Developing a Critical Sociology of Special and Inclusive Education: The Contribution of Sally Tomlinson

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Abstract

Sally Tomlinson's critical sociology of special and inclusive education has been immensely influential in forging a theoretically informed analysis of this field. In this paper, her ideas are used to consider the extent to which new rights accorded to children with additional support needs are likely to unsettle existing power relations, where professionals have held the balance of power and scant attention has been paid to parents' and children's rights. Analysis of administrative data is used to shed light on the relationship between social deprivation and the identification of additional support needs, the use of particular labels and the allocation of statutory support. It is argued that major social inequalities are reflected in the use of the most stigmatised labels and the use of co-ordinated support plans, which act as a gateway to additional resources and judicial redress. The paper concludes by suggesting that children are unlikely to be able to act as effective agents in redressing social inequalities, given their scale and persistence. The new emphasis on children's rights may be used as a smokescreen to conceal inequalities in the distribution of resources and decline in public spending in this area.

Introduction

Research in the field of special and inclusive education is not noted for the strength of its underpinning social theory, where the disciplines of psychology and medicine have traditionally dominated and sociological approaches have been under-developed. For two decades, from the 1970s to the 1990s, sociology of education flourished in British universities, with the growth of research into topics such as education and social mobility, the impact of comprehensive education and social and cultural reproduction. In addition to traditional concerns with social class, interest grew in gender, ethnicity, disability and analysis of their inter-relationship. However, relatively little attention has been paid to the field of special and inclusive education, including the experiences and outcomes of 'low achievers'. Sally Tomlinson is one of the first sociologists to focus on the field of special and inclusive education. In her ground-breaking book *A Sociology of Special Education* (first published in 1982 and reissued in 2012), Tomlinson reminds the reader of John Rex's account of the task of sociology:

> Sociology is a subject whose insights should be made available to the mass of people in order that they should use it to liberate themselves from the mystification of social reality that is continually provided by those in our society who exercise power and influence (Rex, 1974, Preface).

In this paper, we begin by providing an overview of Tomlinson's account of power relations in the field of special and inclusive education, particularly between local authorities, parents and children. Subsequently, we illustrate the way in which these ideas contribute to the theoretical backcloth of research on children's rights in special and additional support needs which is being conducted at the Universities of Edinburgh and Manchester https://www.ed.ac.uk/education/rke/centres-groups/creid/projects/autonomy-rights-sen-asn-children

As explained in greater detail below, the research project examines the impact of new rights accorded to children with ASN/SEN in Scotland and England, and questions what these rights are likely to mean in practice. The research runs from July 2017 to July 2019 and so is still at a relatively early stage. In this paper, we use some preliminary findings from an analysis of official statistics to address some of the study's concerns. We want to develop a better understanding of whether children able to use these new rights and which groups they are likely to benefit in practice. The type of questions addressed include the following: As claimed by policy makers, are we witnessing a paradigm shift involving a transfer of power from local authorities and parents to children – or are old power relations being reasserted under a different guise? Before turning to the data, we explore Tomlinson's ideas on the social creation of ASN/SEN in the late twentieth and early twenty first century.

The SEN industry in late capitalist society

Tomlinson noted that during the 1970s and 1980s, the field of special education was dominated by the disciplines of medicine and psychology, reflecting essentialist approaches which regarded special needs as located within the individual child. These approaches were informed by ideas of the late 19th and early 20th century eugenicists such as Francis Galton (Kerr & Shakespeare, 2002), who believed that the mentally and morally unfit should be isolated from the rest of the population to discourage them from reproducing – ideas which appear to be having something of a revival in the field of 'progressive eugenics'. IQ tests, developed in the early 20th century, provided educational psychologists with an additional tool to use in determining whose intelligence might be deemed to fall outwith the normal range. American pioneers of mental testing believed that intelligence was inherited and fixed rather than malleable, and was linked to racial origin. Henry Goddard, an early proponent of mental testing, was invited by the government to administer the Binet Simon scale and other performance tests to recent immigrants at the Ellis Island receiving station. Fuelling beliefs about racial inferiority, Goddard's work, published in 1917, showed that around 80% of Jews, Hungarians, Russians and Italians were feeble-minded.

In *The Sociology of Special Education*, Tomlinson traced the links between early eugenic social theories and emergent systems of special education in the US and Europe. In most developed countries, the focus was on identifying deficits, often leading to an 'appropriate' form of special placement. In Scotland, for example, prior to 1980, nine categories of handicap were recognised by the state (deafness, partial deafness, blindness, partial sightedness, mental handicap, epilepsy, speech defects, maladjustment and physical handicap). If such an impairment was suspected, the parent was legally obliged to present the child at a clinic for medical assessment with a view to ascertaining whether 'special educational treatment' was required. Until 1974, a certain proportion of Scottish children were deemed 'ineducable and untrainable', and the health board rather than the local authority had responsibility for their care.

Tomlinson's analysis cast doubt on the predominant belief that the provision of special education from the nineteenth century onwards should be seen as a manifestation of philanthropy and enlightenment. Her scepticism extended to the post-Warnock adoption of inclusive education as the dominant paradigm, accompanied by a rapid expansion of the numbers of children deemed to have special educational needs. This expansion, she maintained, was probably of greater benefit to the burgeoning array of SEN professionals than to children so identified (Tomlinson, 1985; 2012). In particular, she drew attention to the growth of non-normative categories, such as moderate learning difficulties, low achievement and social, emotional and behavioural difficulties, which coincided with the collapse of the youth later market in the late 1970s and early 1980s. Rather than providing access to additional educational support, these labels were generally used as a means of explaining and legitimating the exclusion of growing numbers of working class and minority ethnic groups from the labour market (Tomlinson, 1985, 2015, 2016; Armstrong, 2003). Writing from a similar perspective, Armstrong argued that 'Special educational needs is a convenient tool for legitimising discrimination, racism and the lack of opportunities generally for young people' (Armstrong, 2003, p. 121).

Children's rights and autonomy: the application of Tomlinson's ideas in current research

A central tenet of Tomlinson's analysis is that the stigmatisation and social exclusion associated with SEN identification (particularly in the case of high incidence non-normative categories) is differently manifested over time, but generally reinforces existing power relations. In the following sections, we provide an overview of the new children's rights agenda in Scotland, before discussing what we can learn from official statistics with regard to likely beneficiaries.

Over the past few years in both England and Scotland, legislation has established new education rights for children and young people with additional support needs (ASN) in Scotland and special educational needs (SEN) in England. The ESRC-funded Scottish-English project entitled *Autonomy, Rights and Children with Special Educational Needs: A New Paradigm?* (Ref: ESP0026411), which provides the evidence base for this paper, represents the first significant attempt to ascertain whether the reforms truly represent a paradigm shift in the recognition and realisation of these rights and more generally.

Prior to the current legislative changes, the overwhelming emphasis within the law in this area has been on the duties of local authorities, and, more recently, with only partial success, the rights of parents (Riddell & Weedon, 2010; Riddell, Weedon & Harris, 2016). Children's and young people's independent rights, which until now had scarcely featured in policy discourse, have been significantly enhanced. The Education (Scotland) Act 2016 (commenced in January 2018) has conferred on children aged 12-15 independent rights which are almost equivalent to those held by parents and young people, including the right to:

- Request the education authority to establish whether they have additional support needs;
- Receive advice and information about additional support needs;
- Request at any time a specific type of assessment and/or examination for the purpose of considering their additional support needs…, or to establish whether they require a co-ordinated support plan;
- Make use of dispute resolution arrangements for matters about additional support needs that are specified in regulations- generally matters that are not eligible to be considered by the First Tier Tribunal for Scotland Health and Education Chamber;
- Request the education authority to establish whether they need a co-ordinated support plan or to review an existing plan;
- Receive a copy of the co-ordinated support plan, and any amended plan and be asked for their views and have then taken into account in the co-ordinated support plan.
- Refer to the Tribunal specified matters relating to co-ordinated support plans;
- Have a supporter with them or an advocate to present their case at any meeting with the school or education authority in connection with the exercise or the education authority's functions under the Act and at tribunal hearings;
- Have access to a free advocacy service at Tribunal hearings

Heralding the reforms under the 2016 Act as representing 'a significant development in the landscape of children's rights', the accompanying Policy Memorandum asserts that they go much further than developments in England and Wales, 'giving children with capacity the opportunity to directly influence and ask for support to be put in place for them'.[1] However, there are a number of caveats. Every time a child wishes to exercise a right under the legislation, they must first inform the local authority of their intention to do so. The local authority then informs their parents and subsequently decides whether the child has capacity to exercise their right, using various forms of evidence including assessment of academic performance. Furthermore, the local authority must decide whether exercising the right would have a detrimental effect on the child's wellbeing. Children are explicitly excluded from requesting independent mediation or making a placing request. All of these caveats and exclusions may be particularly problematic for looked after/care experienced children, for whom the local authority is acting as the corporate parent,

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[1] Ibid para 56.

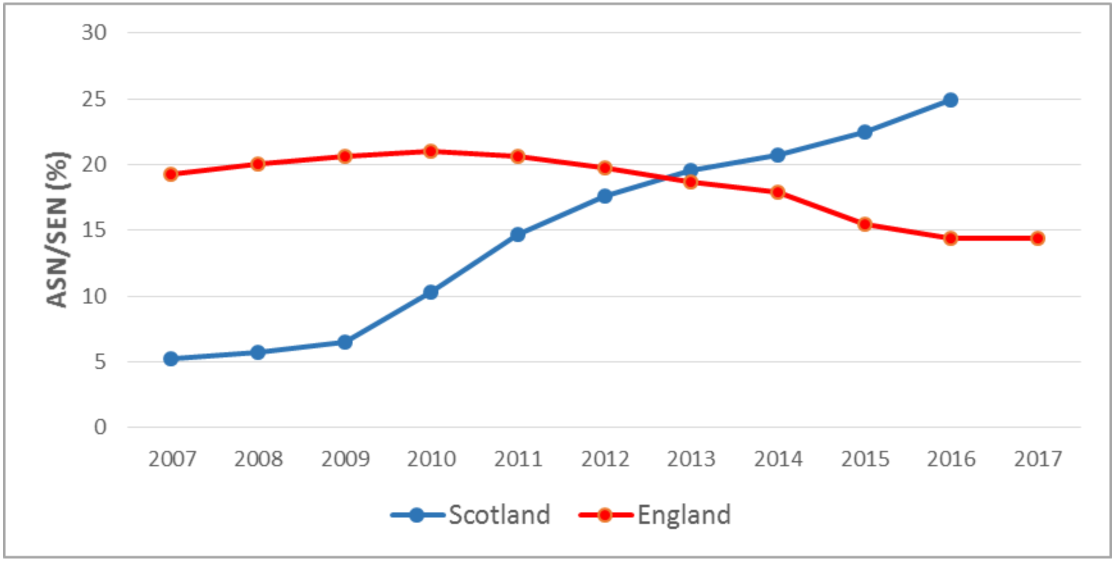
and for others such as young carers or the children of parents who are misusing drugs and alcohol.

As explained above, the next section of this paper uses some preliminary findings from the analysis of official statistics to examine what these rights are likely to mean in practice for different groups.

The rights of children with ASN: what can we learn from official statistics?

One of Tomlinson's central arguments was that the expansion of SEN from the 1980s onwards served to marginalise rather than support young people with ASN/SEN. Her arguments about the exponential expansion of ASN/SEN appear to be supported by the data presented in figure 1, although this growth happened later in Scotland than in England.

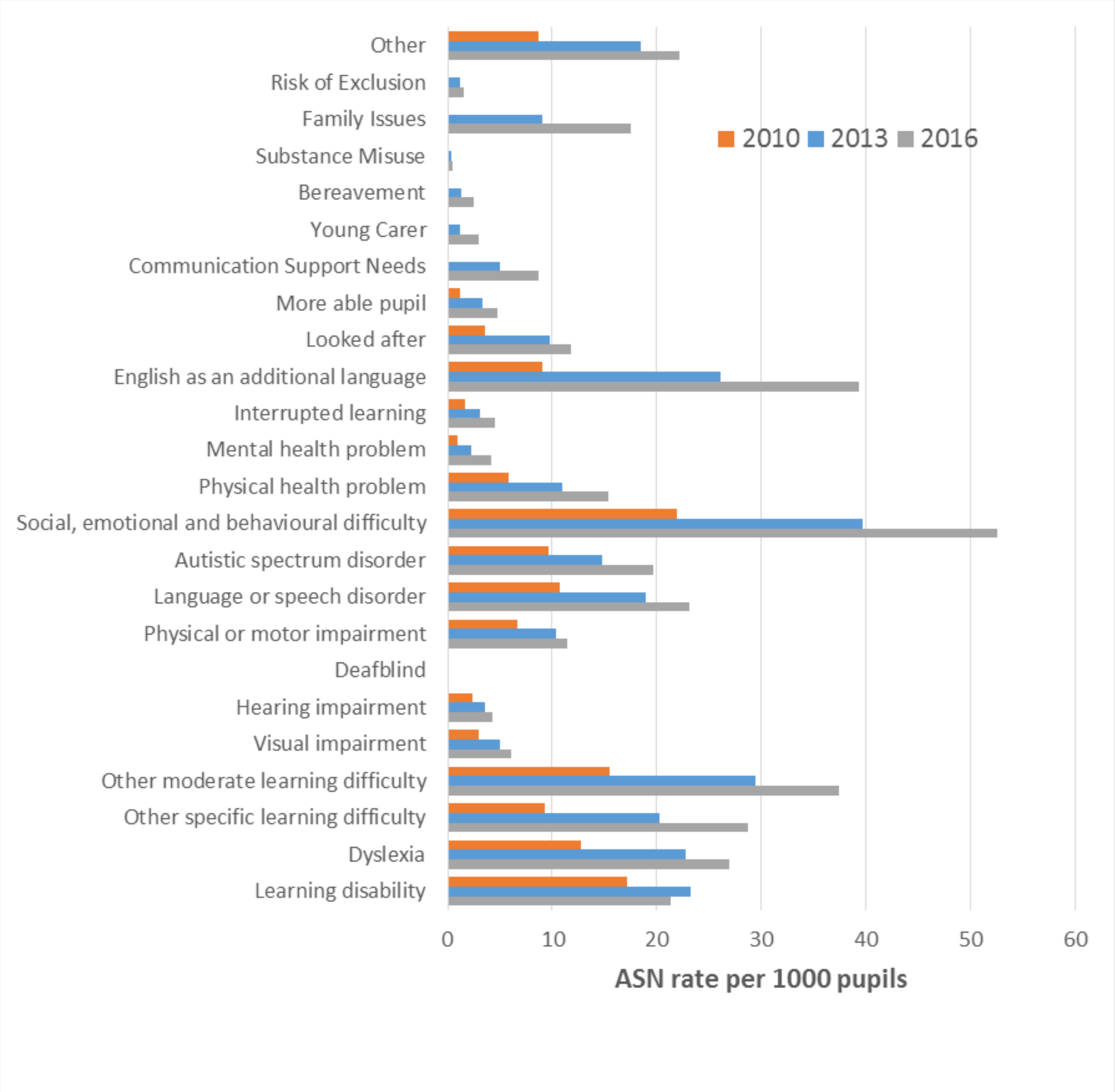
Figure 1: Percentage of children identified as having ASN (Scotland) and SEN (England) 2007 -2017



In Scotland the proportion of children counted as having ASN has risen from 5% of the population in 2007 to more than a quarter (27%) of the school population in 2017. This is explained by the replacement of the concept of SEN with the new concept of ASN under the terms of the Education (Additional Support for Learning) (Scotland) Act 2004. Whereas the category of SEN included primarily children with learning difficulties and disabilities, ASN includes children with difficulties in learning for whatever reason. Categories (and types of plan) have increased dramatically and now include children living with parents who abuse alcohol or drugs, those with English as an additional language, children of refugees and asylum seekers, those with interrupted learning and those at risk of exclusion (see figure 2). By way of contrast, from 2010 onwards there has been a reduction in the proportion of children counted as having SEN in England, following advice from Ofsted that there was an 'over-identification' of SEN, and that schools in future should meet a higher proportion of learning difficulties from their existing resources.

The increase in ASN identification, however, has not occurred evenly across all categories of difficulty. Figure 2 shows that the most noticeable expansion between 2010 and 2016 has occurred within non-normative categories such as social, emotional and behavioural difficulties (SEBD), where pupil identification rests on teacher judgement rather than measurement against an established standard of normal functioning (as is the case in relation to low incidence difficulties such as visual and hearing impairment).

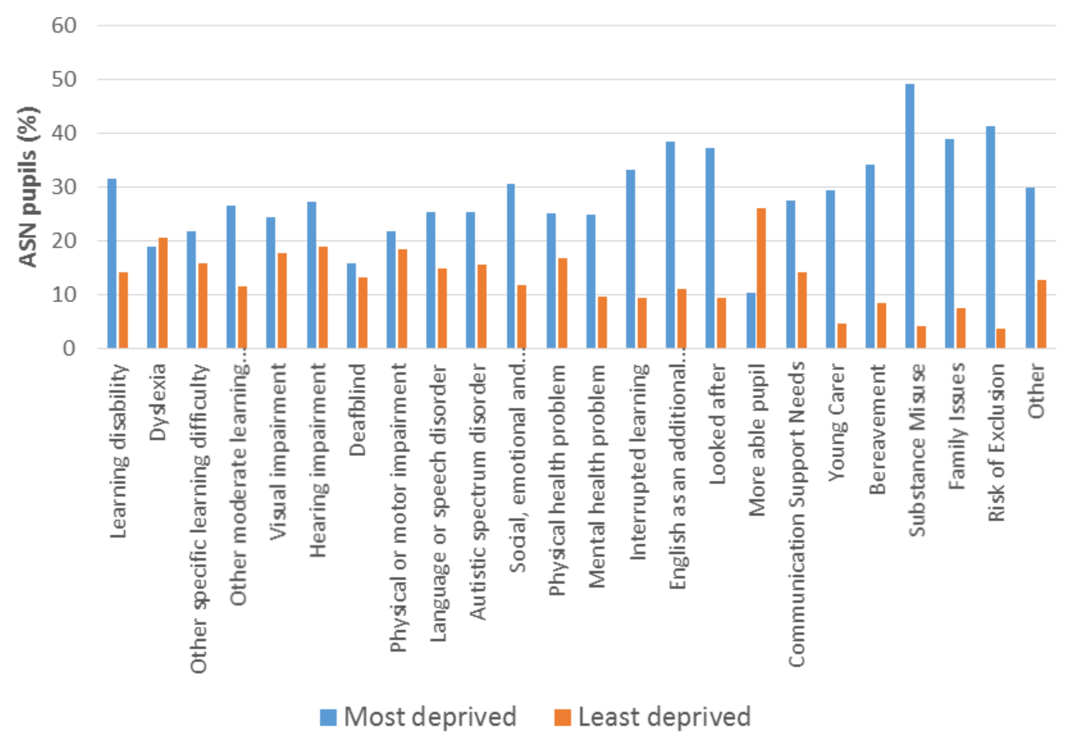
Figure 2: ASN pupils by each type of need in Scotland, 2010, 2013 and 2016



Source: Scottish Government, 2010, 2013, 2016.
Entries per category are not discrete; a child with multiple needs will be recorded in multiple categories.

As shown in figure 3, there is a strong association between social deprivation, as measured by the Scottish Index of Multiple Deprivation (SIMD)[2], and non-normative categories such as SEBD, where rates of identification have expanded dramatically. As we have demonstrated in earlier work, in contrast with categories such as dyslexia which may be actively sought by more socially advantaged parents, SEBD is a highly stigmatised category which is never sought but is imposed by professionals on children and young people (Riddell & Weedon, 2017). At a time when youth unemployment and under-employment is again a growing problem following the economic crash of 2008 and its repercussions, it appears that young people who are likely to end up among the precariat (Standing, 2011) are being blamed for their own predicament.

Figure 3: Percentage of ASN pupils by type of difficulty in most deprived (SIMD1) and least deprived (SIMD 5)



As a result of the marked expansion of non-normative categories strongly associated with social deprivation, the majority of children identified as having ASN live in the most deprived parts of Scotland (see figure 4). There are more than twice as many children identified with ASN living in SIMD1 (least deprived) as opposed to SIMD 5 (most deprived).

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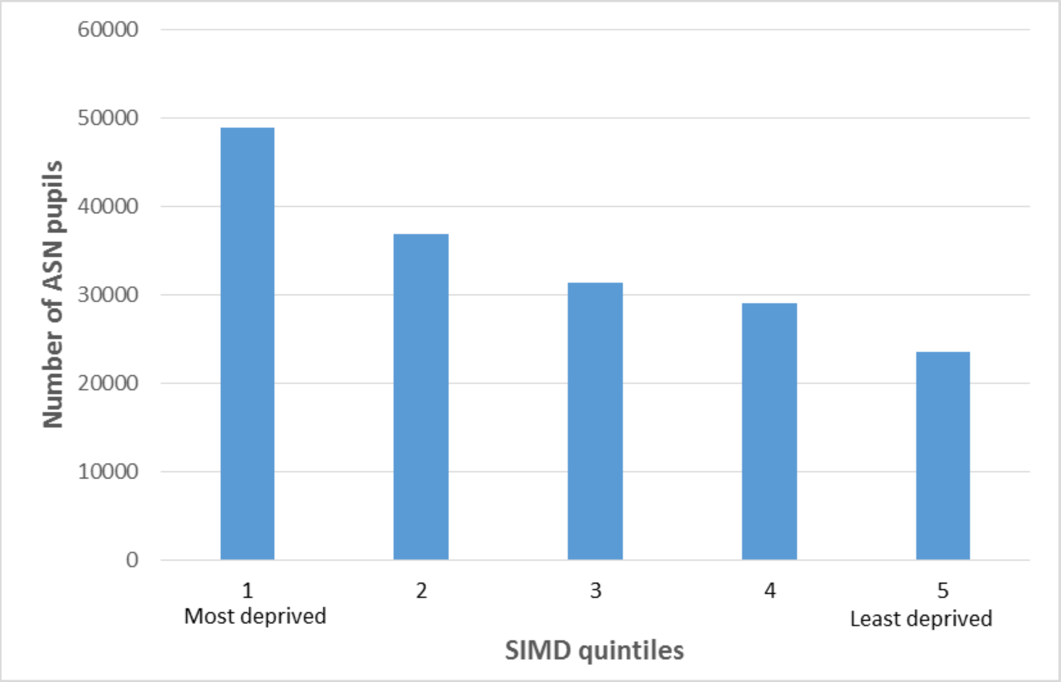
[2] The Scottish Government uses the Scottish Index of Multiple Deprivation (SIMD) to measure disadvantage. This is an area based measure which is based on a set of indicators based on factors such as educational level, crime rates, housing and employment in an area. Each area is ranked and areas can be grouped into quintiles from the most deprived (SIMD 1) to the least deprived (SIMD 5).

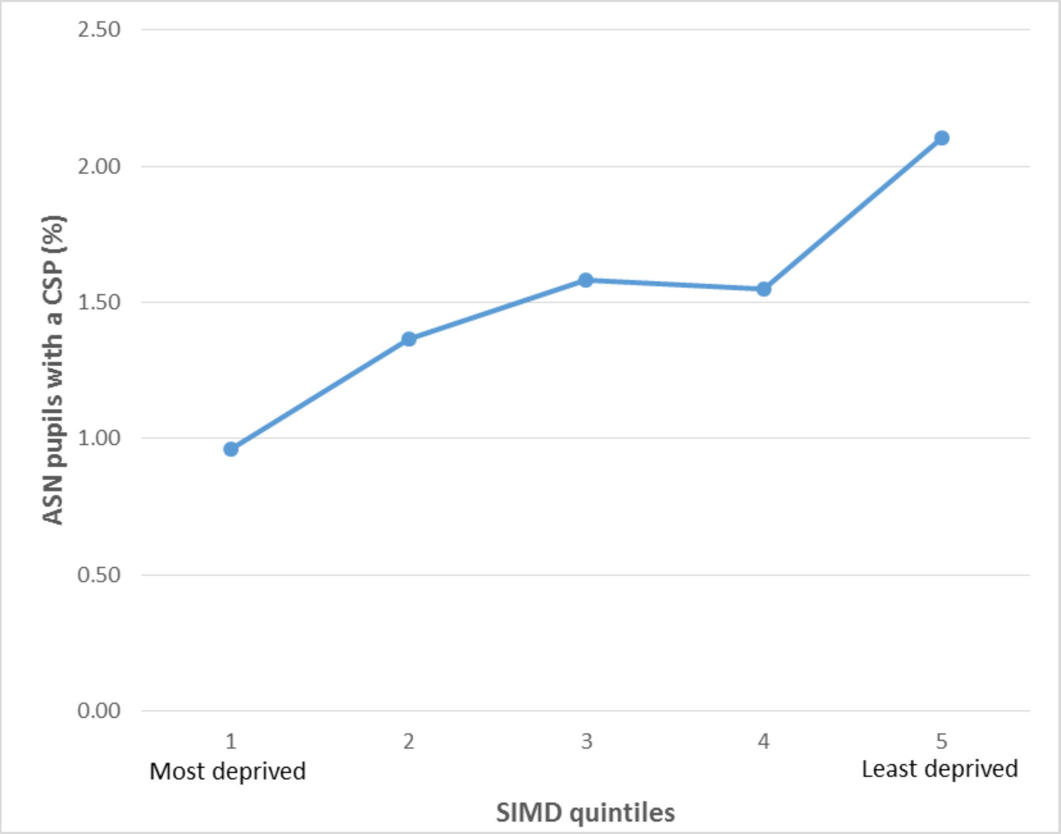
Figure 4: Total number of pupils identified with ASN by SIMD quintile



Source: Scottish Government, 2016; special request.

However, despite the fact that far more pupils with ASN live in deprived areas, pupils with ASN living in more advantaged areas are relatively more likely than those living in deprived parts of Scotland to receive a statutory support plan, known as a co-ordinated support plan (see figure 5). This plan has a standard format, stipulates the type of support which will be provided by different agencies and requires regular review. It also enables parents, young people and children (aged 12-15 with capacity) to make a reference to the ASN tribunal in order to challenge the type of support which is being delivered and obtain redress if the local authority fails in its duties. As demonstrated by our previous research (and confirmed by key informants in our current project), CSPs are disliked by local authorities because they commit resources to individual children and are underpinned by statutory measures concerning review and redress.

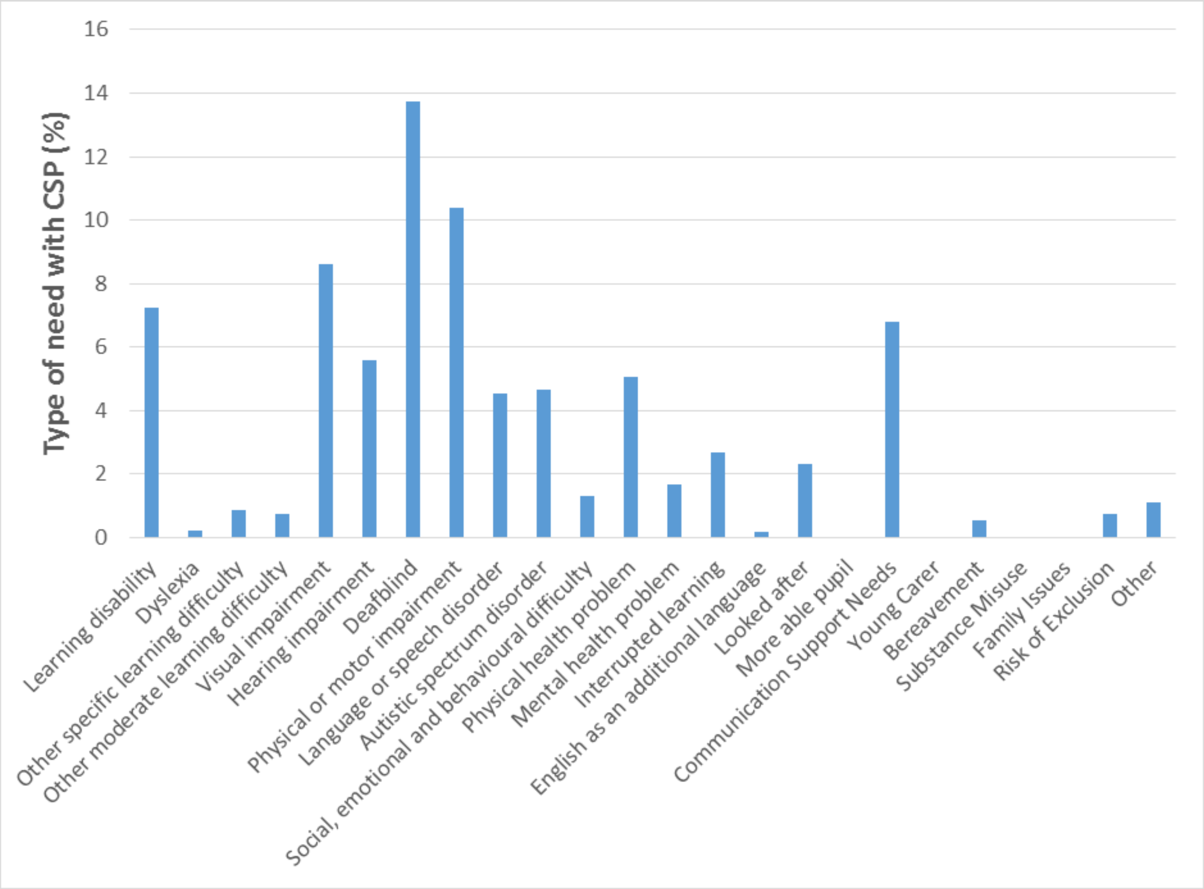
Figure 5: Percentage of ASN pupils with a CSP by SIMD quintile



Source: Scottish Government, 2016; special request.

As shown in figure 6, children with low incidence normative difficulties are much more likely to have a CSP than children with high incidence non-normative difficulties. Thus only 1.29% of children with SEBD, 2.29% of looked after children, less than 5 young carers and no children affected by parental substance abuse have a CSP. On the face of it, it would appear that these groups should qualify for a CSP on the grounds that they are likely to need ongoing support from agencies outwith education, such as health or social work, which would require co-ordination. However, they are very unlikely to have parents with the social, economic and cultural capital necessary to act as effective advocates, and as a result lack the statutory support which appears to be more accessible to children from more advantaged areas, irrespective of their difficulty. By way of contrast, 13.73% of deafblind children and 10.39% of children with physical or motor impairment have a CSP. These types of difficulties are less strongly associated with social class, and as a result parents are more likely to be able to 'do battle' with the system in order to secure support for their children. In 2009, an amendment to the Education (Additional Support for Learning) (Scotland) Act 2004 placed a duty on local authorities to assess all looked after children to determine whether they had additional support needs and required a co-ordinated support plan. It would appear that most local authorities have failed to fulfil their legal responsibilities, and the onus now lies on children to seek action and redress – a demand that few will be able to meet.

Figure 6: Percentage of children with CSP by type of difficulty



Conclusion: Children's rights and social disadvantage

The data presented above illustrate the cumulative social disadvantage experienced by children and young people with ASN who are identified with socially stigmatising conditions such as SEBD. Living in the most deprived parts of Scotland and lacking effective parental advocacy, these children are likely to experience formal or informal exclusion at school and wider social exclusion in later life (Riddell & McCluskey 2012). Although children have recently been given very significant new rights, which the government claims make Scotland the most socially progressive country in Europe, the statistics raise serious questions about whether children living with cumulative disadvantage will be able to benefit from these rights. However, our work in school will provide greater insight into how children's rights are affected by ingrained patterns of inequality.

In contributing to our understanding of the power relations shaping this social reality, Tomlinson's ideas, along with those of other critical social theorists, are more relevant than ever. It is certainly the case that the discourse of inclusive education has attained global dominance (Riddell, 2018) and the proportion of children identified with SEN has burgeoned. However, there is no evidence that many children labelled as having ASN are receiving the type of support which would improve their educational outcomes and life chances. Indeed, as illustrated above, a child's chances of obtaining statutory support in Scotland appears to be strongly associated with social advantage and the type of label which they attract. There has been a decade of decline in the use of CSPs which coincides with years of public sector austerity and a marked reduction in the number of teachers and learning support assistants employed. According to Audit Scotland, the number of teachers employed in Scotland over the last ten years has fallen by 7% (a reduction of 4,000 teachers) and over the same period there has been a 14% reduction in learning support assistants. Stone (1985) argued that at times of economic austerity, the state is likely to shrink the category of disability, reduce support and raise public fears of false claimants. In the area of special and inclusive education, the growth in identification and the discursive emphasis on parents' and, more recently, children's rights has been accompanied by diminishing education budgets and growing disdain for socially marginalised groups who are held responsible for their own misfortune.

Tomlinson suggested that, in the 1980s, the expansion of the category of special educational needs was used to obscure underlying economic problems, manifested in the collapse of the youth labour market. The identification of growing numbers of children with learning difficulties, particularly within the highly stigmatised category of social emotional and behavioural difficulties, was used as an explanation and justification of their lack of employment. As levels of youth unemployment in Europe increase, reaching 60% in some southern European countries, governments have an interest in shifting the focus from the demand side of the economy (lack of jobs) to the supply side (lack of young people with appropriate qualifications, skills and motivation). While the enhancement of children's rights tends to be seen as an unalloyed good, it is clearly problematic if the failure of public services is blamed on the failure of children to use the rights which they have been granted. Much more work is needed to think through what meaningful rights for children with ASN would look like, and the types of support which would be needed to make these rights a driver for social change rather than a form of social window dressing.

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