

## Questions of Inclusion in Scotland and Europe

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### Abstract

This paper examines inclusion in Scotland and in Europe. It considers some of the uncertainties surrounding inclusion and the questions which are currently being raised by researchers, teachers and their representative unions, parents and children, many of which give cause for concern. The shifting political and policy contexts and recent patterns and trends in Scotland and across Europe, which illustrate key points of *exclusion*, as well as some of the challenges to these, are reported. A 'landmark' challenge to discrimination of Roma children, achieved within the European Convention on Human Rights, is presented as an illustration of the scope for asserting the right to inclusion. The paper ends with a discussion of the prospects and possibilities for inclusion. The significance of the barriers to inclusion is acknowledged and it is argued that there is an urgent need to address the competing policy demands within education and the problems associated with fragmented provision. A call is also made for research involving children, young people and families in order to inform practice.

Keywords: inclusion, resistance Scotland, Europe, policy

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### Introduction

The inclusion of all children in mainstream schools has been adopted as a key educational policy in Scotland and across Europe. It is, however, a policy which has been experienced as challenging, not least of all because of uncertainty over its meaning, and which has met with some resistance. This paper takes a look at inclusion in Scotland and in Europe, recognising Scotland as, of course, part of Europe, but with its own particularities. It considers how inclusion is understood and the questions currently being directed at it. It examines the shifting political and policy contexts and recent patterns and trends which illustrate key points of *exclusion*, as well as some of the challenges to these. The paper ends with a discussion of the prospects and possibilities for inclusion.

### Understandings and challenges

There is much uncertainty about what it means to include. The establishment of the notion of inclusion, in the early 1990s, was intended to replace integration, but was seen as too limiting because it was merely concerned with matters of physical placement, increasing participation of children with special needs in mainstream schools,

locationally, socially and functionally (Lewis 1995; Florian 1998). Among the critics of integration was Slee (2001), who argued that it had been little more than calculus of equity, concerned with measuring the extent of a student's disability, with a view to calculating the resource loading to accompany that student into school. Slee describes the crude mathematical formula which is used: Equity [E] is achieved when you add Additional Resources [AR] to the Disabled Student [D], thus  $E = AR + D$ . Inclusion was considered a more desirable alternative because it was still about increasing participation of children in mainstream schools, but was also focused on the changes required by the schools to their structures, ethos and practices and on removing barriers (which may be environmental, structural or attitudinal) to children's participation. But questions have arisen about inclusion from various quarters. Researchers are asking about who is to be included and into what. Teachers and their representative unions have recently asked why they should include and at what cost. Parents are wondering why they and their children are let down so badly and children seem genuinely perplexed that it is so difficult to *do* inclusion.

Researchers report that teachers are increasingly talking about inclusion as an impossibility in the current climate (Croll and Moses 2000; Thomas and Vaughan 2004), lacking confidence in their own competence to deliver inclusion with existing resources (Mittler 2000; Hanco 2005). In research undertaken by Macbeath et al (2006), there was a general positive regard among teachers for inclusion, with a recognition of the benefits for all pupils, yet they expressed concern about whether mainstream schools were able to provide a suitable education for children with complex emotional needs. Teachers also questioned whether alternative, special provision might better serve children with complex special needs. These findings have led some researchers to speculate on whether inclusion may ever be realised (Hegarty 2001; Hornby 2003) and indeed Hegarty (2001) has called for the abandonment of the 'easy sloganising' (249) of inclusion. There has not, however, been the baying demand for evidence that inclusion works nor the dismissal of inclusion as little more than an ideological 'bandwagon' (Kavale and Mostart 2004, 234) that has been heard in the US from the special educators, assiduously protecting their interests and refusing to acknowledge the ideological nature of their own position.

One of the UK teachers unions, the National Association of Schoolmasters and Women Teachers Unions (NASUWT), has recently placed special educational needs at the top of their agenda for debate. At the heart of their concerns is the uncertainty about the meaning of inclusion:

Teachers welcome children with special needs into mainstream schools providing that the school can meet their needs and the motivation for the placement is in the best interests of the child rather than a drive by local authorities to save money on specialist provision and support. However, a lack of a clear shared, national definition of what inclusion means and the variation of provision across the country means pupils, parents and indeed teachers face a postcode lottery of support and provision (NASUWT 2009).

This union has previously described total inclusion as a 'form of child abuse' (NASUWT 2001), while the President of the main teachers union in Scotland, the Educational Institute of Scotland has ventured that 'the strain imposed by social inclusion in some of our schools is in danger of becoming a time bomb waiting to explode unless properly

resourced' (Mackie 2004). A personal testimony from a Scottish primary teacher, writing anonymously revealed deep concerns about the costs of inclusion:

Teachers just cannot spread themselves equally amongst their pupils ... Classrooms were never about learning, they are about social interaction and building confidence and about pupils becoming 'whole' people. No-one would wish to exclude any child from being part of this experience but at what cost to others when the problems are such that the learning environment is destroyed and everyone pays a price? (Primary teacher, General Teaching Council Scotland 2004, 13).

Questions and concerns about inclusion from teachers have stemmed from their confusion about what it is supposed to do and for whom; frustration about being unable to undertake it because of pressures from competing policy demands, especially from drives to raise achievement; guilt about letting down children and parents; and exhaustion, feeling that things cannot continue as they are (Author 2008). Teachers have reacted to inclusion by complaining about their lack of knowledge and experience and by asking for training (Meijer 2003; Pijl and Frissen 2009). Difficulties with the 'transformation from ideal into practice' (Haug undated) are reported as widespread across Europe and indeed beyond (Mitchell 2005; Rix et al 2005; Persson 2006).

Baroness Warnock, recognised as the 'architect' of inclusion in the UK, has weighed in with, not so much questions about inclusion, but a damning pronouncement on inclusion as 'disastrous' (Warnock 2005, 22). In a pamphlet published by the Philosophy of Education Society of Great Britain, she declared it to have been a mistake to have thought that all children could succeed in mainstream schools and lamented that 'children are the casualties' (ibid, 14) of this mistake. Her call for a return to segregated schooling, at least for some people, was denounced roundly by inclusion commentators such as Barton (2005) and Norwich (2006), who expressed disappointment and puzzlement at her lack of familiarity with the field of inclusion and its current debates, but was seen as a vindication by others (Spurgeon 2006; Wing 2006) and as an indication that 'the tide is turning on SEN provision' (Gloucestershire Special Schools Protection League 2005). The General Teaching Council in Scotland, which invited Warnock to address its members on the subject of her pamphlet, apologised for accidentally misprinting the title of her lecture, so that it appeared not, as intended, as *From integration to inclusion*, but *From integration to exclusion*. However, this new inflection was closer to her intended argument which seemed, from the reactions by teachers and local authority personnel, to be aligned with their concerns.

Parents have become increasingly concerned about the unwillingness of schools to accept their child (Audit Commission 2002; Ofsted 2004) and have experienced considerable pain and anguish during the 'long road to statementing' and in the 'struggle to get a child with special needs everything it needed to be fully included' (Macbeath et al 2006, 59-60). Their experiences in the role as 'consumer' and 'partner' (Vincent 2000, 2) appear to be negative and exclusionary. For those parents whose children have made it into mainstream, there have been concerns about the schools' reluctance to embrace full inclusion (www.DisabilityResources.org; National Council on Disability 1994) and worries that the teachers are ill prepared to give their children the support they need (Eason 2004; Macbeth et al 2006).

The many children and young people whom I have encountered, whilst undertaking research, find inclusion such a simple concept and such an obvious right that

they are mystified as to why adults experience it as such a struggle. In one study of children's rights (Allan et al 2006), a group of children were invited to look at inclusion in their school and they very quickly and easily understood this to be about both increasing participation and removing the barriers in the school. They readily identified the barriers as coming from the school environment, structures and attitudes but found themselves puzzled that the adults could not avoid displaying behaviours and attitudes which so obviously restricted participation. In research with young disabled students, teachers presented their biggest barriers to their efforts to actively seek inclusion and both the disabled students and their non-disabled peers found this disappointing and frustrating (Allan 1999). And a recent seminar event for children and young people – to discuss diversity – teachers were again criticised for making too much of diversity by 'overprotecting' disabled students and standing in the way, literally, of social interaction (Allan and Smyth, 2009). Research with children and young people undertaken by Lewis' (1995) and Davis et al (2008) has underlined the poor understanding which adults had of disabled children and their needs and their assumption that communication with them will be difficult and uninformative.

### **Shifting political and policy contexts**

A number of shifts can be discerned, within European political and policy contexts, which appear to have had an impact on countries' stance in relation to inclusion. These shifts appear to represent what Ozga and Jones (2006) refer to as 'travelling policy' (2), migrating between countries and representing a relatively coherent set of policy concerns across Europe and beyond (Ozga and Jones 2006). The features of these policy concerns include a focus on economic need; emphasis on rapid reform; insistence on the national education system becoming 'world class', as evidenced through international league tables such as PISA and TIMMS; belief in the benefits of business involvement in state schooling; and the promotion of differentiation at the expense of equality of opportunity (Alexiadou 2002). These policies are 'sedimented into institutions and operative networks' (Robertson 2006) and given credence and acceptability through a careful process of reiteration, elaboration and inflection (Ball 2007). However these policies are recognised as undermining countries' efforts to promote a social inclusion agenda and as actively contributing to inequalities (Gillbourn and Youdell 2000; Ball 2000; Fielding 2001).

Responsibilities for inclusion are often held across ministries (eg health, education, social welfare), with little connection between these. At the same time, however, the language of public services is becoming infused with the prefixes 'inter'; 'multi' and 'co' and Hartley (2009) points out that this 'inter-regnum' (127) disturbs accepted understandings about school and expectations of professionals and blurs the distinction between consumer and provider. Inclusion, in this new configuration, is thus a shared responsibility, among professionals and involving parents, and one where the lines of accountability are (even) less clear. The implication within policies on inclusion, especially those urging joined up working, is that it can be achieved through improved governance and service delivery, but as Edwards, Armstrong and Miller (2001) point out, this contradicts the idea that exclusion and inequality are actually created through 'the economic mode of production' (420). Pijl and Frissen (2009), casting a look across

Europe, argue that the interventions in schools by policymakers, in an attempt to make them more inclusive, are misplaced because they treat schools as ‘machine bureaucracies’, rather than professional ones. They also note that the ‘experimental’ (371) inclusion projects started by policymakers in several countries, including Germany, Austria and the Netherlands, have not been a success. Schools have been given additional resources, in the hope that they will develop ‘good practice’ (371) that can be transferred to other schools. Not surprisingly, they observe, other schools are reluctant to accept the additional responsibilities without the same level of resources. Pijl and Frissen contend that if policymakers are to have any success in promoting inclusion need to avoid such experimental approaches and, importantly, ‘back off’ (374), leaving schools to develop their own inclusive practices.

In many parts of Europe, the strong traditions of ‘defectology,’ which focuses on individual deficits and the means of remedying them, continue to infuse inclusion and special needs policies. However, Watson (2009) notes how in Scotland there is also a prevalence of deficit oriented language in inclusion policy and an assumption that ‘‘support’ provides the necessary scaffold to make good this deficit’ (162). The paradox that the naming of deficits is instrumental in releasing resources remains. An increasing individualisation may be discerned in assessment processes, ‘personalised learning’ and, for those with special educational needs, Individualised Educational Programmes. In spite of the promise that ‘special educational needs will be a thing of the past’, issued by Mike Gibson, of Her Majesty’s Inspectorate of Education in heralding the new legislation, the Additional Support Needs (Education) (Scotland) Act, 2005, the continued dominance, in Scottish inclusion policy, of deficit language, sustains the notion that inclusion is about a discrete population of children who require special help (Author, 2008). Just as strong in some parts of Europe as the traditions of defectology are the traditions, especially in Scandinavia, of democratic education and of a ‘school for all’ (Vislie 2006; Haug undated). The incursion of inclusion into educational policies in these countries has come as something of a surprise and Haug (ibid) notes how inclusion has often not been properly defined. Consequently, the concept of inclusion has been a diffuse part of policy and remains a political concept tied more closely to special education than to democratic education.

At the same time as these policy shifts appear to be undermining inclusion, there are some powerful legal frameworks which uphold the rights of children to be included. The UN Convention on the Rights of the Child, endorsed and ratified across Europe, safeguards certain rights and provides a mandate for greater participation by children, although Lee (1999) describes Article 14, which refers explicitly to children’s participation, as a mixture of potential toothlessness and bold intent. The European Convention on Human Rights protects human rights and freedoms within Europe and, as will be reported later in this paper, has been used successfully to challenge exclusion.

### **Patterns, trends and challenges**

It is salutary, when considering the inclusion of children in mainstream schools, as opposed to special schools, that in many parts of Europe there are children who are not even in school. A regional study on education in Central and Eastern Europe and the Commonwealth of Independent States (UNICEF 2007) identified 2.4 million ‘missing

children', of primary school age who were not in education and 12 million children of lower and upper secondary school age not in education. The majority of these were in Turkey, the Russian Federation and the Ukraine. The study noted particularly low secondary enrolment rates in rural areas within Tajikistan, Turkey and Albania, often linked with gender, with traditional families unwilling to send girls into cities for secondary education, but the report concluded that gender inequality was not a significant problem. Minority ethnic groups were reported as being at an educational disadvantage in several countries and children of Roma, in Bulgaria, Hungary, Romania, Serbia, Montenegro and Macedonia, were particularly under-represented in the school population and over-represented in residential care institutions and special schools. Inequalities among disabled children were highlighted as a significant problem, with limited educational opportunities for disabled children outside institutional provision in several countries. The highest proportions of institutionalised children were found in Belarus, Bulgaria, Moldova and the Russian Federation. There was also concern that an estimated 1 million disabled children were unaccounted for within Europe, either through incomplete registration or the high infant mortality rate of disabled children. The UNICEF report also looked at higher education provision and noted that the over-expansion in higher education (over 55%) in some countries had left them struggling to cope while other countries, especially in the Caucasus and Central Asia, had been left behind in the rush to expand higher education. UNICEF called for policy measures which would increase expenditure on education whilst also decreasing it through rationalisation and convergence of separate systems, but also recommended anti-discrimination legislation and the breaking of several 'vicious circles' (169) which prevented particular groups – girls and ethnic minorities in some countries and poor and disabled children in all countries – from gaining access to quality education.

In Scotland, statistics show a continuing upward trend in the proportions of children with 'additional support needs', the replacement term for special educational needs being placed in mainstream schools, but also an increase in the proportions identified as having additional support needs (Scottish Government 2008). Between 2004 and 2007, the percentage of children with additional support needs on the mainstream school roll rose from 3.7% to 4.4% in primary and from 3.4% to 4.3% in secondary. However, while actual numbers of children spending all of their time in mainstream classes increased, so too did the numbers of those placed in mainstream school, but spending no time at all in mainstream classes. The proportion of the pupil population in special schools has fallen only slightly, from 1.11 per cent in 2000 to 0.99 per cent in 2006 and 0.97 per cent in 2007. The increased proportion of children identified as having additional support needs, of 2.3% between 2006 and 2007 is striking, but not easily explained. Equally striking is that boys make up 70% of the overall proportion of children with identified additional support needs (5.7%) but there is no evidence of an over-representation of ethnic minority groups in the special school population. The introduction of the Education (Additional Support for Learning) (Scotland) Act which established Co-ordinated Support Plans for children with significant needs that required support from multiple sources outwith the resources of the school brought forward anxieties that it would replicate the 'geographical lottery' that was a feature of the Record of Needs system. The statistics certainly indicate some substantial regional variations, with some rural areas more likely to issue Co-ordinated support plans (Shetland Islands

and Eilean Siar), but with other rural areas (East Lothian, North Ayrshire and West Dumbartonshire) and Glasgow, an urban authority, issuing co-ordinated plans for around half of the local authority average. Oddly, the Scottish Government provides statistics on what it calls 'integration', by which it distinguishes different amounts of time spent in mainstream classes and produces figures for differently individualised children. Thus it is possible to compare levels of participation between children who have a Record of Needs (the formal statutory system of assessing children with significant special educational needs which was in place until 2005); those who have a Co-ordinated Support Plan (which replaced the Record of Needs); and those with Individualised Educational Plans. This last group appear to spend more time in mainstream classes, with fewer spending no time at all, while children with Co-ordinated Support Plans spend less time in mainstream classes and more spend no time at all in mainstream.

It has been interesting to see how the Human Rights legislation has been used successfully to challenge the discrimination and exclusion faced by Roma children and whilst this is a very particular example, it highlights the potency of the legislation. In 2007, the Czech Republic brought a case to the European Court of Human Rights to challenge the practice of 'shunting' Roma children into special schools. In the case, presented on behalf of eighteen Roma children, it was argued that Roma children in the City of Ostrava were 27 times more likely to be segregated than other similarly situated non-Roma children. The Court ruled that the practice of segregating non-Roma children amounted to unlawful discrimination in breach of Article 14 of the European Convention on Human Rights. It had reached the decision that special schools had a 'prejudicial impact' (Open Society Justice Initiative 2007), but importantly had embraced the principle of indirect discrimination, which allowed for a prima facie allegation of discrimination to shift the burden to the defendant state to prove that any difference in treatment was not discriminatory. This outcome was hailed as a 'Pathbreaking judgement' in relation to inclusion: 'Its ruling is particularly significant now, as Europe grapples with the implications of its rapidly growing ethnic, racial and religious diversity' (Open Society Justice Initiative 2007).

Some strong challenges to exclusion have also come from voluntary sector organisations. Some of these organisations, which actively campaign for inclusion, have been particularly effective in lobbying governments although they also provide an important role in supporting parents. Within the UK, *The Alliance for Inclusion* and *Parents for Inclusion*, and in Scotland, *Equity in Education* have been prominent and influential while elsewhere, there have been notable successes in fighting for inclusion by the Flanders group *Parents for Inclusion*, *Speranta* and Romania. Some organisations dedicated to particular impairments, for example FUB (The National Association for Children with Intellectual Disability) in Sweden, *Inclusion Europe*, which represents people with intellectual impairment and their families on an international basis, and in the UK, the *Dyslexia Association* and the *Autistic Society*, have lobbied for better recognition and provision only for those children and young people with the specific impairment, and this may include support for a special school placement. Disability groups, often run by disabled people for disabled people, have tended not to focus on education, but on the right of disabled people to be included in society more generally. However the UK organisation *People First* adopted a highly successful and high profile campaign for inclusive education, which it took to the Government to guide its response to the House

of Commons Select Committee Report (2006), which had been equivocal about inclusion, and this answered the questions from teachers unions and others about the viability of inclusion:

Over the last few months we have seen the inclusion of our disabled children and young people being ATTACKED by teacher's unions, academics and by the Government. And on every occasion the voices of inclusion have been IGNORED - those of us who know that inclusion can work and does work ... The Government's response to the Education and Skills Select Committee's report on SEN is due in October so we must DISPEL THE MYTHS in the report that inclusion isn't working and that disabled children and young people are better segregated from their communities ([www.peoplefirstltd.com/inclusive-education.php](http://www.peoplefirstltd.com/inclusive-education.php)).

*People First's* other current campaign - 'Not dead yet' – is focused on assisted dying and is extremely powerful, but *People First* argues, in calling for disabled people and parents to provide their stories of how inclusion has made a difference, that this campaign needs to be 'bigger than the inclusion movement' in order to succeed. Whilst the activism by the voluntary sector organisations and *People First* has been important it does not seem to have led to wholehearted acceptance of inclusion.

### **Inclusion: prospects and possibilities**

Looking ahead, it would seem that the current educational climate is a particularly challenging one and is one in which inclusion appears to be all the more difficult to achieve. The economically driven imperative to raise achievement and the fragmentation of provision threaten to undermine inclusion whilst the emphasis on individualisation and the continued dominance of 'special needs' and, in some parts of Europe, defectology discourage approaches to inclusive practice which are about all children. At the same time, the power of legal frameworks, particularly the European Convention on Human Rights, to challenge exclusion and discrimination and the mandate for children's participation and inclusion set by the UN Convention on the Rights of the Child provides some grounds for optimism.

There are clearly some concerns about the capacity of the education system – and the teachers within it – to 'deliver' inclusion and it is teachers and their unions who are expressing these concerns most volubly. It would be a mistake to interpret these concerns as a lack of commitment to providing the best educational opportunities for all. Rather, it is vital that their very real concerns, and those voiced by others such as researchers, parents and children, are heard and responded to. The most urgent issues to be addressed are the competing policy demands and problems associated with provision which is fragmented or not 'joined-up'. An acceptance that there is no 'magic solution' for inclusion, nor any recipe book for teachers to follow when they have children with additional needs of whatever kind in their classrooms will be an important step towards progress in inclusion. Children, young people and families, with direct experiences of inclusion and exclusion can help to inform and shape practice and research which seeks their perspectives will provide knowledge which will help teachers to develop their own inclusive practice. In addition, teacher education programmes which help teachers to understand and engage critically with the challenges of inclusion and diversity will do much to limit the emergence of further questions about inclusion and concerns about its future.

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