

BOOK REVIEWS

SPECIAL EDUCATIONAL NEEDS: A NEW LOOK

IMPACT: No. 11 in a series of policy discussions

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The publication of the IMPACT monograph *Special Educational Needs: a new look* is to be welcomed as it provides a long overdue opportunity for Mary Warnock to elaborate upon her concerns about developments that have occurred in the field of special education since the publication of the Warnock Report in 1978. However, a mythology has grown up around the influence of the Warnock Report in shaping the special educational system in Britain that warrants challenge. The claim made on the back cover of the monograph that Mary Warnock was the 'architect of special education in Britain' is certainly an exaggeration. The fact is that in comparison with earlier government commissioned enquiries (e.g., Plowden, Newsom, Robbins) the Warnock Report achieved relatively little, partly because there were not the resources to fund significant changes and partly because the Warnock Committee had been forced to accept the case for integration which had already been set out in Section 10 of the 1976 Education Act. Where the Warnock Report was innovative

was in its introduction of new terminology. However the key new concept – special educational needs – caused considerable semantic confusion which local education authorities were quickly able to exploit to their own advantage. A weakness in the IMPACT monograph, which this extended review seeks to address, is its failure to give the reader an insight into the political and educational climate that existed at the time the Warnock Committee was deliberating.

Parliamentary process

On 1st July 1976, Clause 17 of the Education Bill was debated for the first time in the House of Commons. The aim of the clause was to change the emphasis of education for the handicapped from provision in special schools to provision in ordinary schools. From an examination of *Hansard* it is evident that there was persistent confusion among MPs as to the different meanings of the two central concepts – 'handicap' and 'integration'. Those speeches in favour of integration referred only to the predicament of the child and adult with a physical disability.

However, for a number of reasons, Clause 17 never reached a third reading largely because there was some doubt about the costs of implementing a policy of integration. The debate in the House of Commons was uncontroversial with no party divisions. The only difference of

opinion was between those advocating integration of pupils with physical disabilities into ordinary schools and those who sought to assess the practicality of the proposal. The assurance given by Miss Margaret Jackson, the Under-Secretary of State for Education and Science, that Clause 17 was not essential was the deciding factor. She doubted the necessity of a legal requirement to integrate, as it was her belief that integration could be successfully achieved without further legislation. Clause 17 was withdrawn.

Given that ministerial assurance one might have thought that would have been the end of the story. But on 29th July 1976 the amended Education Bill, that had been passed in the Commons, reached the House of Lords. In introducing the Bill, Lord Donaldson, Minister of State for Education and Science, spoke at length on those clauses in the Bill which related to the implementation of comprehensive secondary education. Discussion on these clauses lasted several months. However on the 7th October, whilst the House was debating the subject of school milk, Baroness Phillips introduced Clause 10, which was a slightly altered but still recognisable version of Clause 17 which had been withdrawn three months earlier in the Commons. Lord Donaldson pointed out that acceptance of this new clause would constitute an overnight reversal of policy of a kind for which there were neither the resources nor the goodwill on the part of many authorities to implement.

One person who spoke strongly in favour of the new clause was Lord Vaizey who in doing so made reference to Mary Warnock who he stated was "a very old friend and colleague of mine from my days at Oxford". This remark may have been calculated to give the impression that he was in some way speaking on her behalf. He went on to speak of the

length of time which committees such as the Warnock Committee generally took in reporting. He observed that this would be the last occasion for some time for Parliament to amend the law on this subject. This observation paid little regard to the constitutional niceties, disregarding, as it did, the fact that the Warnock Committee had been commissioned by the previous government to make recommendations on the issue of integration. The debate was concluded by Baroness Phillips who argued that the inclusion of Clause 10 could not be construed as being 'revolutionary', as Lord Donaldson had claimed, and that it should be passed. And so it was! What is revealing here is that the rational and balanced debate in the Commons was superseded by what *Hansard* showed to be an emotional, ill-informed and superficial discussion in the House of Lords. In that discussion there was no reference to any research data or indeed evidence of any kind, other than reference to individuals, most of whom were highly privileged, and with whom the speakers were personally acquainted.

It soon became evident that Section 10 (formerly Clause 10) had been introduced as a result of pressure applied by a small, powerful and readily identifiable lobby which represented the interests of a minority within the 'handicapped' population (i.e., physically handicapped/intellectually able). The tactics employed by this lobby succeeded in outmanoeuvring the government, the Department of Education and Science and most of the professional organisations. It was a pre-emptive strike taken by a lobby that had concluded that the Warnock Committee might not at the end of its deliberations give unqualified support for a policy of integration.

What is disturbing from a constitutional standpoint is the fact that a handful of privileged and non-elected members of

the Upper House were able to introduce an important legislative change on the basis of an ill-informed debate which, according to *Hansard*, lasted less than 41 minutes. The change proposed was of a fundamental nature and one that ran counter not only to the expressed wishes of the government but to the views of most professional and voluntary organisations.

Critical reaction

The introduction of Section 10 caused an instant tidal wave of critical reaction. The National Association of Schoolteachers/Union of Women Teachers issued a statement on the 7th October which was published in *The Times* citing difficulties in implementing the proposals. A letter from Mary Warnock was published in *The Times Educational Supplement* of the 11th November criticising the inclusion of Section 10. A *Times* leader on the 11th November observed that the new legislation would lead to considerable controversy. On the 19th November *The Times* carried a letter from Mary Warnock repeating her concern that the clause had been passed precipitately.

It is interesting to contrast the ways in which the inclusion of Clause 10 in the Education Bill was subsequently reported. One account of the debate is provided by the Association of Disabled Professionals – the organisation which had featured so prominently in the ‘evidence’ cited during both debates in Parliament. The introduction of the Clause was described as the logical denouement of rational debates in both Houses of Parliament. Satisfaction was expressed that there had been no real controversy in either debate! The fact that the government spokesman in the House of Lords had urged that the amendment be withdrawn in order that Parliament

could await the findings of the Government Committee of Enquiry was ignored.

The foreword to the National Union of Teacher’s booklet *Special Education in Ordinary Schools* published in 1977 made it clear that the inclusion of this clause in the Bill was quite unexpected for it legislated for the provision of special education in ordinary schools in advance of the findings of the Warnock Committee (NUT, 1977). Serious doubts were also expressed as to the effects of implementing Section 10. In the NUT’s view this could not be seen as progress but rather a decline in the provision of special education, and a subsequent deterioration of educational opportunities for children with disabilities. Reference was also made to the fact that the NUT had submitted evidence to the Warnock Committee warning it against approving a policy of integration.

In arguing so strongly and passionately for the inclusion of Clause 10, one might have thought that Baroness Phillips and her fellow peers were representing a majority view. But a close examination of the evidence submitted to the Warnock Committee by a cross-section of twenty professional and voluntary organisations reveals quite a different picture (Hayhoe, 1981). Whilst most organisations sympathised with *the principle of integration*, the majority favoured it for groups of children *other than those they represented*. All were concerned that certain arrangements had to be put in place before integration could be successfully carried out. Those organisations which were most favourably disposed to integration were all concerned with educational provision for children with physical disabilities.

One of the concerns most frequently expressed by the twenty organisations was the belief that an integrationist policy would be seen by some local education authorities as a policy of ‘no action’. In

other words, the acceptance of larger numbers of children with disabilities into ordinary schools would result in a cutback in provision in special schools with no corresponding provision elsewhere. Fears were also expressed by teachers that they would be unable to absorb children with special needs into schools which were already using their available resources to the full. The Joint Council for the Education of Handicapped Children, which was one of the strongest opponents of the policy of integration, argued that integration too often tended to be artificially counter-posed to segregation. Further, the sociological justifications for integration had been grossly over-simplified. It was the view of the Joint Council that integration based on pious hope could prove disastrous.

Research

The Committee's low estimation of the value of educational research is reflected in how little research it chose to commission. In fact the Warnock Committee commissioned far less research than any previous government committee appointed to examine the educational system (cf. Plowden on primary education (CACE, 1967); Newsom on secondary education (CACE, 1963); Robbins on higher education (HMSO, 1963). Why was that? It may have been that the person responsible for setting up the Committee of Enquiry – Margaret Thatcher – had communicated her lack of enthusiasm for research which she saw as both costly and time-consuming. It was Mrs Thatcher's antipathy to academic research and her refusal to provide the funds required to support university research that contributed to the unprecedented refusal by the Senate of Oxford University to confer an honorary doctorate upon her

in 1985. The Department of Education and Science is also likely to have advised the Committee against commissioning extensive research on the grounds that it would be an expensive and pointless exercise given that the government had made it clear that it had neither the resources nor the political will to support any major reforms that the Committee might recommend.

There is a certain irony in the fact that Mary Warnock should state in the final section of the IMPACT monograph that no serious suggestions for reform can be made without proper research and a proper reliance on evidence. Her one firm conclusion is that a government funded independent Committee of Enquiry should be set up to examine the current state of special education. Those familiar with the field of educational research might argue that the notion of an *independent government funded* project is an oxymoron!

Lobby pressure

The lack of commissioned research inevitably meant that the Committee was heavily reliant on the less than objective evidence submitted by pressure groups. A point highlighted in the BBC programme – *In on the (1981) Act* – was the crucial role played by lobbyists in the framing of the 1981 Education Act which incorporated many of the recommendations of the Warnock Report (Rozenberg, 1981). Given that it is not possible for MPs and peers to know all that there is to know about a certain subject in which they are interested, they are dependent on those who have greater knowledge and experience. In some instances lobbyists are accredited as research assistants to MPs and peers which gives them privileged access to the Houses

of Parliament. Some of the amendments to the Education Bill were, therefore, drafted by lobbyists and then given to friendly MPs and peers to table. And some of these amendments were subsequently embodied in the 1981 Education Act.

The best organised and most effective lobby groups were those representing intellectually able children who had a physical or sensory disability. The problem here is that the interests and concerns of this discrete group were conflated with two other quite disparate populations – children with intellectual disabilities and children with emotional and behavioural problems. This conflation rendered a serious disservice to the two latter populations. What cannot be in doubt is that inclusion in a mainstream setting is a qualitatively different experience for intellectually able pupils with either a physical or sensory disability to that of pupils with intellectual disabilities or emotional and behavioural problems who are not equipped to respond to the heavy academic demands of the highly competitive classroom

Statement of needs

Is there a case for abolishing the statement of needs as Mary Warnock has recommended in the IMPACT pamphlet? It is acknowledged that there are significant legislative, educational, procedural and philosophical issues relating to the statement of needs that should be addressed (Mackay, 2000). First, it is claimed that the statement is based on parents' rather than children's rights; second, it reflects a static rather than a dynamic model of special needs; third, the process is cumbersome, time consuming and excessively formalistic; and fourth, it is divisive, confrontational and discriminatory.

The statement is divisive because it creates within the special needs population two groups – those with and those without a statement; it is confrontational because it increasingly relies on recourse to the law; and it is discriminatory because it singles out children with special needs as a separate legal category.

However the following counter points can be made. First, parents are entitled to feel concerned if the statement of needs is abolished as it has proved invaluable for them in discussing their child's progress with school staff or in participating in reviews of their children's future needs or in appealing against a local education authority decision. Second, the philosophical thinking which underpinned the creation of the statement was sound inasmuch as it emphasised the positive concept of needs rather than the negative and outdated notion of disability and deficit. Third, undue significance has been attached to the bureaucratic nature of the recording process. Operating any kind of recording system is necessarily bureaucratic – using that term in a technical and not pejorative sense. The real but undeclared issue here is the amount of work that is being required of educational psychologists.

What is not in dispute is that a disproportionate amount of an educational psychologist's time is spent in processing statements of needs. What is rarely mentioned is the consistent failure by successive governments to recognise the extent to which the role of the school psychological service has expanded in recent years and to fund the service appropriately, with the result that it is chronically under-resourced. The notion that drawing up statements constitutes a discriminatory act has to be viewed with some caution. Is it seriously argued that every child is the same? Is no one special? We have to be sensible here. Equalisation of educational opportunity

demands some form of differentiation.

While one of the main reasons for introducing statements was to protect the interests of children with special educational needs, the efficacy of its safeguarding role has also been called into question. But if the statement was abolished and more and more powers devolved to head teachers and away from local education authorities, what confidence can we have, given the market-place ethos currently prevailing, that adequate resources will be directed to meet the needs of those pupils who formerly would have had a statement?

Impact of Warnock Report

The Report's principal failing was the high level of expectation that it generated among professionals and parents that important changes would be introduced. However all that resulted was the passing of the 1981 Education Act which implemented some of the Report's more innocuous (i.e., no cost) recommendations. Whilst the 1981 Education Act repealed the duty of local education authorities to provide special education for specified categories of disability, it sanctioned the creation of yet another system of educational categorisation to replace the old and discredited one.

A charitable interpretation of the position taken by the Department of Education and Science at this time is that its policy was directed more by pragmatic than ideological considerations. In other words, the DES was happy to leave it to the local education authorities to decide on whichever form of provision they thought was cheaper – whether it was integrated or segregated. Most local education authorities not surprisingly opted for integration

as this enabled them to close expensive special schools. And that remains the position to this day.

The claim made in the Editorial Introduction to the IMPACT pamphlet that the Warnock Committee was responsible for pioneering an 'integrative' or 'inclusive' approach based on common educational goals needs to be treated with considerable caution. For, as the Warnock Report itself acknowledged, it was Section 10 of the 1976 Education Act, later to be incorporated into the 1981 Education Act, that shifted the emphasis on special educational provision in the direction of greater integration and improved provision in ordinary schools. In those circumstances the Warnock Committee can scarcely be characterised as pioneering when it was in fact following a path that had already been created!

Robin Jackson

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