the fact that there is

no mention that teachers are also being offered this training reveals a glaring deficiency. Teaching assistants by definition work in partnership with teachers. If one half of the partnership, namely the teaching assistants, are trained about the Index but not the other, there will certainly be significant problems, if not conflict, in the ensuing practice.

6.8   The Index and the 'community'

The Index approach sheds some light on the earlier discussion of two professionals' emphasis on inclusion as participation in the local community. In this conception the community was seen as an undifferentiated and therefore relatively homogeneous community. In the comment on this in this chapter, it was pointed out that communities need not be geographical communities, they could also, for example, be religious communities. Nevertheless, although the communities could encompass a range of different groups of people, the implication was still that such communities were unproblematized, even benign.

In the Index approach mentioned earlier, though, it is specifically mentioned that barriers to learning could also exist in the community (amongst other things) (Booth et al, 2000). This means that a local community, no matter how it is identified, must be examined carefully, no doubt as a resource for inclusion but also as a potential barrier to inclusion. A local community could conceivably harbour serious prejudices, against those with disabilities, for example. In such an instance the community - or that section of the community - would constitute a barrier to inclusion and would have to be challenged. Thus in the context of a discussion about inclusion any reference to 'a community' or 'the community' must be treated with some caution.

6.9 Inclusion, pragmatism and power

The discussion about the role of the community gives us the opportunity to return to the views of a professional whose response was discussed earlier. This professional, it must be recalled, pointed to the problems associated with busing pupils with SEN some distance away from where they lived, thus depriving them of easily making friends in school who would also be friends in the neighbourhood or community. From this argument one would infer that a case was being made for pupils with SEN being sent to school in the local neighbourhood. This suggests that sending a pupil with SEN to a special school away from the pupil's neighbourhood would be problematic.

However, this is not the way the interviewee argued. This professional made it clear that there is still a role for special schools. The words of this professional were:

> *I think sometimes inclusion is being included in a day special school rather than a residential special school. (Interviewee 5)*

So according to this view there is a gradation of schools with day special schools being preferable to residential special schools. Because this view does not challenge the existence of special schools, the argument put forward is not based on human rights, namely that everyone has the right to be included in their local schools and that therefore institutional separation is wrong (Centre for Studies on Inclusive Education 1997). Rather this is a pragmatic argument in which inclusion becomes what professionals do when they try to place pupils with SEN in what is conceivably the least worst option. To place pupils in a residential school, according to this approach, will be the worst option. So, because a day special school is 'better' than the residential special school, this becomes the appropriate option for inclusion.

It seems that this approach is bound up with a deep-seated paternalism in which such professionals make judgements about what is 'best' for the child in a way which suggests that they have the monopoly on power, insight and expertise. For there is no suggestion here (or elsewhere in this professional's response) that there are other points of view to be considered particularly that of the young person and that of the parents/carers.[11]

6.10 Pragmatism and special schools

The pragmatism referred to above is not only confined to a professional demonstrating an accommodation to the existence of special schools in this LEA. It is also associated with how another professional sees DfES policy on special schools. According to this professional whose words are quoted next, the DfES' commitment to the continued use of special schools is evidence that it is not pursuing 'total inclusion':

> *Yeah. I think government has given up on total inclusion. I think this is the only government likely to even have looked at the concept of total inclusion. Erm, it's quite clear from all the briefings of all the Ministers, Minister for Children, Margaret Hodge, right down, right through all the agencies that work through them, that governments are not going to endorse the new model, the Cornwall model. It's too politically contentious, it's too expensive and it's not what the government perceives is the primary need of the education system. (Interviewee 6)*

The so-called Cornwall model refers to a survey of LEAs in England and Wales in the 1980s which found that Cornwall had the lowest

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[11] I think none of the professionals interviewed spontaneously raised the importance of listening to the views of the young person or of the parents/carers.

percentage of children placed in special schools (Onions, 1992). What is interesting about this argument is the reasons given for why this 'model' has been rejected, in particular that it is 'too politically contentious' and 'too expensive'. In order for this argument to be convincing there should be some evidence to support it. However, none is provided. Yet, even if one were to accept the view that a particular policy is politically contentious, to state that it is too politically contentious is to suggest that it should not even be contemplated. Surely the idea of the eradication of special schools called for by an organization such the Centre for Studies on Inclusive Education (Centre for Studies on Inclusive Education, 1997) should at least be seriously discussed.

Similarly, the contention that such a policy is too expensive should not mean that whatever expenses are available should not be used to move towards the reduction in the number of special schools. In other words it does not mean that a gradualist approach is out of the question. Instead what is implied by this argument is that if the DfES is not moving in that direction (of 'total inclusion') we (ie the LEA) should not too. And if we have a choice between the DfES and Cornwall, it is preferable to stick with the DfES.

6.11 The DfES and national policy

The same professional was more critical of the DfES in relation to the way the latter stepped in to change the manner in which the LEA was wording its Statements:

> *Erm. The DFES is a complete mess, really. It's not internally joined up. So you've got one arm of the DFES the SEN part of it, the statutory part, whose entire life is built on law on Special Educational Needs erm which responds to parental pressure, complaints, MPs' letters etc etc erm, and tries to*

> *move LEAs back in line with the law as they see it erm and are very clear about things like specific allocations of speech and language and everything else, all of which creates budget pressures but only for individual children. You then have the school improvement arm, standards and effectiveness division, which develops policy which doesn't have an inclusion framework within it erm and only latterly, like in the new Ofsted framework. (Interviewee 6)*

This argument bases itself on the organizational inconsistency within the DfES. However, the problem on the organizational level is but an expression of the potential irreconcilability between the legal requirements of Statements, which as is pointed out by this professional is based on individual pupils, and educational arguments which could also be mustered in the interests of the same individuals. The example discussed before is instructive. If a teacher feels that the individual child with a Statement is best served by being taught as part of a group or in a whole class with a support assistant in the background or at arm's length so to speak, and a parent insists that the child should get one to one support because this is the only way that the pupil's support on the Statement can properly be accounted for, the SEN Tribunal will side with the parent.

The argument is also reminiscent of the conflict discussed earlier between the inclusion agenda (meaning integration) and the standards agenda in which the imperative of the latter militates against the inclusion of pupils with SEN on the grounds that such pupils are perceived to drag down 'standards'. This was exactly what another professional pointed to when referring to and mimicking the responses he would get from some headteachers (in other words, explaining how headteachers themselves would argue):

> *Oh, yeah well if the league tables are there, we're trying to bump up standards, we're trying to get so many Level 4s,*

Level 5s, over, and yet you're telling us to take all these
children with more difficulties, unlikely to get national norms,
then, you know, why should we, why bother, because then
you're going to hit us on the head for not getting decent
results and then, you know, you're making (us) take these
difficult additional children. (Interviewee 3)

This points to the fact that what was described as a national organizational problem for the DfES is actually a contradiction between the inclusion agenda and the 'standards' agenda which is fomented at national level but really extends all the way to the local level. Whereas, therefore, it is to be accepted that this will give rise to a lack of joining up between arms of the DfES, this is actually mirrored on the local level insofar as one part of this LEA has as its main focus the raising of 'standards' – it is called Standards and Effectiveness, and the other part, principally to do with SEN is called Standards and Inclusion (Keystone LEA 2003c). (The latter name is used without questioning the potential conflict between 'standards' and inclusion just discussed.)

The problem apparently ignored by the professional who pointed to the lack of 'joining up' within different arms of the DfES is that if this implies that the DfES has to put its house in order this also applies to the LEA. Moreover such organizational problems cannot be resolved without tackling the underlying educational arguments – the potential conflict between the inclusion agenda and the 'standards' agenda.

Whilst the enormity and the complexity of the challenge thrown up by these organizational and educational conflicts should not be belittled it can also lead to an argument which excuses a lack of determination to tackle these problems in a more consistent manner at the local level. Hence the resigned argument proffered by the professional referred to above that the DfES is not internally joined up. On the other hand it does reflect an admission that the challenge is bigger

than that which the LEA can tackle on its own and this leads to a situation in which the LEA is left to mop up problems which are not of its own making. Here is the same professional pointing to what the DfES should be tackling:

> *The DfES is a mass of mixed messages, yes, which occasionally comes out with some perfect common sense, can't deliver it because they can't seize the big issues like, shall we abolish the tribunals, shall we abolish Statements, you know, shall we take central control of school funding, and that's an illustration. (Interviewee 6)*

The last part of this quotation, 'that is an illustration', is a reference to a senior colleague of the interviewee who had at that point walked into the room while the interview was being conducted to ask the interviewee about a problem to do with school funding.

It should be clear from this response that this professional feels that the LEA is having to shoulder the burden of the DfES's inability to tackle the big questions such as whether or not to abolish Statements. Of course this is not a new argument, probably heightening the frustration. Earlier in this thesis there was a discussion of the Audit Commission report which questioned whether Statements were in fact compatible with inclusion of the pupils who were issued with them (Audit Commission, 2002). It must also be pointed out that a big issue such as whether or not to continue with the Statementing system can only be tackled nationally and therefore is the prerogative of the government.

6.12 Funding Statements

One officer made it clear that although his main role was about writing Statements, he was very enthusiastic about his extended role which related to

funding. In fact he saw inclusion as being directly linked to funding. These were his words:

Mmm. I certainly see myself in the forefront of sort of promoting inclusion, supporting it. It's huge. The Authority is making a huge commitment in terms of the resources it's made available. And it's asking a variety of people, of whom I am one, to check that those resources are being properly and wisely spent. (Interviewee 2)

This officer is making a case for inclusion being all about funding. Furthermore, this officer, carrying out the requirements of the LEA, wants to make sure that the funding is 'wisely spent', that is, used for its intended purpose of supporting pupils with Statements. This gives the impression that there was a suspicion on the part of the LEA that the money was not 'wisely spent'. In this quotation there is also the interesting observation that the LEA has made a 'huge commitment' to providing funding. However, as I explained in the previous chapter (and will raise again later), the LEA had actually capped the budget for SEN and some schools, because of the changes to the funding formula, could actually be 'losers'.

Another officer, talking about how schools responded, recalled how some schools were anxious that Statements were tied to funding. He stated:

… the Statement is just, you have to have a Statement to get the resources. It's a chase for - hunt for - resources and when you get them then you have to fight to keep them, seeing it as a big battle about it. So I get a lot of anxiety from them about that. How can we cope with this child without a statement? All those kinds of things, and that takes a lot of unpicking because that's got sometimes about schools not having the confidence to meet the child's needs. (Interviewee 3)

It is evident from this quotation that the view attributed to these schools is one of concern that they are not able to cope with some pupils. This is interesting because if this is the case schools are identifying not the problems and

difficulties of the pupils but the problems which pupils with special educational needs cause them. In this view the party needing support is not the pupil but the school. To take this argument further, this means that Statementing and the funding it brings are viewed as a benefit to the school because of its inability to cope. Furthermore, this situation generates anxiety and is sparked off by a lack of confidence on the part of teachers.

The discussion about the LEA documentation in the previous chapter revealed the problem in the LEA's new system of funding individual pupils' Statements using two different mechanisms – individual funding based on the identified problems of the pupil concerned and formula funding based on the 'proxy indicators' such as the number of pupils in the school on Free School Meals. The discussion raised the prospect of one school which had many pupils on the 'proxy indicators' being allocated more money than another school which scored low on the 'proxy indicators' even if both schools were having to fund the same amount of support for their Statemented pupils. Understandably this caused anger amongst some headteachers:

> *Oh, well, I think they hated it, they absolutely hated it. Er, most of them. I know [name of manager] doesn't like me to talk about winners and losers. Those that won, those that gained kept remarkably quiet. You know, there were …. And there were others who lost money, and they were furious about it. And I can understand that. You know, you don't want to lose money. But it's fair. It's a much fairer system. But I think it was compounded last year because the, you know, the very bad government settlement as well. So you couldn't. They were hit by two things, the very poor overall budget settlement, and a perceptible cut in their SEN funding. But again, you know, other authorities have been doing, formula, that kind for a long time. (Interviewee 3)*

These remarks are interesting because they show that a system ostensibly 'fairer' in the sense that it relies on seemingly measurable and comparable criteria such as the number pupils who are eligible for Free School Meals could still leave some schools with financial shortages. Whereas this is described as a fair system and could be justified had it been implemented afresh and if it were only based on 'proxy indicators', the difficulty for those headteachers was that they already had pupils in the system whose Statements were fully funded in the past. Now, with the advent of funding based on 'proxy indicators' they could have insufficient funding to support such pupils. Moreover there was the prospect of having other pupils who could be issued with new Statements and who could still not be properly funded. Clearly even if the system was intended to be fair, this would not be the outcome.

It would also serve as a disincentive for those schools which would be 'losers' to admit pupils with Statements into the school if they anticipated not getting sufficient funding. The observation made by the professional above that schools LEA-wide were struggling with a poor financial settlement from the government during that year would have exacerbated matters.

Finally, given that the new system produced 'winners' and 'losers' with the former quietly satisfied and the latter angered, the result would no doubt be (perhaps unspoken) conflict between the 'winners' and the 'losers'. Certainly Statemented pupils caught up in such a conflict about whether or not particular schools already had more pupils than they had funding for would become the real losers. Such a situation can hardly advance the cause of inclusion (even if inclusion is defined as integration).

6.13 Whole school inclusion policy

In the previous chapter the insertion of the additional line into new and amended Statements that support for the pupil should be deployed 'by the school from its total delegated budget in the context of the whole school inclusion policy' was discussed (Keystone LEA, 2003i). It was pointed out that this was included in the LEA's revised proposals for the wording on Statements. One professional explained the need for this wording thus:

> *That was deliberate, erm in line of this move towards this culture of whole school rather than individualised support. We were hoping to encourage schools to erm share support, to group support for groups of children with similar needs particularly as what we are talking about are children with commonly occurring needs such as literacy difficulties and specific learning difficulties. Erm so that was a deliberate policy. Erm parents in particular were extremely anxious about those proposals because they felt it took away the safety net of specifying the number of hours their child was going to get in terms of support in a particular week and erm some schools, some schools were also anxious about it. Some schools were slightly positive towards it because they saw it as an opportunity to organise their resources more efficiently locally, without being bound by 'johnny must have so many hours per week'. (Interviewee 4)*

This is a curious argument because although this commitment to a whole school inclusion policy is raised here by this interviewee to justify the underlying need for schools to engage in whole-school planning, this formulation as explained earlier was not in the original wording proposed for new statements which was originally sent to parents. Instead it was in the new wording, introduced only after the

intervention of the DfES. What is more, it was sent to parents without a proper motivation or appropriate support documentation.

A more serious problem with the explanation given above is that whereas it seems advantageous to encourage schools to share support for certain pupils, thus using the support more efficiently and overcoming individual pupils' separation and isolation, it can be effected only where it is practicable. For example this proposal does not help schools where such pupils are alone in particular classes. Nor does it help schools if parents insist on the pupil's legal right to one to one support, as already discussed.

It seems that to encourage schools to develop whole school inclusion policies it would have been better to do just that – by giving schools guidance and advice. It seems inappropriate to insert it into the wording of a legal document, as if to compel rather than encourage.

The final problem with the LEA's commitment to whole school inclusion policies is that it was implemented without the knowledge of all key professionals. When specifically asked about the formulation 'whole school inclusion policy' to be written into new Statements one officer replied:

I'm struggling. I'm not sure what you mean. (Interviewee 2)

This is somewhat surprising. A key LEA commitment should have been made clear to all officers. However, as another officer explained, the commitment to a whole school inclusion policy requires further elaboration:

I remember I did a whole bit of training last year, the year before, following the new Code of Practice about writing SEN/Inclusion policies. What we said and I do think this was the right way of doing it is that you have an inclusion statement okay, the bit about valuing all children irrespective of, all this kind of motherhood and apple pie inclusive sort of statements that you get. But that's the umbrella, that's your inclusion

statement. But that covers all the policies. It covers your EAL policy,
your behaviour, your SEN, so it's just one of those policies that sits
under the umbrella of inclusion. Now I was quite happy with that
because otherwise what happens is an inclusion policy just relates to
SEN possibly don't mention EAL, some.. but that's about it. You know, I
more, I don't like it because anything that's got inclusion on it gets sent
to the SENCo [Special Educational Needs Co-ordinator] in some
schools. I think that, you know, that's just not helpful. (Interviewee 3)

Here the quite valid point is made that a whole school inclusion policy can be tackled by having an overall umbrella statement and then some more specific policies connected to this statement. As pointed out, this approach has the advantage of ensuring that the inclusion policy indeed becomes a whole-school concern and does not become solely the responsibility of the SENCo in the school. So in terms of this approach the SENCo can be regarded as a significant contributor but not the sole contributor to the success of the policy.

The reference to 'motherhood and apple pie' is interesting because it suggests that some policy statements can be regarded as general, bland and agreeable and therefore can be treated in a light-hearted manner. However, what this thesis has shown is that precisely because the meaning of inclusion is highly contested and deals with pupils who could experience serious barriers to their learning, it has to be taken seriously.

It is necessary to return to the reference to the officer who did not know that the LEA was committed to inserting in every new Statement a commitment to a whole school inclusion policy. Whilst, as already observed, this incident suggests a significant gap in communication within the LEA, it also signifies that not all policy can be assumed to unfold in an even and consistent manner. Gaps in implementation or communication can occur. Policy is also subject to 'adhocery' (Ball, 1994)

6.14 Conclusion

This chapter has focused on the insights and opinions of a set of professionals working for Keystone LEA. All the professionals interviewed had responsibility in one way or another for pupils identified with SEN. In particular they had some involvement with the LEA's procedures relating to producing Statements of SEN and monitoring their use.

Unsurprisingly the professionals who were interviewed held a range of views about inclusion. They did not or perhaps could not contemplate inclusion beyond mainstreaming/integration. It seems that their day to day activities, confined to dealing with pupils with SEN, circumscribed their views about inclusion. Of course it is possible that being interviewed in their professional capacities made them narrow their responses to a focus on pupils with SEN. However in the interviews I was careful not to formulate the question to imply that I was expecting a response along particular lines. Nevertheless, being bound up with SEN on a day to day basis seems to have had a significant impact on the way they articulated their conceptions about inclusion.

This interpretation is reinforced by the response of the one professional who admitted that the professionals and the LEA were 'guilty' of using the term inclusion to refer to pupils with SEN. At the same time, by stating that his professional work was confined to pupils with SEN he was revealing that even if inclusion were conceived in broader terms, this would be of theoretical interest and would not have a direct relation to his day to day activities which were still within the narrow strictures of SEN. All of this suggests that the structures and indeed the strictures of SEN have a powerful influence on the way these professionals deal with inclusion and in turn on the way the concept becomes reproduced by professionals who have influence and who therefore also have power. Therefore in this context SEN is far more than a term used to describe the learning difficulties of a child. It has powerful and specific organizational force. This force derives from activities taking place on a daily basis, including the issuing of Statements, debates about which

schools pupils with Statements should be allowed to attend, the amount of funding pupils with Statements will be allocated and so forth.

This chapter has described the struggles or tensions recalled by the professionals who were interviewed. For example, such tensions occurred between the LEA and the DfES and between the LEA and the schools in the area. The chapter also showed the mass of overlapping contradictions these professionals were caught up in. The sheer number of these contradictions gives some sense of the complex situation the professionals had to negotiate. There was the contradiction between the standards agenda and the inclusion agenda, between the legal requirements of Statementing which focus on the individual pupil and the potential for that individual to become excluded in the sense of being isolated in the classroom, the contradiction between mainstream provision ostensibly open to all pupils and special segregated provision, the contradiction between selective and non-selective schools, between the assumption that all schools should be fully funded for pupils with Statements and the reality of some schools not having sufficient funds (the so-called losers).

In the face of all these contradictions there was a range of significant responses. Some of the interviewees were filled with resignation and/or exasperation. This was the case with the interviewee who referred to the DfES as being in a 'mess'. Another type of response was to ignore the contradictions and simply pass the problem to the schools. This was evident in the way the professionals took for granted the reality of the Statementing system. In yet another kind of response the officials deepened and exacerbated existing contradictions by implementing a funding regime which could cause resentment among schools. Finally professionals also referred to an idealized 'community' to bolster their arguments.

Within this situation inclusion became an argument for the even distribution of pupils who were deemed to have problems amongst schools within the LEA. However, where schools already had restrictive admissions, such as faith schools, pupils from other faiths or who had no faith could be left out.

Inclusion also became an attempt to overcome potential isolation experienced by those with SEN or Statements. The argument for inclusion put forward by these professionals also acknowledged that schools are not necessarily equipped with the necessary funding, expertise or training to welcome all pupils regardless of their difficulties.

The inclusion these professionals referred to was highly restrictive. It was confined to schools over which they had influence. Some of the professionals rationalized their arguments by calling for whole school planning without having the means to check whether this was happening in the way they intended. Finally, one professional was unaware of the LEA's stated commitment to schools having an explicit inclusion policy, which suggests that the LEA's policy was not being consistently disseminated, even to its own officers.

7 POLITICAL ECONOMY OF SPECIAL EDUCATION IN KEYSTONE

7.1 Introduction

This chapter will build on the previous chapters which dealt with data (documents and interviews) about special education and inclusion in Keystone LEA. It will deal with an important strand spanning the two chapters, namely the issue of funding and its interrelationship with special education and inclusion in Keystone. To reiterate, by special education in Keystone is meant that aspect of special education to do with the treatment of pupils who were designated as having SEN, in particular Statements of SEN, in Keystone. It is also worth re-emphasising that the concern of this thesis is with a more specific focus - those pupils who had Statements of SEN and were taught in ordinary classrooms in mainstream schools. In this chapter I will argue that the way funding issues were addressed for special education in Keystone LEA cannot be separated from an analysis of the political issues around local, council-wide decision-making.

This chapter will deal with what I will call the political economy of special education. Indeed the term 'political economy' is not new. It was given great prominence by Marx who wrote an important tract called Preface to a Contribution to a Critique of Political Economy (Marx 1979). The essential point of this text was that politics and economics must be analytically linked, not seen as separate phenomena. I would like to apply this idea to an analysis of funding special education in Keystone – by looking not just at funding on its own but by examining the politics of funding special education in Keystone, thus tying this funding to political decision-making in the borough. More recently Roger Slee (2011) used the term political economy in his discussion of inclusion in education.

Writers whom I have drawn on in this thesis who use the term implicitly are Oliver (2000) who discusses the role of special education in relation to

capitalism and Tomlinson (2012) who refers to the special education industry, expanding on the notion that special education is being influenced by and merged with a range of business and economic interests. All of these writers are doing something very important as far as I am concerned. They are emphasising that politics must not be separated from economics and in turn the politics of education and indeed special education cannot be understood without also examining the economics of education and special education in turn.

This argument also applies to those who theorise about neoliberalism and education (Apple 2001; Davies and Bansel 2007; Lall 2012). As regards neoliberalism, the argument is about politics, in particular about the decreasing role of the state in the provision of public services like education, and (the argument is about) economics, in particular the increasing role for the market, the private sector, in public service provision (Harvey 2007; Gilbert 2013; Hall, Massey et al. 2013).

In this chapter I will be emphasising the importance of funding in relation to political economy. Funding by definition is an economic concept and by extension can be placed within the ambit of political economy. However, in my use of the term political economy in this chapter, I would like to explore the following questions which have been raised in the previous chapters.

- What are the limits placed on funding special education and are such limits set in stone?
- Who in a Local Education Authority is empowered to make decisions about special education?
- What happens to special education when there are funding shortages, that is, during a (funding) famine?

In a key answer to the questions raised above, this chapter will show that where the limits of funding for SEN are placed is dependent on local decision-making, that is local politics. So local politicians – operating under certain constraints admittedly - could and should have played a role in determining

the amount of spending on SEN in the borough. But what will also be shown is that in the context of funding shortages in Keystone, the argument about Keystone being subject to a so-called SEN 'time bomb' was raised. The impression given was that Keystone's funding for pupils with Statements would soon be out of control. On closer examination, though, this was found not to be the case.

The chapter will start by discussing the idea of funding *inclusive* education (Marsh 2003) and show that it is really an argument about funding *special* education. Then the chapter will discuss the so-called 'SEN time bomb', the tendency for the number of Statements to rise and funding for SEN to increase so dramatically that local authorities' budgets apparently cannot keep up. Thereafter the chapter will deal with a range of dilemmas and contradictions associated with funding SEN, including some suggested solutions for the 'SEN time bomb'.

7.2   *Marsh's idea of 'Funding Inclusive Education'*

The previous chapters have highlighted both funding and the call for inclusion within special education in Keystone Local Authority. I argued that the debate about inclusion can be regarded to some extent as posing a challenge to special education which, amongst other things, labels pupils in a negative way and segregates pupils from their peers. In the light of this it is interesting that there is a book called *Funding Inclusive Education*, subtitled *The Economic Realities* (Marsh 2003), which, as its name suggests, seemingly deals with an alternative to special education called Inclusive Education. However, the book does not explain what inclusive education is. Instead it focuses on a set of key questions which all have to do with SEN. For example the first key question asks, 'How does the conceptualization of special educational needs impact upon policy with Local Educational Authorities?' (ibid, 121) and the second question enquires, 'What contradictions and tensions are apparent when the purposes of providing additional funding for special educational needs are examined?' (ibid, 121). While these questions

are firmly about special education and do not deal with inclusive education despite the title of the book, they are interesting and relevant to the debate about funding in Keystone because of their emphasis on the issues around funding special education in local authorities. The rest of this chapter will draw on the arguments of this book, among others, as a way of addressing my concern about the political economy of special education in Keystone.

7.3   The SEN Funding 'Time Bomb'

As discussed earlier, in Chapter 4 (The Construction of the Crisis in Keystone) the dilemma about the SEN funding 'time bomb' was raised in an important report written by accountants Coopers and Lybrand (1996), cited by Marsh (2003) and by Bowers and Parrish (2000). The report (Coopers and Lybrand 1996) suggests two solutions to the 'time bomb'. Either the unit value of funding for all other children is reduced to accommodate the increase in the funding for pupils with SEN, or the unit value of funding for pupils with SEN is reduced, in that way accounting for the increased pressure. As Bowers and Parrish (2000) point out, while this is an elegant range of solutions, it is somewhat reductionist as regards posing a social dilemma. Rejigging the variables as suggested would be workable if the only 'players' were to be the schools and Local Authority. The political landscape at play is more complex, containing parents, political groups and charities, amongst others (ibid). Parents could argue, for example, that they want to retain funding for pupils with SEN but not at the expense of children who have not been identified with SEN. This would call into question the binary set of solutions suggested earlier. What Bowers and Parrish (2000) are arguing is that proposals about how to solve funding problems for LEAs must take into account the local political landscape into which such proposals are to be inserted.

Thus far the argument has been about funding decisions taken at local government level. To this must be added the additional point made above, that political decision-making which influences the limits of funding at the local level can be effected at both the local and national levels. Therefore it must be taken into account that the range of players already mentioned, parents'

groups, charities and the like exert their influence at both the local and national level, including at government level. The earlier point about the importance of political decision-making concerning what are at first glance economic decisions is thus reinforced and also rendered more complex.

In Keystone, of course, (as discussed in an earlier chapter) schools and parents were consulted when changes to the wording on Statements were proposed. However, the consultation was channelled along particular lines. Parents were consulted about the wording on Statements and schools were consulted about the funding implications. Thus there was a distinct division of labour between parents and schools as to how the consultation was conducted. This implied that certain assumptions were being made – that parents would and could be more concerned about the wording on the Statements whereas the schools would be more concerned about the funding formula. But there is no reason for schools to ignore the wording on Statements, nor is there a compelling argument about why the full financial implications of the changes should not be shared with parents. This reveals another political aspect about the economics of special education in Keystone – the consultation took place within particular confines. However, the result was also clear – that there was conflict both with schools and with parents. Moreover, because the consultations were organised separately and not at the same time, it prevented organised support and collaboration between parents and schools.

To return to the arguments put forward by Coopers and Lybrand (1996), while it is true that one solution they proffer is to arrange a budgetary trade-off between unit funding for pupils with SEN *vis-a-vis* unit funding for other pupils, this is one suggestion within a report which has much wider scope. Their report is actually about how local authorities should improve planning for SEN budgets as a whole. Their argument is that proper planning should make overspends less likely and, in any event, if there were to be an overspend in a particular year, a range of options ought to be considered by the Local Authority, including whether the overspend should be carried over into the next financial year. However, their report emphasises that proper

planning for SEN budgets must start from first principles. In other words it must begin by agreeing what is meant by SEN:

> *The LEA can and should make its own decision on the definition of SEN which suits its own particular circumstances. It should also decide the level of SEN it considers should be protected by a statement – and therefore additional resources. (Coopers and Lybrand 1996 20)*

Of course, it is also the prerogative of the LEA to set budgets for SEN and the rest of the education. However, the report then adds a crucial caveat: 'these are essentially decisions for elected members' (20). So what is meant by SEN in that Local Authority and what the budget will be for SEN and for the rest of education are political decisions to be taken by councillors. This point is crucial because the debate about the SEN 'time bomb' places the emphasis on the mechanisms by which reductions should be implemented on the assumption that reductions are inevitable. However, the important issue which the report raises is that reductions to SEN budgets are not inevitable and that, moreover, the kind of reductions which are made – if any – are the products of local political decision-making.

To be sure, this does not mean that local councillors have *carte blanche* to raise and lower budgets. Local budgets as was made clear in an earlier chapter about the context in which Keystone was implementing its new proposals, were being constrained by national austerity measures. However, this is still not to suggest that local councillors had no room for manoeuvre.

As I discussed in the earlier chapter on the funding crisis in Keystone, arguments about the SEN 'time bomb' went hand in hand with the notion of the Tragedy of the Commons (Bowers and Parrish 2000) which, when applied to funding for pupils identified with SEN funding, means that such funding is subject to an impending tragedy because as more is spent, the limit will inevitably be reached, curtailing further spending. Relating this argument to

the 'time bomb', the argument goes that when the funding limit is reached, the bomb will explode.

The analogy of the SEN 'time bomb' and the Tragedy of the Commons bring to the fore a long-standing Marxist critique of Malthus's theory of population increase. In very simple terms, according to Engels (1844), Malthus (like Hardin much later on) claimed that poverty was caused by overpopulation, namely that population was increasing too fast to keep up with the food supply, hence causing poverty. The critique (Engels 1844) argued that the mismatch was not quantitative but qualitative, that what should be examined is how food is produced and distributed and also to look at what social factors influence the growth of population, and who benefits from this state of affairs.

The same arguments can be applied to the SEN 'time bomb' and the Tragedy of the Commons. Instead of focusing so heavily on the way the costs are increasing and therefore how the costs should be brought down, there should also be a concern with what social role special education fulfils, who benefits from special education and why special education becomes a bigger problem and concern at some (historical) stages than at others. Otherwise the role played by arguments about the SEN 'time bomb' and the tragedy of the commons as it applies to special educational need can become quite insidious – to obscure these important broader questions about the social role and functions of special education by foregrounding a concern with how much is being spent on special education and how to bring this down.

In order not to succumb in this way, this chapter will address some of these deeper issues later. But before that, it is also important to look at the 'time bomb' quite specifically to check the arguments associated with it and determine whether in fact there was a SEN 'time bomb'' operating in Keystone.

7.4   The SEN 'Time Bomb' and spending in Keystone – a closer look

The external consultants, commissioned by the Council during the period under review (in 2002) and referred to earlier in Chapter 4, made the following comment about Keystone's spending on SEN.

> *In terms of the Individual Schools Budget (ISB) the level of spend on statements is approximately 5.8% of the total school delegated spend which is significantly higher than the nearest comparator authorities with an average of approximately 2.95%. However, the overall SEN spend by [Keystone] is lower than the average, but the shortfall is centred in the non-statemented spend per pupil, with the available resources focussed on a growing cohort of statemented and out-placed pupils. Thus, the authority finds itself in the position that it does with an apparent contradiction in the balance of spend with relation to SEN. (Clarion Consulting Limited 2002 25)*

So it is clear that although there was a significant imbalance within the budget in favour of pupils with Statements, the overall SEN budget was actually 'lower than average' (ibid). This suggests that while Keystone clearly had problems with the balance within its SEN spend, (it was spending comparatively less on pupils without Statements and comparatively more on pupils with Statements) it was not overspending its overall SEN budget.

The trend of spending more on Statements was noted by Lunt and Evans (1994) who showed that from 1988 onwards, with the onset of LMS (Local Management of Schools) many LEAs saw a significant increase in Statements as schools requested Statements as a means to access scarce funding resources. As Lunt and Evans (1994) go on to argue, spending on Statements increased disproportionately because schools, operating increasingly as businesses, would be guaranteed additional funding for those identified with SEN only if the pupils were given Statements. For, it must be recalled, the funding for Statements was the responsibility of the LEA (ibid). So if Keystone was spending so much more on funding Statements compared

to non-Statemented SEN, it means that it was subject to the very trend which Lunt and Evans (1994) had identified.

But the significance of the quotation from the consultants' report cannot be overstated. If Keystone had an overall SEN budget which was 'lower than the average' (ibid) then it did not have a problem with the so-called SEN 'time bomb'. This is remarkable. It means that Keystone was in fact bucking a trend highlighted by so many of the works I've discussed – Marsh (2003) who referred to the tendency for SEN budgets to be overspent, Coopers and Lybrand (1996) who prescribed solutions for 'SEN overspends', and (Fletcher-Campbell 1996), who referred to (c)ontrolling the special education budget' as 'a critical management issue in a political-economic context of concern over public expenditure' (p. 6). Indeed Keystone is in marked contrast to the trend identified by the Audit Commission during the same period in which the external consultants' review was carried out. The Audit Commission claimed that SEN was 'a frequent area of LEA overspending' (quoted by Florian, 2002, 166).

So, if Keystone did not have a problem with an SEN overspend and therefore with the SEN 'time bomb', what was the fuss about? I think the key to understanding the apparent SEN funding crisis in Keystone is contained in Fletcher-Campbell's words above – that it has become overly politicised and therefore it has become a 'critical management issue in a political-economic context of concern over public expenditure' (ibid). In the context of the concern over public expenditure the SEN budget in Keystone was placed under intense scrutiny. However, whilst problems with the way the budget was distributed between expenditure on pupils with Statements compared with those who did not have Statements were highlighted by the consultants, these problems seemed to feed into - and became conflated with - an actual SEN overspend.

It seems that the panic about an impending crisis about which something has to be done urgently mimics on a small scale and on local terrain what was identified on the national level at a later stage (in the present day):

Whipping up a moral panic about a pending national financial doomsday, the newly elected [Coalition] government has reduced further the local authority's authority to act on behalf of its electors.
(Thomson 2011 95)

Applying this logic to Keystone, it seems that the crisis about Keystone's SEN financial doomsday, a development which occurred at a time of a national financial crisis for local authorities it must be remembered, could have a similar effect of allowing (in this case) the Local Authority to take decisions without proper scrutiny by its electors.

Nevertheless, Keystone still had some significant problems with its SEN budget. The external consultant's report pointed to two related problems – Keystone was placing too many of its pupils with Statements in costly schools outside the borough, and the consultants also claimed that the 'number of statemented pupils is too high and still rising dramatically' (Clarion Consulting Limited 2002).

The combined effect of these two problems suggests that Keystone could have been heading for an overspend in the future because the number of pupils with statements was rising so significantly. Moreover, the fact that many of the pupils were in expensive schools outside the borough meant that the borough was also saddled with a significant expense of transporting those children to and from school. Also, if the pupils were educated outside the borough and could not be transported there on a daily basis, the pupils would have to stay at such schools on a residential basis, thus making the cost even higher (ibid).

This is how the consultants' report described the spending imbalance in Keystone (with regard to pupils with Statements placed outside the borough):

The scale of the spending on out-borough placements in [Keystone] is

disproportionately high by any measure, and shows no signs of reducing…

N.B. This excessive spend is further compounded in [Keystone] by the consequential overspend on transport for young people with SEN as a direct result of them being out-borough. (Clarion Consulting Limited 2002 4)

The report went on to say,

The out-borough spend is showing a deficit over the original estimates of approximately a further £600k. Spend by [Keystone] on out of borough placements is running at approximately twice the average spend of LEAs irrespective of size and significantly higher than some authorities of similar size.(Clarion Consulting Limited 2002 25)

So it is clear that the consultants had found significant problems with the way Keystone was spending money on pupils with Statements who were educated outside the borough – the amount spent was disproportionately high, it was increasing significantly and it was much higher than the amount spent in this way by other similar local authorities.

The SEN financial situation in Keystone is rendered more complex because what must be added to the 'time bomb' just described is the problem mentioned earlier – that Keystone had an imbalance in its SEN spend insofar as the spend on pupils with Statements (by far the more expensive anyway) was disproportionately higher than the spend on pupils with SEN but who did not have Statements.

Nevertheless, while the consultants (Clarion Consulting Limited 2002) warned that the spend was problematic, implying that the 'time bomb' could perhaps explode in the future, the consultants' report makes no mention of the likely time frame in which the explosion could occur. One reason for this is that the overall spend, as mentioned before, was still 'below the average'.

The problems with Keystone's SEN finances did not end there. The consultants (Clarion Consulting Limited 2002) pointed to a serious problem of financial management. Keystone did not have adequate systems in place to manage the complex task of keeping systematic records of the SEN finances. This, in my reading of the situation, explains why the consultants could only warn about the possibility of a SEN 'time bomb' (a term they did not use) without being able to predict accurately the time it would take the bomb to reach danger. How could they tell without recourse to accurate records?

Despite the fact that the SEN budget in Keystone was not overspent, the consultants nevertheless made further observations which had significant consequences for the balance of power about decision-making about pupil's special educational need. As the consultants (ibid) pointed out, decisions about how to address the problems identified in children's Statements, for example where they would be placed and what kind of specialist support they would require, were being taken without regard to the financial consequences of those decisions. Thus these consultants were calling into question a separation between professional decision-making and financial management as a consequence of that decision-making.

The merging of these two distinct functions is significant because it signals a potentially qualitative shift. If professional decision-making in Keystone took place apart from financial considerations, it means that there was a greater reassurance that the young person's difficulties and interests were being addressed unfettered by financial considerations. However, once the two functions were combined it becomes difficult to determine whether financial considerations would play an all too significant role in addressing the young person's needs. So whereas the consultants were arguing for the combination of the functions, such a move also shows that Keystone could be entering a different era – in which considerations of cost would be far more significant in determining a child's special educational needs.

This signalled an important shift in the balance of power about decision-making concerning special educational needs funding in Keystone. It

indicates that the views of education professionals about what was in the interests of the child educationally could be overruled by the views of finance and budgeting decision-makers about what was affordable within the budget. I think that this is the importance of the works from Coopers and Lybrand (1996) to Marsh (2003), all of whom highlight the apparent problem of the SEN 'time bomb' – that these works signal a shift of power from SEN professionals to budgeting and finance experts. It also indicates a change in the way SEN professionals have to make their decisions – no longer what is in the best interests of the child (within the scope of their professional judgement, of course) but what is in the best interests of the budget.

This leads to a further conclusion – that a concern generally with a funding shortage in education and in particular in SEN, whether real or open to question, can be used to further the interests of finance and budgeting experts. So, in response to the question as to who benefits from a real or questionable funding crisis in education and special education, the answer is the accountants, the funding experts.

So much for the complexity around some aspects of the economics, as it were, around Keystone's special education system. The politics around this system was also intricate, as will be explained in the next section.

7.5   The need for a local definition of SEN

The consultants' report (ibid) was about a major review of SEN provision by the LEA. The brief for the review was as follows:

> *[Clarion] were engaged by [Keystone Council] to undertake a study of current levels of Special Educational Needs (SEN) provision, expenditure and costs of provision, data management and formal assessment procedures. (Clarion Consulting Limited 2002 3)*

While this review seems to be very thorough-going, it falls short of what the Coopers and Lybrand report (1996) recommended when LEAs undertake

such reviews. The latter report was quite clear that LEAs should start such reviews from first principles – by starting with a definition of what, for that LEA, is meant by SEN.

As quoted more fully before, the report (Coopers and Lybrand 1996) stated that the LEA 'can and should make its own decision on the definition of SEN' (20). Assuming that such a decision should be taken locally and not nationally, I think that this recommendation makes sense for a number of reasons. Given that it cannot be taken for granted that everyone in the LEA and affected by SEN policy will have the same ideas about what is meant by SEN, it makes sense that in the context of a LEA, the definition of SEN is made explicit. Parents of children in local schools would need the assistance of a locally agreed definition to make some judgements about what it means for their children to be regarded as being identified with SEN.

But most importantly this thesis has also referred to the fact that SEN, according to the Code of Practice is fundamentally flawed conceptually. The definition is contingent on so-called additional educational provision which, as has already been argued, can differ from one LEA to another. So, as pointed out, one LEA's use of the term SEN can be different from another's.

In legal terms a LEA is granted 'considerable discretion' (Coopers and Lybrand 1996 18) about what is meant by SEN, yet another very compelling reason for LEAs to agree a local definition. On the other hand what is called 'considerable discretion' could simply be an acknowledgement that the definition according to the Code of Practice (2001) is too vague for there to be one agreed meaning.

In the quotation above it is possible to glean one further reason for a LEA agreeing a local definition of SEN – that this will define who is eligible for additional resources, whether such resources constitute funding or other

forms of support such as specialist assistance. In the light of the interest of this thesis in SEN and funding, the omission in Keystone's review, of the need for a locally acceptable definition of SEN, is significant. How is it possible to have a meaningful review or policy on SEN funding when the review does not seek to make clear what SEN is? Indeed how is it possible to determine what funding is devoted to SEN without clarity about what SEN is?

From the interviews and the documentation discussed in this thesis it is clear that Keystone did not grasp the nettle and develop its own definition of SEN. It is difficult to ascertain why this was so. However, one interviewee made the important observation that they expected the government to resolve such basic questions, in other words this interviewee did not think that the problems associated with the Code of Practice (DfES 2001) was for LEAs to resolve. It must be recalled that this interviewee, a senior official within the LEA, exclaimed in some exasperation that the government 'can't seize the big issues' (Interviewee 6).

So as far as this interviewee is concerned, it is not for the LEA to seize the big questions, it is for the government to do so. And if that were to happen, Statements could be abolished and by implication so would the Code of Practice (DfES 2001). The interviewee is making a reasonable suggestion. If the problem stems from the government's document, the Code of Practice (DfES 2001), then the government should take responsibility for resolving the problem.

Earlier in this chapter there was a reference to the external consultants' report (Clarion Consulting Limited 2002) about there being a funding imbalance in Keystone's SEN budget – relatively more being spent on pupils with Statements and relatively less on other pupils with SEN. Given that Keystone did not address the definition of SEN in its review report (Clarion Consulting Limited 2002), indeed there is not even a working definition offered in the report itself, there is some doubt about what is meant by the SEN budget and therefore what would constitute an imbalance – or indeed an overspend - in such a budget.

7.6   The parties consulted in the Keystone's SEN review

Notwithstanding the glaring omission of a definition of SEN, the consultants'
report (Clarion Consulting Limited 2002) was based on extensive research
about Keystone. Apart from extensive reference to numerous local LEA
reports and national reports, interviews were conducted either individually or
in groups with 50 key individuals (ibid). The key individuals included the Head
of the whole Children's Service, all managers of the Children's Service,
'Finance Staff', headteachers of mainstream schools, headteachers of special
schools and LEA 'policy staff' (ibid). This is a wide-ranging list of interviewees.
However, a notable omission is any mention of any involvement of local
councillors. This is noteworthy because as the Coopers and Lybrand (1996)
report recommends, decisions about the definition of SEN and the level of
SEN to be protected by a statement, 'are essentially decisions for elected
members (ie councillors)' (20). The report (ibid) goes on to explain this:

> *But at the end of the day the decisions to be taken are essentially*
> *for elected members and not for officers or headteachers. They*
> *concern the judgements on the percentage of pupils to be given*
> *extra resources – at the expense of other children or, at the outset,*
> *at the expense of other council services. (22)*

What can be read into the recommendation of the Coopers and Lybrand
report is that a major review of SEN and the SEN funding system in any LEA
should be resolved by local democratic decision-making which would
invariably involve elected members, namely local councillors. In my view this
is very significant. Coopers and Lybrand (1996) are saying that decisions
about SEN are not for experts or professionals, they should be taken by lay
people who also control the finance. This amounts to a de-emphasis of the
status of SEN as a field of specialist knowledge. It fits in with what I have
argued earlier – that decisions about SEN, according to Coopers and Lybrand
(1996) were to be taken by those professionals who controlled the finance

rather than by those with specialist knowledge. Here Coopers and Lybrand (1996) are going further – to advocate not that finance experts take such decisions but that the lay councillors deliberate about such matters.

I think that lay councillors can and should play a role in decision-making about SEN provision. However, this should be taken in conjunction with professionals who have expertise, including teachers. And in this way it can open up the debate about SEN provision to local democratic decision-making in which local people could also participate. However, what is problematic about the Coopers and Lybrand position is that they are advocating that decision-making of this kind be taken by councillors, and they are counterposing the decisions of these councillors to the views of teachers and others with expertise in the field.

In Keystone, that local councillors were not consulted during the writing of the (Keystone's) review report suggests that they were not exposed at the outset – or at any other stage - to the debates around shaping a new SEN funding system.

However, my contention is that SEN funding should not be seen in terms simply of balancing budgets. It should be seen fundamentally as about decisions ultimately taken by local councillors (but informed by specialist expertise), decisions which confirm that local democratic debate has taken place. Furthermore, given the contestability of the concept of SEN and of the funding of SEN, the key players at the heart of local democratic decision-making, namely local councillors, should be integrally involved in shaping decisions about these important issues.

This is important because it shows that what could be construed as technical decisions, about funding imbalances and potential funding overspends, are actually decisions which involve local democratic debate not only about SEN and SEN funding but also about the relationship between funding for SEN and funding for other council services. This implies that the extent to which

they stay confined to narrow funding concerns is the extent to which wider democratic decision-making has been bypassed.

It is clear that such wider decision-making was by-passed in Keystone because the local councillors were not drawn into the decision-making process organized by the external consultants when they drew up their report.

Apart from the local councillors, another key group which is notably absent from the list of parties consulted by the external consultants is that of parents. No parental representation, whether from those parents who had children identified with SEN or not, was on the list of consultees. Given the wide array of other groups consulted, this is a notable omission. At the risk of stating the obvious, it means that parents were not given the opportunity to influence the consultation (conducted by Clarion Consulting Limited, 2002). However, other significant groups, namely Local Authority officers and headteachers were given that opportunity. It is to be expected that a consultation would reflect and to some extent channel the distinct interests of the various contending parties vying for influence over SEN and SEN funding. The omission of parents from the consultation deprived them of all influence in the consultation, much worse even than allowing them to participate but then overlooking or reducing their participation.

The significance of the omission of parents from the consultation becomes more glaring when one considers the specific questions which were put to those who were consulted (Clarion Consulting Limited 2002).

> *Overall, how would you rate the way SEN operates in [Keystone] (your view) (30)*
> *How might [Keystone] reduce the number of out-borough placements by 50% in 2 years? (31)*

If Local Authority officers and headteachers were asked these questions, why not parents? There is no doubt that parents would have had important contributions to make if they had been given the opportunity to answer these

questions. This is quite self-evident when considering the first question above which refers to the overall operation of SEN in Keystone. However, it also applies to the second question which stems from the fact that the consultants themselves (as described earlier in this chapter) pointed out that Keystone had such a disproportionately high number of pupils who were issued with Statements who were placed outside of the borough. The implication of this practice is that Keystone itself did not have sufficient provision within the borough to support such pupils. Parents – especially those parents directly affected - would have had very strong views about attempting to bring such pupils back to the borough, let alone within such a timescale. It is an open question whether those who commissioned the consultants were trying to avoid the inevitably strong views parents would have had on this subject.

The omission of parents' views, in my estimation, also deprived the rest of the parents, those whose children were not identified with SEN, of the opportunity to participate in decision-making. The importance of consulting all parents has to do with the fact that those parents whose children were not identified with SEN could have had children so identified previously or could have children who could be identified in the future. For that reason consulting parents more widely than just those whose children have been identified would have been useful. The final reason, again in my estimation, for consulting with all parents is to prevent an artificial divide and the consequent antagonism between parents of children who have been identified with SEN and those parents whose children have not.

As stated above, the consultation could have gone further than it did. Whilst the brief was about SEN and SEN funding, it was within the power of the council to take decisions even about the relationship between SEN and other council services. That the council did not do so because the consultation was confined to SEN shows that parents were also being denied the opportunity to contribute to such important debates.

The lack of wide-ranging and thoroughly democratic decision-making about special education, special education funding and education more generally

speaks to the changing face of democratic decision-making and accountability at local council level. Ball, Vincent and Radnor (1997) discuss the changes which have taken place. In the same way as this thesis has argued that Keystone was faced with a funding crisis in the research period, they argue, making a similar point to Thomson (2011), that LEAs as a whole were under pressure and in crisis (ibid). This, they continue, was associated with changing forms of democratic accountability at LEA level. Thus:

Different forms of market and managerial accountability are being privileged, political accountability and local democracy are being marginalized (we are not suggesting, however, that the latter were key principles prior to 1988). Similar shifts are evident right across the board of local authority activities. In all this, citizenship is profoundly reworked and depoliticized. (Ball, Vincent et al. 1997, 162)

This bears out what was discussed about Keystone in the section above. It was shown that in Keystone, too, a form of market accountability was in operation and thus local democracy was compromised. The example of how parents were not consulted during a major review of SEN and SEN funding, conducted by external consultants, is evidence of this. But paradoxically this also applies when parents were consulted about the wording on Statements, when, incidentally, schools were not involved in the consultation. As this thesis argued when discussing the way that parents were consulted about that wording, the time frame was so short as to make the consultation virtually meaningless, and in the event the LEA was forced to withdraw its proposals. This is an indication that consultation and local democracy was severely wanting in Keystone.

But if the quote by Ball et al (1997) is applied, it also points to a further effect on local democracy – that the privileging of managerial accountability (in this case the preoccupation with balancing the budgets) means that local democracy and accountability become marginalised, thus depoliticizing citizenship itself.

In Keystone democracy and citizenship, as these applied to the participation of parents in the decision-making about the wording on their children's Statements of SEN, took the form of a rushed consultation over the course of a very short time period. As citizens these parents were being given an extremely limited and flawed opportunity to engage in democratic decision-making. This is a far cry from how citizens should assert themselves. Thomson (2011) describes the role of citizens thus:

> *Citizens on the other hand (as opposed to clients or customers) are not only concerned with their own needs but also with the greater good; they have the right to services but also an obligation to ensure that they meet publicly agreed standards about which they have been consulted and decided via a representative democratic forum. (94)*

From this it is clear that Keystone was falling far short of treating the parents as citizens.

Instead it was placing great emphasis on its SEN budget and how that budget should not be overspent. This is an expression of what Keating et al (2013) describe as a hallmark of neoliberalism:

> *Issues of political democracy are increasingly defined as economic equations to be calculated and evaluated. (247)*

In other words, the preoccupation with balancing the budget – and the SEN 'time bomb' itself, of course - was an expression of how local democracy was being redefined. This is a variation on, and a complement to, the words used by Ball et al (1997), but a clear description of the same inexorable trend.

7.7 Changes to Keystone's SEN Funding arrangements and neoliberalism

It's been shown that the SEN 'time bomb' highlighted the problems the SEN Department of Keystone claimed it had – of operating a sustainable funding model for SEN in Keystone. Thus schools were presented with a fait accompli

– that the overall budget which the LEA had to disburse to them for provision for pupils with SEN would have to be capped so that, obviously, the budget for SEN would not be too big a drain on the overall education budget. The imperative was to keep spending for SEN within budget (that is, overspends had to be avoided) in a situation where the claim was that funding for SEN would soon be out of control.

This development can be directly related to Gillborn and Youdell's (2000) notion of rationing funding, whereby schools are reluctant to spend funding on pupils deemed to be 'hopeless cases', including those who have been assigned SEN. For the more spent on such 'hopeless cases' the more the school endangers its position in the education market by diverting funds to those pupils whom the school perceives as dragging down its competitive position. I referred earlier (in the Literature Review, Chapter 2) to Gillborn and Youdell's (2000) notion of rationing as an expression of the way the neo-liberal agenda is played out in schools. One can see how rationing education which applies to schools, and capping the SEN budget which applied to Keystone, can be mutually reinforcing. They both work to ensure that the funding for SEN is curtailed, in so doing ensuring that within the area of a LEA, in this case Keystone, the market position of individual schools is not endangered by diverting what could be perceived as too much funds to those with SEN. Therefore there is a connection between neoliberalism and the capping of the SEN budget in Keystone. The latter is an expression of the former.

The noteworthy feature of the competitive market is that it does not only refer to schools which have to be in relentless competition with one another, it also extends to LEAs which have to operate under similar market conditions. One important connection which links schools as operating in a competitive market and LEAs which have to do likewise is Ofsted. And the means which Ofsted uses is relentless comparison via ratings. It must be recalled that Ofsted rated Keystone's management of its SEN budget as being problematic. Therefore, to enhance its own market position Keystone was under pressure to act, especially since it was anticipating the next Ofsted inspection. The

pervasiveness of the education market can be seen in this instance – it extends from schools, which have to compete to defend their market position, to LEAs which are caught up in the same trap. And the pervasiveness of the education market shows the pervasive influence and power of the neo-liberal agenda.

Apple (2001) noted a subtle but profound shift brought about by the playing out of the neo-liberal agenda in schools. No longer were schools concerned about how they could enhance the well-being of their pupils, instead schools' preoccupation was increasingly about how pupils could enhance their reputation. But of course this development also had an effect on LEAs like Keystone which had an important but complex relationship with schools on the question of the provision for SEN. In a practical expression of Apple's argument (ibid), Keystone had to ensure that pupils with SEN who could potentially negatively impact on schools' reputations, were distributed evenly amongst schools. That is expressed in the response of one interviewee who took the view that as far as the LEA was concerned, some schools were not prepared to take their fair share of pupils with SEN, pupils who in the words of this interviewee, the school could 'sort out' (Interviewee 6). So inclusion, in this view, was about distributing such pupils evenly amongst the schools in the LEA.

But as another interviewee reported, referring to the responses from Keystone's headteachers – they did not want to be losers, getting less funding and yet having the responsibility for pupils with SEN who in their estimation could not reach certain academic benchmarks, thus affecting their reputation and their standing with Ofsted. This development bears out Gillborn's findings as mentioned earlier. To the extent that Gillborn (2001) and Apple (2001) show the effects of neoliberalism in schools, that effect is also evident in Keystone where neoliberalism had the effect of giving inclusion a certain expression to be the means whereby those with SEN, Gillborn's (2001) 'hopeless cases', could be shared out amongst schools. (See also Gillborn and Youdell 2000.)

The idea that in Keystone inclusion became the means whereby pupils with SEN were distributed more evenly amongst schools recalls the inspiration for the title of this thesis, that in a time of famine, spread it thin (Troyna and Vincent 1996, Wright 1994) . The reference was to so-called scarce resources for pupils with SEN, which given funding shortages, had to be spread more thinly. This certainly applied to Keystone because, as one interviewee reported, headteachers would become 'furious' (Interviewee 3) if they felt that they were losing out on funding for pupils with SEN. What was also clear, as confirmed by another interviewee and discussed above, was that there was another sense in which the spreading out was taking place – the spreading out of pupils with SEN in the name of inclusion. What this shows is that the call for inclusion in Keystone had the effect of reinforcing the idea that pupils with SEN had a lower status, a lower value in the pupil economy of Keystone. So just as schools were competing for the 'best' pupils, those who could enhance their reputation in the league tables, by the same token they were competing to avoid the 'worst' pupils, including those with SEN.

Inclusion in Keystone therefore became associated with the commodification of pupils with SEN who were given a lower value by schools and by some officers of Keystone, that is they were treated as if they could be traded off between schools, depending on their value to those schools. Just as Gillborn and Youdell (2000) refer, in their findings, to the A*-C economy (referring to those pupils who could attain the prized A* to C grades at GCSE) and how pupils are commodified in that economy, it is possible to discern a similar economy operating in Keystone, an economy which assigns a lower value to pupils with SEN. In the words of Gillborn and Youdell (2000):

These decisions [based on what they call triage] would be unthinkable under normal circumstances, but are made in response to a prioritization of need in relation to current circumstances and finite resources. (199)

Note, in the above quote, the telling reference to finite (financial) resources. In other words, a limited budget.

There were thus two senses in which an economy was operating in Keystone – a financial economy associated, of course, with funding, but also a pupil economy, one in which pupils were distributed amongst schools according to the value assigned to them in enhancing schools' league table position. Insofar as this economy was driven by competition, marketisation and neoliberalism, inclusion on the one hand, and SEN funding on the other, can be seen as being significantly influenced by these factors.

Writers on neoliberalism make the important point that one of its key features is that the state does not merely yield to the market, its role is to aggressively encourage the market and to actively withdraw in favour of the market (Apple 2001; Davies and Bansel 2007; Hall 2011; Lall 2012). The year on year funding cuts Keystone was subject to, in addition to the specific funding crisis Keystone experienced during the research period, can be seen as evidence of the British state's pursuing of this expression of the neo-liberal agenda. By imposing funding cuts, euphemistically called savings, the government as part of the state was systematically and inexorably fulfilling the neo-liberal agenda by withdrawing what it formerly provided, namely funds for the public sector in the form of local government services, thus leaving a vacuum which meant that the private sector would have to step in. I submit that this in part accounts for the rise of the SEN industry which was pointed out by Tomlinson (2012). This suggests, in yet another way, that the overall funding cuts which Keystone was forced to endure and which had a significant impact on Keystone's funding crisis originated from the effects of neoliberalism.

Of course, I also argue, elsewhere in this chapter, that Keystone had real – if limited - agency in that local democratic decision-making was at play and therefore local councillors had the power to curtail Keystone's SEN budget or not. However, it cannot be denied that Keystone, together with other councils in the land, was affected by neoliberalism which originated outside its own control.

7.8 Conclusion

This discussion of the SEN funding 'time bomb', in general and in Keystone in particular, has shown that the 'time bomb' cannot be understood simply in economic terms. It must also be explained in political terms insofar as how Local Authority SEN funding is allocated and how SEN funding problems are resolved are products of local decision-making. Thus the SEN funding 'time bomb' is about the politics of SEN – who defines it, who finances it and how much (funding) is too little or too much? Even if this was not generally accepted or understood before 1996, it should certainly have been known after that year in the light of the publication of a landmark report on SEN funding commissioned specifically by a significant group of local authorities in England (Coopers and Lybrand 1996). What is more, this report (ibid) claimed that even the definition of SEN itself is similarly for local politicians to determine.

Fulcher (1999) has described how struggles around SEN are highly politicised. What this chapter has shown is that SEN funding is also politicised.

The political nature of potential SEN funding shortages has been demonstrated via two different arguments. The first was to show that the so-called Tragedy of the Commons is inadequate and simplistic as an analogy for problems around SEN funding. The Tragedy of the Commons gives the impression that the limit of funding is fixed and somehow outside the control of local decision-makers. This was shown not to be the case.

The second was to cite an important report, the aforementioned Coopers and Lybrand report (1996), written for local authorities and which made the specific recommendation that planning for SEN funding should be part of local political decision-making.

This suggests, furthermore, that funding decisions must not be interpreted in a technicist way, that is they should not be seen simply as technical

decisions. If they are restricted to that level of decision-making they mask another level of decision-making which is being avoided, namely decision-making about how these supposedly technical issues such as funding imbalances and funding overspends actually relate to wider issues about the relationship of funding SEN to funding other areas of education. Furthermore, they even mask the relationship between education and other services for which the council is also responsible.

It was also shown that a preoccupation with SEN funding and SEN overspends obscured the way very significant changes were occurring in the way decisions about SEN itself were being taken. One important change described above was the way in which the views of parents were completely and deliberately avoided. Parents' views were simply not sought in the consultation conducted by the external consultants (Clarion Consulting Limited 2002). In Keystone this was a significant change to the balance of power about decision-making affecting children of those parents, namely those identified with SEN, who would be directly affected by the outcome of the consultation.

The external consultants also made a significant proposal affecting decision-making, and the balance of power of that decision-making, regarding SEN and SEN funding in Keystone. They proposed that decisions regarding funding be given prominence when Keystone LEA made decisions about children's SEN. This could have two important consequences. The first is that decisions could then be unduly influenced by perceived funding problems rather than the interests of the child. The second important consequence is that the balance of power in relation to who made those decisions would shift from the professionals who were specialists in SEN eg teachers and educational psychologists to those officials eg accountants and budget decision-makers whose main concern was the balancing of budgets.

What the external consultants employed by Keystone proposed about giving more prominence to funding when making decisions about SEN was similar to the recommendations of the Coopers and Lybrand report (1996) discussed

in this chapter. The latter report also emphasised the same point, that funding considerations, in particular the balancing of budgets, should be given more prominence when decisions about SEN were made. However, the Coopers and Lybrand report (1996) emphasised the important role which lay councillors should play in making those decisions. The report was therefore adding another significant interest group to the relations of power regarding decision-making about SEN in Keystone. To the education specialists like teachers and SEN officers, the parents and the funding officers such as accountants, the Coopers and Lybrand report was adding the role of lay councillors which, according to Coopers and Lybrand would improve local democratic decision-making.

However, what I showed in this chapter was that the role of the consultants' report was to shift the balance of power regarding SEN decision-making towards the finance decision-makers, away from the parents and local councillors whose views were not captured in the consultants' report, and also away from the SEN professionals whose views were considered but who were in effect told that their deliberations were to be curtailed within the limits of reduced funding.

I think that this has two important consequences for local decision-making regarding SEN provision. The first is that it distorts the local democratic decision-making process by de-emphasising the role of key players – parents, SEN professionals and local councillors who should all be involved in the debates about SEN provision. Secondly it privileges considerations of funding over the needs of children as identified by their parents and those professionals working closely with them.

I have tried to show that the over-emphasis on funding in relation to SEN provision in Keystone was indeed ironic to the extent that a close examination of the consultants' report confirmed that Keystone's SEN budget was not overspent. I argued that had there been an overspend it would have been more justifiable to argue that funding experts should play a more prominent role in curbing spending. But without an actual overspend such a call was

without justification. I argued furthermore, that funding considerations and funding overspends if indeed they did occur should not be viewed within the closed realm of technical funding decisions, namely simply about the sums of money involved. I argued that the sums of money involved, the determination of the limits of the money used, were not closed, as in the Tragedy of the Commons (Bowers and Parrish 2000), but were a matter of local political priorities. To that extent the role of local councillors, accountable to the local population, could be deemed to play an important role, of course in concert with their local constituents such as local parents and families.

So now I can return to the question posed in the Introduction to the thesis. Can the preoccupation with the SEN funding overspend (or 'time bomb') which, as I have shown, was not an overspend, be accounted for as a conspiracy or cock-up (Thomas and Loxley 2001)? What I have shown is that such a dichotomy is inadequate because it obscures a more fundamental question: should such emphasis be placed on balancing the budgets in the first place? For the emphasis on budgets meant that the pupils who were being supported by those budgets were of lesser concern. Furthermore, as stated above, if the budget was part of political decision-making, why, if the budget was set so inadequately, was it not altered, thus changing political priorities? The case can be made that the emphasis on the budgets was *the* political priority. The preoccupation with the SEN 'time bomb' or warnings about an imminent SEN budget overspend therefore served a useful purpose – to add grist to the mill of that political priority.

The data also showed another important distortion to decision-making about SEN provision as a result of too great an emphasis on funding. SEN professionals' opinions about children's difficulties were being distorted to the extent that their professional input became refracted through a funding lens. This was evident in the words of an interviewee quoted in the previous chapter. This person, whose role and specialism was the writing of Statements of SEN, confidently spoke about how it was now his duty to ensure that the funds of the LEA were well spent. Daniels (2006) points out how such shifts can result in what he calls the 'corruption' of SEN – where

identification of SEN becomes a way of obtaining more funds rather than being motivated by the interests of the child. The converse, of course, could also apply and could be equally dangerous – where children's needs are overlooked or distorted in the light of perceived funding constraints.

This chapter has encapsulated its arguments about the developments concerning funding for pupils with SEN in Keystone by using the term the political economy of special education. In so doing it was important to address some crucial questions. Now let me repeat the questions, but this time with short answers which derive from my research in Keystone.

What are the limits placed on funding special education and are such limits set in stone? The limits of funding are not set in stone. They are determined by local decision-making and in the case of Keystone they were circumscribed by the budget given to schools and which, it was explained to schools, could not be overspent. It was also emphasised that the LEA could also have set its own definition of SEN which would have determined what the funding would be spent on and to that extent would have influenced the sum of money involved.

This throws up the problems associated with the definition of SEN in the Code of Practice (DfES 2001). It was shown earlier that SEN as defined in the Code is vague and elastic. So what happens if it is accepted that SEN is a vague and elastic term? It means that there is acknowledgement that it has no absolute meaning, so meaning is contextually determined by the circumstances in which the question arises and crucially who is asking the question. This is the argument of Skrtic (2004), Gallagher (2004) and Heshusius (2004). They go further by debunking the idea of absolute categories, arguing that disability as an absolute category also does not exist.

What is crucial to their argument is the conclusion to be drawn from this train of thought – that if there is no absolute category then one is saying that it is a fiction that improved professionalised regimes and approaches are the most appropriate means to tackle the problems thrown up by such absolute

categories. They are reaching to the level of epistemology, arguing that knowledge is not based on the construction of absolute categories, knowledge is contextually determined by, amongst other factors, who is asking the question and under what circumstances. This goes to show, following Skrtic (2004) and the other writers I have mentioned, that problems of funding can be traced to problems of the conceptualisation of SEN in the Code of Practice (DfES 2001) which in turn can be traced to a questionable theory of knowledge, that is to fundamentally muddled thinking.

Who in a Local Education Authority is empowered to make decisions about special education? This research has shown that decisions about pupils special needs could have been made by education professionals. However it became clear in Keystone that decision-makers responsible for funding were playing a more important role, overshadowing the role played by education professionals. Funding managers set the limits on funding and these limits in turn had a significant effect on the rate at which SEN was identified in Keystone. It also became clear that the key decision-makers were those in the LEA who had arranged the consultations, the catalysts for the proposed changes. This research revealed that local councillors, those with local political power, could have played an important role in the decision-making process regarding the definition of SEN and the amount of funding devoted to SEN. However local councillors – and parents of children identified with SEN – were not actively involved in that decision-making process.

What happens to special education when there are funding shortages, that is, during a (funding) famine? Here the finding was very revealing. Under circumstances where funding shortages were being experienced in the whole LEA, the argument in the LEA was that funding for SEN had to be cut because there would be an overspend. This thesis has shown that there wasn't an overspend for SEN funding. Thus SEN funding was being cut as if there was justification for doing so when this was actually not the case.

Earlier on in this chapter I stated that instead of focusing so heavily on the way the costs are increasing and therefore how the costs should be brought

down – which was Keystone's overwhelming concern, this obscured a concern with what social role special education fulfils, who benefits from special education and why special education becomes a bigger problem and concern at some (historical) stages than at others. In the light of the discussion in this chapter, these questions can now be answered in the following way.

The important social role played by special education and obscured by the preoccupation about budgets for SEN was that it served to facilitate the distribution amongst schools in the borough of those pupils who were identified with SEN and because they were identified with SEN were deemed to be troublesome to schools. This distribution of pupils was also facilitated by the way pupils with SEN were thereby seen as having lower status and value within the pupil and funding economy of the borough. This economy can also be seen as an education market. A market of this kind, it was argued, is a function of the influence of neoliberalism on education in Keystone on education more generally. Those who benefit from special education under these circumstance are the funding decision-makers as mentioned earlier. However, schools in the education market were also beneficiaries to the extent that they were making sure that they would not have too many pupils with SEN, pupils deemed problematic and who could have a negative impact on their inspection ratings. Under circumstances of funding cuts, special education was singled out as being of concern because of its apparent history of overspending its budget. But what this thesis has shown is that in Keystone, the budget was not overspent. Nevertheless Keystone acted as if the budget would be overspent, issuing dire warnings to schools that this could not be allowed and that increases in one part of the budget (for Pupils identified with SEN but who did not have Statements) would have to be offset by decreases in the other part of the budget (for pupils with SEN but without Statements),

It was shown that while neoliberalism reinforced the creation of an education market in Keystone and beyond, it also influenced the national funding cuts which was a way of the state actively curtailing its influence and therefore

facilitating the development of an education market in which schools had to compete for funds and for those pupils who could enhance their inspection ratings. Competition and comparison between schools and LEAs extend all the way to the international level, as Lingard and Rawolle (2011) argue, stating that there is:

the development of an emergent global education policy field, which acts as a global field of comparison, in which the educational performance of nations is reduced to a limited range of numbers and indicators as a surrogate measure of economic competitiveness. (498)

Here the argument is that education cannot be seen as being bound by the borders of nation states, it is international, an argument also promulgated by those discussing the pervasive impact and influence of neoliberalism (Apple 2001; Davies and Bansel 2007; Hall 2011). Note too, neoliberalism's over-emphasis and near obsession with statistical comparison in the service of global economic competition. In the light of this, the political economy of special education in Keystone can thus be read as the effect of a truly global and international phenomenon, neoliberalism, on the politics of funding special education (as part of general education) in Keystone.

8   CONCLUSION

8.1   Introduction

My research journey has indeed been a very eventful one. The research started off in 2002 and focused on one funding crisis, one focused largely on local government, and the thesis has just been written up in 2012/2013, in the midst of a full-blown national funding crisis accompanied by widespread austerity measures (Hall, Massey et al. 2013). An unintended but important consequence of my research is that it has attained a new-found relevance. I have shown in the introduction to the thesis, and I will re-emphasise in this conclusion, that the insights derived from my research can be applied to the present situation. Likewise therefore, in looking at the present situation it is also useful to look at the past to be able to appreciate the way that trends which started earlier have developed and come to fruition.

The research is about a specific case study, Keystone LEA. It has employed insider research which threw up a number of challenges. One of the many challenges was the sensitive balance I had to strike between maintaining - and not confusing - three different relationships with interviewees who were my colleagues or managers: the personal – I knew them all to a greater or lesser extent on a personal level, the professional – I worked with all of them on a day to day basis in a professional capacity, and the academic – I was granted their views and insights for this research.

I triangulated two different types of data: interview material with the professionals just mentioned, and a range of documents produced by the LEA. My underlying concern was with social justice, a hallmark of my theoretical approach, namely critical theory.

The rest of this conclusion will deal with the principal findings of the thesis, the relevance of these findings and a discussion of the way forward for future

research. It will start by recalling the way I framed the research question, the basis of the whole thesis.

8.2   The research question

The title of this thesis states that it is about SEN and inclusion in a time of 'famine'. The reference to famine is derived from Troyna and Vincent (1995) who discussed a funding famine, a funding shortage in local government education, by reference to an approach they describe as 'in a time of famine, spread it thin'(156). They were referring to parents' struggles to get adequate financial resources for their children who had Statements of SEN in a particular LEA, a situation not unlike what I describe about Keystone in this thesis. Because of a restriction on its funds, this particular LEA was forced to reduce the funding for Statements, in that way spreading it 'thin'. Troyna and Vincent (1995) used this example to make an argument about social justice, stating that it illustrates the working of what they call the 'distributive paradigm' of social justice which they criticised in the following way:

> *We have also argued that it is both a restricted and restrictive framework. Restricted because it privileges a concern with 'who gets what'; restrictive because it brackets out questions about the nature of the 'what' and what influences are brought to bear upon it. (Troyna and Vincent 1995 156)*

This thesis has certainly examined the 'who gets what' in Keystone by focusing on how the LEA attempted to change the way it wanted to distribute funding to schools for pupils with Statements. As explained, the LEA also wanted to change the way Statements were written, so that the support to which the pupil was entitled was described in financial terms.

But the thesis has also concerned itself with the nature of the 'what', by discussing the complications associated with the LEA's use of proxy measures to account for the incidence of SEN in schools. And the thesis has

tried to deal with the influences which have been brought to bear on the 'what' by arguing that the amount of funding for SEN was not a given, it could have been altered by local decision-making. So this thesis has taken an approach similar to that of Troyna and Vincent (1995) by concerning itself with social justice but at the same time not confining itself simply to a limited and distributive conception of social justice.

Given my concern with a funding 'famine', I formulated my research question as:

How did funding pressures affect SEN, inclusion and the relationship between the two, in Keystone during the research period?

8.3   My findings

I have found that the LEA embarked on a range of proposals to control its SEN budget, at the same time claiming that its proposals were about promoting inclusion. It made its proposals in the form of two consultations which I examined in some detail.

The first consultation was with parents/carers of young people with Statements of SEN in which the LEA proposed significant changes to the wording of the Statements. It proposed that instead of the Statement specifying the number of hours of support from a teaching assistant which the pupil would be entitled to, the Statement would in future specify an amount of money which could be used to purchase the support the pupil required.

I show that this proposal caused a political furore which resulted in the LEA withdrawing the proposal. I show how politicised the debate became because the parents who were consulted rejected the LEA's proposal. More than this, and to emphasise the political nature of the debate, the government stepped in to instruct the LEA to withdraw its proposal. This conflict illustrates how fiercely contested changes to pupils' Statements of SEN were. It also

demonstrates how suspicious parents were about proposals which they clearly feared could result in a reduction in the amount of support their children received in class. It also shows the concern with social justice. Just as in the case highlighted by Troyna and Vincent (1995), parents in Keystone were concerned that their children with Statements of SEN would receive the amount of support which the pupils required to address their needs. This was clearly a concern about 'how much', in Troyna and Vincent's (1995) terms. This concern was also reflected in the interviews with professionals. One interviewee was particularly concerned that schools were not being given all the resources, not so much finance but specialist assistance, to support pupils with SEN.

A strong argument which emerged from the interviews was that the LEA was keen to change classroom practice for pupils who had a Statement of SEN. It wanted the schools to support pupils in a more flexible manner. Here it could be argued that the LEA was introducing a concern about 'what', in Troyna and Vincent's terms. But it is still questionable why the LEA would have used the specification of money on the Statement as a means to pursue this end.

This thesis emphasises that the consultation was conducted in a selective manner. Parents were asked about responding to the LEA's proposal about the wording on pupils' Statements, but schools were not part of the consultation. This is questionable. Both parties, schools and parents, had a stake in how the Statements were written. Schools had a stake because they were responsible for providing the support specified on the Statement. Yet they were not given any opportunity to participate in the consultation. Furthermore, if, as one interviewee revealed, the object of changing the wording on the Statements was to change schools' classroom practice, surely schools should have been consulted about this.

The second consultation which is analysed in the thesis is about the LEA's proposal to change the way that schools would be funded for Statements of SEN. Whilst as mentioned above, changes to Statements, including how they

were funded, was of concern to both parents and schools, the LEA chose to confine this consultation only to schools.

The thesis shows that one very important outcome of the LEA changing the way Statements were funded was the significant conflict arising between and amongst schools. A major concern was that some schools would be 'winners' and others 'losers'. It meant that all schools were not being treated equally and fairly. The reason, as the thesis argues, is that schools would no longer be funded on the incidence of SEN, they would be funded on 'proxy measures'. Those schools which scored highly on the 'proxy measures' would receive more funding whilst others would get less funding.

I argue that this confirms that there is a fundamental contradiction in the way the SEN system operates. To use 'proxy measures' is to admit that there is no reliable way for the incidence of SEN to be recorded, which is tantamount to arguing that one school's way of measuring and identifying SEN could be different from that of another. This calls into question the conceptualisation of SEN, which goes to the heart of the whole special education system. If one school's conceptualisation can be different from that of another, it also means that what is regarded as SEN in one borough need not be the case in another.

The thesis reveals that one very important 'proxy measure' used by the LEA was the incidence of the take-up of Free School Meals in a school. So those schools with more pupils with Free School Meals would get more money for Statements of SEN, and those with fewer pupils with Free School Meals would get less. This suggests that funding for Statements would roughly follow the incidence of poverty in the borough, if poverty were indicated by the take-up of Free School Meals. But of course it did not follow that those schools with a lesser take-up of Free School Meals could not have many pupils with Statements, creating a situation in which some schools would not be given sufficient funding for all their pupils with Statements. While this illustrates the unfairness of the funding system, one of the interviewees made

it quite clear that a significant strand of opinion in the LEA was that this was actually a more fair system.

The argument that the funding system proposed by the LEA was more fair is based on a variant (or inversion) of class analysis – that SEN is associated with deprivation and that therefore those schools with more deprived populations should be given more funding for Statements. But as Troyna and Vincent (1995) point out, there is the danger that special populations are seen in paternalistic terms, as those 'who are vulnerable and in need of care' (160). However, as Tomlinson (2012) points out, special populations are seen as unruly and unmanageable. Viewed in this light, schools who receive more funds are being compensated for having to 'deal with' such pupils. And as one interviewee claimed, schools were also under pressure to meet certain performance standards and wanted funding to address those pupils, namely those with Statements, whom they thought would drag down the levels of the whole school (and could thus lead to the school getting a weak Ofsted rating).

Thus one of the interviewees referred to children with SEN as being 'difficult' in the eyes of schools, another talked about pupils with SEN whom the school could 'sort out'. However, what is interesting about these comments is that they were uttered in the context of a discussion about inclusion. So inclusion was seen as spreading out, amongst schools, those children who were deemed to be difficult. One interviewee went as far as to say that schools which could deal with such pupils were revealing good inclusive practice.

However, to return to the funding mechanism proposed by the LEA, the thesis revealed that it was more complicated than so far described. This was because the funding mechanism for each pupil with a Statement consisted of two parts which were calculated in completely different ways. One part was based on formula funding, the other on individual funding. The Band 3 equivalent, the first 10 hours of each statement, would be based on a formula of which, as stated above, Free School Meals was a significant component. However, the rest of the Statement, the amount of support above the Band 3 equivalent, would be funded on an individual basis, that is on the actual

amount of support hours the pupil required, and not on a 'proxy factor'. It is hard to avoid the conclusion that the complexity of the funding system was a disincentive for schools to apply for new Statements for pupils who had difficulties.

The thesis shows that Keystone implemented its new funding system on the recommendation of a firm of external consultants who were drafted in to advise about a new strategy for SEN for the LEA. Whilst a great deal of the research for this thesis was about the main features of the new system, I also analysed the external consultants' report in some detail. At first I accepted the consultants' finding that the LEA was at risk of overspending its SEN budget and that therefore it had to take action drastically and urgently. This could also explain why the LEA had such a tight schedule for implementing the funding changes. As I show in the thesis, the LEA set a very tight, near impossible deadline, a matter of months, to implement all its proposals about changing the wording on the Statements and changing the whole funding system for schools.

However, a close reading of the external consultants report revealed that the LEA's SEN budget was not in danger of being overspent. In fact the consultants' report itself revealed that the LEA's budget compared favourably with other similar authorities, the yardstick by which it measured whether the LEA's budget was likely to be overspent. So how could this paradox be explained? I make the argument that at the time there was a prominent argument, which was also advanced in the academic literature (Fletcher-Campbell 1996; Bowers and Parrish 2000; Marsh 2003), that SEN budgets were out of control, or at least had the potential to get out of control. By showing that this was not the case in Keystone this thesis is questioning the validity of such arguments.

A very prominent and dramatic argument, which attempts to show how problematic balancing SEN budgets can be, goes by the name of the SEN Time Bomb (Bowers and Parrish 2000; Marsh 2003). This thesis has shone a critical light on the SEN Time Bomb by showing that if Keystone is used as a

case in point, the SEN Time Bomb is empirically questionable. However, the thesis has also shown that the SEN Time Bomb is conceptually questionable. It has done this by showing that the argument about the so-called Tragedy of the Commons (Bowers and Parrish 2000), that demand can outstrip the supply of the available funding sources, is inadequate to explain trends about SEN funding. This, it has shown, gives the impression that budgets for SEN are a given and cannot be changed. However, this thesis has argued that SEN budgets can be varied depending on local political decision-making. In other words, local decision-makers, local councils, can change SEN budgets depending on the extent to which they make those budgets – and therefore the children affected by those budgets – a political priority. Of course, this is not to argue that local budgets are unlimited. But it is to suggest that Local councils do have control of SEN budgets and can and should exercise such control.

To make this case further, this thesis has harked to a landmark report (Coopers and Lybrand 1996) on how LEAs should plan their SEN budgets, a report commissioned by LEAs themselves. This report made the important point that LEAs had the right to set their budget by exercising local democratic decision-making, but more crucially also had the right to define SEN at the local level. This is another argument for SEN to be conceptually questionable. If each LEA can determine what it means by SEN, can there be a commonly agreed conception?

8.4   Significance of findings and contribution to knowledge

This thesis has argued for an analysis of SEN funding which it has called the political economy approach. This approach acknowledges that the amount of funding for SEN available to a LEA is politically determined. It seeks to ask and answer some important and related questions: how much is actually in the budget and how is this accounted for, (instead of assuming that the budget is already out of control), who has made decisions about the budget

and who has been excluded from such decision-making, and to which extent do shifts in the budget reflect changes in political power at local level?

This thesis has tried to answer these questions and in so doing has tried to make a contribution to knowledge about special education in general and special education funding in particular. It has shown, by re-examining the external consultants' report (Clarion Consulting Limited 2002), that the LEA's budget was not overspent when compared with the budgets of similar authorities. (Indeed even the comparison with other authorities is questionable if it is considered that they could be defining SEN in different ways.) What the consultants' report (ibid) did reveal was that there were imbalances in Keystone's SEN budget. More was being spent on pupils with Statements and comparatively less was being spent on pupils who were also identified with SEN but who did not have Statements. The consultants' report (ibid) also found that within the spending for Statements, more was being spent on those pupils who were being educated outside the borough and relatively less was being spent on those who were educated in the borough.

The funding trends therefore showed the trends about the provision in the borough for pupils with SEN. In other words, the funding trends were symptomatic of general trends for special education in the borough. This meant that if there were problems, they were not funding problems per se, but more general problems of, for example, inadequate provision in the borough and therefore the need for more provision to be created inside the borough. Thus if they were general trends, they required general solutions, not funding solutions.

In answering the question about who made decisions about the budget, this thesis has shown that the main decisions were taken by funding decision-makers, aided by those officials of the LEA who wrote the main consultation documents which drove the change in the funding system. It showed that these decisions were not actively contributed to by elected representatives. Indeed the consultants, who wrote the report which sparked the consultations with parents and with schools, did not elicit the views of elected

representatives, namely local councillors, when writing their report. The consultation documents which were sent to schools and parents were issued in the name of the LEA, not the whole council or important councillors.

I also show that parents were not meaningfully consulted because their views were notably absent from the consultants' report. Instead they were consulted in a limited and restricted way, only about the wording on their children's Statements. Schools, similarly, were consulted about how they were to be funded but not about the wording on the Statements of the very children they would have to educate. This shows a serious imbalance in decision-making which favoured the LEA officials. This, of course, was all obscured by the LEA's focus on its funding system. It shows that changes to the LEA's funding system can play an insidious role – to mask the concentration of decision-making power within the LEA. But what is more, it also shows how the advent of external consultants can trigger a series of changes to special education which have very widespread ramifications. It therefore points to an important factor – the power of the consultants to start to effect major changes to special education within a LEA.

The finding that external consultants wielded such significant influence in Keystone begs an important question: who exactly hired the consultants? My research did not attempt to answer this question. It is a question which reveals itself only with hindsight. And it shows that while research must answer questions, it inevitably has to ask questions as well. However, it will be an interesting avenue for further research, given that it reveals changes in the nexus of power within the LEA. It also shows that this research must sit side by side with other research which has focused on the role of external consultants and thinktanks, and their influence on decision-making at government and local government level (Ball and Exley 2010; Robertson 2013).

I have answered the third question, about power shifts within the LEA, by highlighting the enhanced role played by funding decision-makers. I have shown that the tendency in Keystone was for funding decision-makers and

accountants to play a key role in decision-making about an area which was not their specialism, namely SEN. Because of the emphasis on a capped budget for SEN, officers such as SEN officers and Educational Psychologists who made a crucial contribution to writing Statements of SEN were curtailed in their contribution because they had to heed the LEA's stipulation that the SEN budget should not be overspent. This, as the thesis argued, had a deleterious effect on the actual decision-making process about SEN. The educational professionals were thus presented with a significant dilemma when deliberating about children's education. Instead of making recommendations which should have been in the best interests of the child's education, they were required to take decisions which would fit the requirements of the SEN budget.

I compared this dilemma with what Daniels (2006) referred to as 'corruption' of SEN, where education professionals took decisions about children with SEN not because of the interests of the children, but to use such decisions as a lever for schools to obtain more funding, thus making up for budgetary deficits. I argued that whereas the trend in Keystone is akin to corruption, it is more the case that educational decision-making is geared to reducing budgets rather than increasing budgets. However both these arguments still point to a disturbing trend – that budgetary requirements, and of course those who decide on these budgetary requirements, trump decisions about children's needs and those professionals who make decisions about children's educational needs. It also points to the domination of funding shortages, manufactured rather than necessarily real, in SEN decision-making.

Of course the greatly enhanced role played by funding decision-makers in influencing decision-making about SEN must also be tied to the role of external consultants who provided the report to enable the position of the funding decision-makers to be strengthened. The role of funding decision-makers and external consultants was therefore mutually supportive.

Earlier I referred to what Troyna and Vincent (1995) called the distributive paradigm of social justice. One of their criticisms of this paradigm was that it brackets out what they referred to as 'what influences are brought to bear' on 'who gets what' (ibid). In this thesis I've been concerned with who gets what by discussing the way that pupils with Statements were getting the support specified on their statements. But I have gone further, by also giving due regard to 'what influences are brought to bear' on 'who gets what' (ibid). In so doing I have uncovered the influence of particular groups, funding decision-makers and external consultants, on an area outside their remit, SEN decision-making. I have also tried to show how, as a consequence, important groups who should have had their voices heard, for example the parents and the schools, were consulted in a limited and selective way. Thus I have tried to demonstrate that the concerns with social justice which have been echoed in this thesis have gone beyond, in Troyna and Vincent's (1995) terms, the restricted and restrictive framework of the distributive paradigm of social justice.

In my discussion in this thesis about the highly contested debates about inclusion, social justice reappeared as a significant feature. For example I referred to arguments about pupils with SEN being given negative labels. I also referred to the campaigns to move pupils with SEN out of segregated special schools which were seen to infringe on those pupils' human rights. These arguments for inclusion were about challenging special education which was characterised by the negative features of segregation and negative labelling. However, the research has demonstrated that calls for inclusion in Keystone were not associated with such progressive demands for social justice. Instead inclusion became a rhetorical device to promote changes to do with the LEA's funding system. References to inclusion did not challenge the organisation of special education in the borough in any fundamental way. So on the whole, the borough's calls for inclusion demonstrated how as Slee (1997) has argued, inclusion becomes the means whereby special education could change its language without changing its fundamental organisation.

However, the way that inclusion developed in Keystone was more complex than that. Earlier I referred to how inclusion was used by one interviewee to justify the placement in some mainstream schools of pupils who were deemed to be difficult and troublesome. I argued that inclusion, used in this way, was a mechanism whereby the LEA could spread pupils deemed problematic across more schools. This is a far cry from using inclusion as a positive and progressive force.

But it must also be recalled that some of the interviewees were genuinely struggling with giving inclusion a more positive interpretation. One interviewee, for example, made the telling point that the LEA was 'guilty' of not using the positive interpretation of inclusion, which is to be found in the Index for Inclusion (Booth, Ainscow et al. 2000), in a more forceful manner. Another made the self-criticism that the LEA's emphasis on inclusion was 'tokenistic' because it did not or perhaps could not give the schools the adequate support and resources they required to properly include pupils with a range of difficulties. In this instance it is possible to discern the link between inclusion and adequate funding. And it is worthwhile recalling the revealing remark of another interviewee who exclaimed, in some exasperation, that any discussion about inclusion in its positive interpretation must also be about the role of the government. In this interviewee's description, the government had given up on what he called 'total inclusion', in the process also giving up on what he referred to as the big questions such as the role of the Code of Practice (DfES 2001) and whether the Code (ibid) should be abolished.

On reflection it seems that these officers' diminishing concern with the positive interpretation of inclusion was also mirroring the way that their own power was being eroded. Their professional power was having to give way to the power of the funding decision-makers. Earlier in the thesis I made reference to the work of Oliver (2000) who argues that special education, historically, is balanced on a precipice from which it will fall and become a relic of the past. His argument was based on a reading of fundamental economic changes which would make special education no longer economically viable. But crucially his argument was also based on the power

of external forces such as organisations of disabled people themselves, which were demanding inclusion into mainstream society. In this context he argued for special education officers to seize the opportunity of change. If they did not, he argued, they could become 'rubber ducks', bobbing along on the surface of change but not able to act decisively to influence that change (ibid).

To call the special education officers of Keystone 'rubber ducks' (Oliver 2000) seems overly harsh given that they were struggling – in part - to give inclusion a positive interpretation. But their experience does confirm that challenging special education's fundamental problems such as exclusion and segregation is very difficult to achieve from within. Their experience also confirms that under funding pressure, more manufactured than real as I have shown, the problems of special education can be increased. As evidence, witness the description in this thesis of how decisions about issuing Statements were being curtailed because of the cap imposed on Keystone's budget.

Finally, this thesis has tried to show that the political economy approach is really about the pervasive influence of neoliberalism on special education in Keystone. I have shown that Keystone's funding problems for those pupils deemed to have Statements of SEN must be seen as part and parcel of fundamental changes to the way Keystone was changing as a LEA. I argued that the influence of the market was evident in Keystone and that the result was that pupils were commodified in such a way that pupils with SEN were given a low value – they could both drag down the school's league table position and they could be a drain on the school's financial resources because they were deemed difficult to teach. Thus they became part of what I called (following Gillborn and Youdell, 2001) a pupil economy.

The battle for funding for pupils with Statements therefore became more frenetic because schools did not want to lose out in the pupil economy. But the preoccupation in the LEA with balancing budgets for SEN also meant that financial accountability was undermining and transforming democratic accountability. The main example I cited was that while schools were given dire warnings about the capping of the SEN budget, parents were consulted

about the wording on their children's Statements of SEN, which had implications for the way the Statements were being funded, in a rushed and highly inadequate manner. Of course this meant that the LEA was working to a near impossible timetable. But the point emphasised in this research is that this was also an indication that local decision-making and accountability was changing. So this thesis has shown that neoliberalism has penetrated into special education in Keystone, transforming it to fit in with the pupil economy, in the process also changing local democracy and accountability.

8.5   Relevance of the thesis

As demonstrated in this thesis, there is no doubt that inclusion became mired in confusion in Keystone. The reason, as explained, was that inclusion, certainly in the various documents of the LEA and in the views of the officers interviewed, had multiple meanings. Thus it certainly had the 'power to charm' (Troyna and Vincent, 1995, 149) – it was wholeheartedly supported although there was not agreement on what it meant – but it did not have the concomitant power to effect change. Nevertheless its potential power notwithstanding its diminishing influence is still grudgingly acknowledged even in the present period. It is still viewed as posing a significant threat. Otherwise the present government would not be so determined to oppose it. In the government's own words:

We will remove the bias towards inclusion and propose to strengthen parental choice by improving the range and diversity of schools from which parents can choose, making sure they are aware of the options available to them and by changing statutory guidance for local authorities.(DfE 2011 5)

Note the loaded reference to the 'bias' towards inclusion, as if inclusion is a dirty word not worthy of serious discussion which in turn becomes neatly avoided. Note, too, that here inclusion is counterposed to parental choice. In this thesis, inclusion was not set against parental choice, in fact inclusion can

be seen as being consistent with parental choice – the choice of parents to oppose exclusion, the choice of parents to demand their children's human rights to education, and the choice of parents to influence the wording on the Statements of their children. Nevertheless, what the government's reference to the 'bias' towards inclusion shows is that debates about inclusion are still highly relevant. And while the battle today seems to be about removing the term inclusion (if the government is to have its way), the issues with which the term is associated – exclusion, segregation, removing barriers to learning for all learners, and human rights – are as relevant now as when the research for this thesis was conducted. It is in this light that the continued relevance of the research has to be judged.

But the inescapable relevance of this research has to be seen in the context of the present funding crisis. As stated at the outset of this thesis, the research was conducted in the light of a significant funding crisis for Keystone and for local government in general. In the present day, 2013, events have moved full circle given the constant references in the press to a crisis of austerity. It will be very useful if the lessons of Keystone's experience could be applied to the experience of LEAs (and today they are no longer called LEAs, simply LAs) in the present circumstances. In particular, the finding in Keystone, that funding decision-making has a significant political basis and signifies political shifts, should be applied when analysing present-day developments.

The findings in this thesis are also relevant because they shed a light on the way LEAs operated, in particular how one LEA changed its SEN and inclusion strategy under pressure of funding shortages. At the beginning I stated that the research was motivated by a desire on my part to continue my studies because I feared that LEAs would soon disappear, such was the clamour of the government of the day to question the relevance of LEAs. Yet in this thesis I drew attention to the need to examine the inner workings of LEAs, given the claim (Ainscow and Tweddle 2003) that there was a lack of understanding about the operation of LEAs. Nevertheless, as Troyna and Vincent (1995) argue, LEAs have been under significant pressure to change

and diminish their role since 1988, long before the research for this thesis was conducted. In their words:

The 1988 Education Reform Act and subsequent legislation seemed to mark the end for LEAs as creative partners in educational decision and policy-making. In the words of Gordon Hutchinson, Director of Education for the London Borough of Enfield, these various reforms represented the "death of the LEA in its present form" (1993, p.9) (161).

This thesis therefore shows how the LEA was operating under circumstances in which its role was changing. The thesis also shows how the whole LEA was becoming more of an instrument to control education budgets locally. In my argument so far I have made reference to the power shifts in the LEA which favoured those who controlled the budgets. But it can also be read as evidence that limiting local budgets – and passing on cuts from central government - was becoming a more important role for the LEA as a whole, a role which emerged in the overall context of the LEA declining in power as 'creative partners in educational decision and policy-making' (ibid). So, just as its power to limit budgets was increasing, its power in educational terms was actually decreasing.

Earlier in this conclusion I pointed to the way that the thesis had described the problematic way in which funding for SEN was allocated on the basis of so-called proxy measures. This, as mentioned already, calls into question the measurement of SEN in its own right and furthermore, the usefulness of the term SEN itself. That this argument still retains great relevance is evidenced by the government's recent announcements about new funding arrangements for SEN (DfE 2012b). Rather than calling for a fundamental re-examination of the term SEN, given the difficulties revealed by using 'proxy measures' as described in this thesis, the present government seems to be repeating the same mistake. In its own words it acknowledged:

> *that there was no 'perfect' way of identifying pupils with low cost*
> *SEN but prior attainment provided a good proxy for a substantial*
> *element of such pupils.*
> *(DfE 2012b 7)*

The recycling of an emphasis on 'proxy measures' suggests that history is repeating itself, an argument in favour of emphasising the need to examine historical antecedents and learning from them. This thesis should make a contribution to such an examination.

8.6   So what of avenues for further research?

I think that my research throws up a number of areas for further research.

A very obvious area of further research is around the debates about the forthcoming SEN Code of Practice. The present government (in 2013) is developing a new Code of Practice and has already undertaken widespread consultation on it. This has so far resulted in a new 'Indicative' Code of Practice (DfE 2013). My research which deals with the effects of the previous Code (DfES 2001) in practice, should be compared with the new 'Indicative' Code (DfE 2013). In a recent document entitled, 'School funding reform: Arrangements for 2013-14', the government describes new arrangements for funding SEN (DfE 2012b). But this is the same document, trumpeting a new approach, which goes back to the old approach, already analysed in my research, of using proxy measures for SEN. So it will indeed be interesting to monitor how the use of these proxy measures develops in the new context.

I have already mentioned that my research fits into an area which it is acknowledged is under-researched (Ainscow and Tweddle 2003) – the role and workings of LEAs. One particularly interesting area of further research will be around the workings of other LEAs both individually and collectively, so that my research can be put into the wider perspective of the experience of other LEAs.

The government's consultation on a new Code of Practice (DfE 2012a) emphasises the government's intention to redevelop special education. So it seems that special education is getting another lease on life. This begs the fundamental question – what is the role and purpose of special education in the present education system as a whole? Mike Oliver (2000) has famously claimed that special education has no future and that it will be swept away by the tide of history. While this has not happened, and my research is testament to this, the more important point Oliver (ibid) was making was that special education is undergoing fundamental change. As this thesis has pointed out, LEAs are subject to significant change and as their role changes, so will that of special education. I think that if and when LEAs no longer have a role in special education (and this cannot be ruled out), the change will be even more profound.

In this thesis I make mention of an aspect of class analysis which was evident in the way the LEA was keen to distribute funds for SEN. In my discussion of proxy measures I pointed to the use of the take-up of Free School Meals as such evidence. This means that the funds for SEN were being distributed according to an indicator of poverty, more funding going to the schools where poverty was higher. What I also mention is that there was a significant attitude amongst the interviewees that pupils with SEN were somehow difficult and difficult to manage.

An interesting debate which emerges is whether, given the finding in this thesis that pupils with SEN are regarded as difficult, special education serves the function of social control – to control those pupils whom educationists and the education system find difficult. My thesis shows that special education fulfils this role in Keystone. The notion that special education fulfils the function of social control is not new. For example, Deborah Bart (1984) discusses it explicitly, Mike Oliver (2000) raises it tangentially. I was mindful of and fascinated by this discussion, but it was not possible to look at this trend in greater detail. An examination specifically of how working class and poorer pupils are treated by special education is certainly a significant avenue

for further research. This will also fit in with the important work already done by Sally Tomlinson (2012).

There are other gaps mentioned in the thesis which it will be useful for further research to explore. In the thesis I describe how the views of parents were neglected when the external consultants gathered their information. I also describe the limited way in which parents' views were gathered about funding their children's Statements. They were asked about the wording on the Statements but not about whether they thought that schools were being funded sufficiently and transparently to provide the support specified on those Statements. What parents of pupils in Keystone themselves think and experience will be a very significant and useful avenue for further research. Of course, in Keystone and wider afield there are many advocacy groups, formal and informal, who try to work on behalf of parents. However, it would be useful for future research to separate out the distinction between what advocacy groups are saying and what parents themselves are saying, for the two need not be the same.

I did not mention the views of pupils. But their views, as those who are most directly affected by special education and inclusion, must be elicited by further research as well. This applies to Keystone and other authorities. The few words mentioned here do not do justice to the importance of this area for future research. Rather it emphasises that the level on which I conducted my research, the level of the Local Authority, is far removed from the individual level on which the views of pupils must be ascertained.

The thesis dealt specifically with the proposals the LEA was making about how to change the funding system for schools to support their pupils with Statements. Via an analysis of the documents and interview transcripts I was able to determine the effect of the new funding system on schools. As one interviewee said, the headteachers hated the new funding system. However, the research did not and could not focus on the views of school staff themselves, including headteachers to whom the consultation documents were sent. Nor did the research examine the specific effects of the new

funding regime on the school level. A question raised by the research is, if the funding for SEN was determined by the incidence of the take-up of Free School Meals at school level, was it not also possible that those pupils with SEN would become conflated with those eligible for Free School Meals? This, too, would be an interesting topic for further research.

8.7 Conclusion

I have come to the end of my research journey which has culminated in this thesis. The thesis has offered some fresh insights into SEN and inclusion at Local Authority level. It has used a development of many years ago in a particular LEA to show that it has contemporary relevance. In so doing, it has tried to show that academic literature concerning that historical development also has contemporary relevance. While inclusion is a term which is being used less in official rhetoric, the issues which it deals with, if this thesis is anything to go by, are worthy of further analysis and research. I have tried to show that the political economy of special education is a useful and indeed necessary way better to understand how funding shortages have impacted both on special education and inclusion.

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