**CHAPTER 19 ‘THE NEEDS OF THE MANY OUTWEIGH THE NEEDS OF THE FEW’: SUPPORT FOR CHILDREN WITH SEND IN TIMES OF AUSTERITY**

**Andy Bloor**

‘The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped.’

(Hubert Humphrey, 1977)

‘…the needs of the many outweigh the needs of the few.’

(Spock, The Wrath of Kahn, 1982)

**Introduction**

After the financial crash in 2010 we began to hear more and more about a term we had only ever heard in passing before: ‘austerity’. Irrespective of what your political, economic or ideological views of the term are, the inescapable truth was less money was flowing into the public sector than it had before. So, when, in 2011 the government first fielded the need for a significant review of the support given to children with a Special Educational Need / Disability (SEND), some believed that it was an attempt to re-draw lines of accountability and duty. This chapter will consider some of the moral and theoretical perspectives around the debate about the allocation of resources in schools at the start of the 21st Century. It will consider if there are any moral imperatives around the debates on how we fund education for all children, but particularly those with a Special Educational Need and Disability (SEND). It will finally consider what responses we can and should make when faced with difficult choices around funding and what current theory and debates can do to support us in making considered, proactive, positive and empowering choices. I do not for one minute presume to offer any answers; indeed I do not think there are any easy answers to such a morally difficult question, but if this chapter can at least trigger a reasoned and grounded debate, I will consider it to have been successful.

**Historical context**

After a recent visit to the US, I cracked my head open and had to go to the Emergency Room. On entering, the first thing I was asked was ‘Who are you insured with?’ Coming from the UK, a country where I grew up with a National Health Service (NHS), this came as a bit of a culture shock. In Accident & Emergency in the UK, the only concerns are ‘what is wrong with you and how urgent is your need?’ An American friend of mine was recently taken ill in the U.K. He is diabetic and is used to paying for his insulin and needles. He was startled that the main concern was for his well-being. He kept expecting charges to be levied upon him, but throughout his whole stay in Accident & Emergency whilst he expected someone to come and explain how he would be billed, the only people who spoke to him were nurses and doctors. That night I saw our NHS through an outsider’s eyes and I was even more grateful that we have universal healthcare in the UK.

As has been observed, the NHS was set up because:

*‘Illness is neither an indulgence for which people have to pay, nor an offence for which they should be penalised, but a misfortune the cost of which should be shared by the community.’*

(Attrib. T.H. Marshall, although also often to Bevan).

Indeed, the ‘Father of the NHS’ Aneurin Bevan stated that:

*‘Their entrance into the scheme, and their having a free doctor and a free hospital service, is emancipation for many... There is nothing that destroys the family budget of the professional worker more than heavy hospital bills and doctors' bills.’*

(Bevan, 1948).

Growing up in the 1970s and 80s, I remember my grandparents talking about a time when you had to pay to see a doctor and often had to think twice about it, no matter how ill you were. This was often followed by a short lecture about the importance of the NHS and how much we should value it.

In 1970, the Education Act (Handicapped Children) moved the responsibility of education of handicapped children (who we now refer to as those with a Special Educational Need / Disability or SEND) from the medical profession to the Local Education Authority. The result was that for almost the first time, education had to consider the education of some of the most severely disabled in society. Initially its response was the categorisation of needs, which included the term ‘ineducable’, describing those children who it was felt could not benefit from education in the ‘normal sense’. This was challenged and reframed in 1978 by the Report of the Committee of Enquiry into the Education of Handicapped Children and Young People (known as the Warnock Report) which saw education as:

*‘…a good, and a specifically human good, to which all human beings are entitled. There exists, therefore, a clear obligation to educate the most severely disabled for no other reason than that they are human.’*

(1.7, DfES, 1978).

In the 21st Century we have come to understand the term ‘good’ to be a consumable commodity. In the UK this could be traced back to the 1988 Education Act. This act created a sense of the parent as consumer, school as provider of a service and children as educational units to be maximised. I believe however that Warnock meant it to mean a ‘good thing’ – a wholesome thing – to which all children are entitled, simply by the fact they are human.

A term often used in relation to Special Educational Needs is ‘one in five’ or ’20 per cent’. This concept came originally from the Warnock report, where it was stated one in five children may need a SEN(D) provision at some point in their life, but Warnock was clear to point out that this did not mean ‘one in five’ would need it persistently throughout their schooling. Instead, it was posited that whilst there would be a core group of children with persistent needs, the majority would have short-term needs that could be met with short-term support.

This often used term ‘one in five’ is most commonly attributed to the Warnock report, but as we have already noted, the concept of SEN(D) expressed in the report (and the subsequent Education Act 1981 that followed it), was radically different from our current concept. Today, whilst we have absorbed the ‘familial and social’ difficulties a child may encounter in their lives into the general support any child can expect from their teacher, the ‘one in five’ now relates to a core of children with long term pervasive difficulties. Further though, whilst the report made it clear that children should ideally be educated in their local mainstream school, they could be educated in a special school or attached unit if it was the right place for them. This is not however, how the report is often characterised. This led in 2005 to the rather odd spectacle of Warnock pointing out that inclusion was not being enacted as her committee had seen it and being roundly mocked for saying this. Warnock summed up her position as: ‘Inclusion is not a matter of where you are geographically, but of where you feel you belong’ (cited in Murray and Lawson, 2006, p.41-2). This view opens up the possibility for ‘inclusion’ to mean a specialist school placement where the child feels a sense of belonging.

It is a sign of how far we have come when Warnock cited the potential needs as ‘familial or social’ (DfES, 1978, 1.2). Today many teachers would consider it an everyday core part of their professional activity. The support of children with social or familial needs – familial separation / breakup, poverty and a home environment of criminal or offending behaviour – has become so much a part of the professional role that as teacher educators we routinely talk to our trainees about it as naturally as we would planning and assessment. Yet still the one in five / 20 per cent figure persists.

In 2010 the education inspectorate in the UK, the Office for Standards in Education (OFSTED) published the report ‘The Special Educational needs and Disability Review: A Statement is not Enough.’ In it they again reiterated the one in five figure, but here there was a different understanding; SEND as a concept had shifted so now the ‘familial and social’ is taken as read – a normal part of a teacher’s role - and the ‘one in five’ now relates to children with pervasive and long-term SEND. The reason for this increase in a specific part of the SEND population is manifold. Two examples are that children being born with complex medical disabilities are now surviving when even just two decades ago they would have died in infancy; and there is a recognition of conditions (Autism / Asperger’s Syndrome, ADHD) that whilst emergent would probably not have been recognised as requiring specialist educational input in 1978. This is generally seen as a positive thing; children are now getting the support they need to make the best educational progress possible. Children that previously may have been seen as ineducable are now seen as warranting education; indeed in the case of children with ‘locked in syndrome’ and cerebral palsy we are now in a position to recognise that cognitively there may be no impairment at all.

No longer then is ‘looking after’ a child, potentially in an institutional setting such as an asylum for the mentally ill, acceptable. We can draw a direct line from the 1970 Handicapped Children Act, through Warnock, to the Children and Families Act (2010) showing how education for children with SEND has moved from being perceived as a medical issue and instead an issue that, whilst it may be grounded in a medical aetiology, is addressed in the educational sphere. With rising complexity of need though, comes the requirement to fund even more complex input.

What then of the funding? Where does it come from and how is it distributed? The next section will move on to consider the imperatives – moral and economic – behind the decisions been made regarding the funding of children with SEND.

**Moral and economic imperatives**

In October 2019 the Social Affairs editor of The Times, Greg Hurst, wrote an article entitled ‘Pupils lose out as £400m schools funding diverted to special needs.’ Before one even reads this article there are immediate problems with the premise of it. The idea that ‘special needs’ is benefitting anyone other than children is ludicrous, but there is a darker subtext here. Hurst goes on to make this even clearer:

‘*Children have been losing out because millions of pounds earmarked for their education has been siphoned off to pay for special needs education*.’

The othering of children with SEND – the idea that they are not part of the ‘children’ mentioned in the quote – is insidious and deeply concerning. It has been observed and documented that children with SEND are all too often disproportionately represented as victims of bullying, with media stories still telling of situations where children have been placed in difficult situations that have exacerbated bullying (Chatzitheochari, Parsons and Platt, 2014; Education Policy Institute, 2018; Jayanetti, 2019).

One idea I will keep returning to is the moral imperative for a headteacher in a school. Let us imagine that this fictitious headteacher has been given funding to support the individual needs of one child. This amount of money however, will also fix the hole in the roof above the school hall. At the moment a bucket is constantly having to be used and carefully monitored in rainy weather. Should the headteacher fix the hole in the roof – which is disadvantaging all children – and thus ensure the needs of all children are supported, or use the funding as it was intended, for the child with SEND? I realise this is a vast over-simplification of a complex matter and does not address issues around the legality of any potentially ring-fenced money, but the dilemma itself is one that works at both a micro and macro level. Do the needs of the many outweigh the needs of the few?

In discussing this theory, we are looking at the ethical theory of Utilitarianism. Utilitarianism considers what the final utility of an action is; what action will cause the greatest good and the least ill? In this matter, we consider the difference between Hume’s ‘is’ and ‘ought’ as expressed by Bentham (Williams, 2011; Brown and Morris, 2012; Baujard, 2010). Hume acknowledges the gap between what ought to be and what is – a moral gap that we seek to narrow and even remove in a utopian society. When we consider this with Bentham’s Utilitarianism theory, we commoditise the idea of people feeling good about doing the ‘right thing’; of narrowing the gap between ‘ought’ and ‘is’. There are echoes here of Russell’s statements regarding the desires that drive mankind to do the right thing:

*‘all the important human relations, socially desirable acts, towards which there is an instinct not strong enough to be always compelling, are enforced by social ethics…’*

(Russell, 2009, p.13).

All these may be summated then by the maxim that man should acknowledge that all he does is ultimately driven by his own desires. There may be a direct effect or simply the good feeling of having ‘done the right thing’, but whatever we do, we do because we want to, not because we perceive it in itself as intrinsically ‘right’.

Let us then come back to the headteacher and the hole in the roof. The headteacher feels an ambivalence to the situation. The child with SEND deserves the right to a good education and common orthodoxy says that good inclusive practice means a child should be educated in their local mainstream school, with suitable adaptations made to ensure that they can access the curriculum in as meaningful a way as possible and as comparably close to their peers as is possible. At this point, it would be useful to bring in the legal imperative to the act. In the UK, an Education Health & Care Plan (EHCP) usually carries with it funding attached to whatever provision is necessary. Currently, each school receives funding either directly from central government or via the Local Authority (LA) for children with additional needs that are not severe enough to require a specialist EHCP. For those children that *do* require an EHCP, the additional finance is allocated via top-up funding from the LA. For those children with an EHCP, a place in a Special(ist) school setting is often an outcome of the plan. Where the dilemma comes (especially for our fictional headteacher) is the funding that comes as part of the generalist school budget for those children under the threshold for a statutory assessment.

The Children & Families Act in the UK is enacted through the Code of Practice (2015), which, regarding funding, states that:

*‘Schools have an amount identified within their overall budget, called the notional SEN budget. This is not a ring-fenced amount, and it is for the school to provide high quality appropriate support from the whole of its budget.’*

(6.96, DfE / DOH, 2015)

In most cases, budget decisions fall on the headteacher and yet it would seem more useful to involve other members of the school team in these discussions. It has always been surprising to me, that whilst a school’s Special Educational Needs Coordinator (SENCo) should ideally be a member of the Senior Leadership Team in a school, how rarely they know what the notional budget is and in some cases that it even exists. Despite this, the above paragraph makes it clear that the school should only be using this to supplement high quality support for all its children.

So, let us return to our fictitious headteacher: they have exemplified best practice and told their SENCo about the notional budget. With the SENCo they have carefully planned what needs to be spent to ensure best practice, but there remains the dilemma that since the money is not ring-fenced they can do as they wish with it. There could be another scenario though; one where the budget is insufficient and needs cannot be met. Now we are in the territory of the dilemma we explored at the beginning: what happens when the notional budget does not cover the need?

It is likely that, as is often the case, any cuts will come in what might appear to be small, almost imperceptible ways. An example of this is an article from the Stoke-on-Trent daily newspaper ‘The Sentinel’, where it was observed that Staffordshire County Council felt the need to cut their budget on residential care for children with severe needs (McInnes, 2019). The number of families impacted by this decision may be relatively low, reflecting the number of children with the most severe needs, but the nature of that impact on those families would be profound. So, was the council’s decision correct? And what might the headteacher in my ongoing scenario do?

**‘The Body Politic’**

Austerity can be described as a movement which focuses on social engineering of the population; where austerity is a response to an economic crisis (McRuer, 2018). This in itself is a compelling narrative; is austerity a myth aimed at suppressing people; a way of pushing through an agenda where funding to those groups that are not deemed necessary are underfunded in a sanctioned manner? In discussing the contentious term ‘Crip’ from which he draws the term ‘Crip Theory’, McRuer claims that austerity is in fact crippling disabled people. Far from allowing them autonomy and empowered lives, austerity is limiting and in some extreme cases cutting short lives. This then is political policy as a form of social engineering. It would be easy to dismiss this as hyperbole, but this is exactly the political situation that existed in the late 1930s Germany; indeed, it is worth remembering that the first phase of the holocaust targeted the disabled (Russell, 2019).

It has also been argued that the way we use ‘the body’ as an object is in itself an act of marginalisation. This is particularly the case where others are making a decision about an individual’s body. When examining the concept of disability, there are several different models that can help us to understand it on a theoretical basis. Of them, the two most prevalent are the Social Model and the Medical Model. The Medical Model considers a disability to be housed with the individual; it is their physical or mental impairment that disables them. Thus, to support them best we need to support them as individuals. The Social Model argues that the disability rests with society; that it is society that disables a person not they themselves. An example is a person who uses a wheelchair using an entrance to the building. The entrance to the building is four feet above street level. Society can either put in a ramp (that everyone can use) or stairs (that only able-bodied people can use). If we subscribe to the Medical Model, then the problem lies with the fact that the person uses a wheelchair: we need to consider how we support them in overcoming this barrier. If we see disability through the Social Model, then the decision is wholly down to society: will we put in a ramp or stairs? The choice about which is used will determine if the person wanting to enter the building is disabled or not. This leads to an idea that how disabled someone is lies in the gift of society. This of course has darker overtones when we consider the power of the individual who makes decisions about another’s body. In some cases, we are not only not enabled by society, but sometimes actively debilitated by it. The Right to Maim considers the idea from the US that it is seen as preferable for arresting police officers, when faced with a hostile situation, to maim someone than to kill them; that even though this is debilitating them, it is still a preferable alternative to killing them (Puar, 2017). This approach sanctions the debilitation of a person’s body as a preferable to its elimination, but in allowing this to happen, society sanctions the maiming. In the case of funding for a child with SEND, are we giving authorities the right to disable as a preference to no funding at all?

Returning to our child in the school: the headteacher may decide to fill in the hole in the roof at the cost of some (or possibly all) the provision for the child with SEND. Maybe this means that the child does not get access to the full curriculum; maybe there are times when they are integrated into the space but are not able to be fully included. The hearing-impaired child who has sign language lessons when the other children have music or the child who uses a wheelchair who is always the referee / scorer in all Physical Education lessons. The child is debilitated by the choices that the school have made about how they may or may not access the curriculum. This is the perfect example of where the Medical Model of disability incorrectly places the onus on the individual to address the social situation in which they find themselves. The decision, whilst ostensibly benign has in fact limited the child’s capabilities when in reality the child could have been able to access the curriculum fully. The decision is presented as a ‘lesser evil’ and thus sanctioned on this basis. This does not though allow any dissent to the orthodoxy that this is ‘the right approach’ and when used in conjunction with a prevalent narrative of austerity becomes an almost unassailable argument.

Who gets funding in the first place is also an issue. A child in England for example will only get direct funding after an exhaustive assessment and a resultant individual EHCP is created for them. Up to this point the assessment and support of a child’s needs is left to the gift of the school. This is congruent with approaches taken in other parts of the world (such as Bulgaria) where disability is seen as something that must be assessed and ‘awarded’ as a status to someone (Mladenov, 2015). This is distinctly at odds however with the English definition in the Equality Act 2010, where whilst disability is framed, it is entirely self-defining for the individual themselves and need have no input from a clinician or an assessment process.

But what are the long-term implications of this? It can easily be argued that by denying a child with a disability an effective education you are limiting their ability to both take a productive role in society, as well as flourish economically in future life. In the case of countries like the US for example, where one of the highest reasons for bankruptcy is an inability to pay for medical bills, then a reduction in the economic capacity of the individual to care for their most basic needs creates a significant inequality on a basic human rights level (Puar, 2017).

The economist Amartya Sen gives us another angle on poverty though that bears consideration: poverty as capability deprivation (Sen, 2009) (see also Chapter 1 for a discussion on this). Predominantly, poverty is described in purely economic terms, but once we consider what the impact on the person is, it is natural to consider the impact on the well-being of individuals. In 2019 the New Zealand government declared that it was to undertake a ‘wellbeing budget’ (Ainge Roy, 2019). New Zealand claimed that whilst other countries measured well-being by economic growth and wealth, they wanted to focus more on mental health as a measure of well-being; essentially, how can the economy make you happy. This rejects the common marker of ‘growth’ as the measure of economic success and instead focusses on how successful the economy is in making its residents feel mentally well. This ties in with Sen’s concept of wealth and poverty and leads us onto the question ‘How do we best use our wealth / capital for the greatest well-being of the population?’

By returning to utilitarianism we may find a way through this argument. If we accept that we are a society as a whole and reject Hurst’s (2019) inferred othering and segregation of children with SEND, then we are considering the well-being of all the children in a school. Given this, we need to consider if a bucket in the hall catching the rain is preferable to even one child being denied access to education. Could it be that the price of all children being genuinely included is a slight inconvenience (even a reduction in quality) to all? If we consider the utility to be education of all in a school, then this becomes a compelling argument.

What this does not consider however, is that there are some very difficult decisions being made in schools today. When you have ‘trimmed the fat’ in a situation by reducing waste and rationalising the resources you have, when further cuts are necessary, you start ‘cutting into the flesh’ of provision. Here the temptation is to look at the resources that are creating the greatest demand and see if these can be eliminated from the system. I would argue though that tempting as this may be, when we do this by denying some children the right to an education, this is too high a price to pay.

**Summary**

We must avoid the ‘othering’ of children with SEND at all costs; if we fail, it will be too easy to exclude them from education. Instead, we need to consider what is the utility or ‘outcome’ of education? How do children with SEND fit in to this narrative and how do we use this view to inform the decisions we make when funding is reduced? If we are successful in the ideological aspect of inclusion then the practical aspects of protecting disabled children’s human rights and in particular their right to live a life not blighted by either economic poverty or social / life-choice poverty are more likely to be attainable, even in times of poverty.

This in itself brings us to the most critical aspect of all funding for children with a disability: how, if at all we are helping the children of today to self-actualise themselves into the successful and productive adults of tomorrow. Poverty of any description, including economic and social poverty will blight any individual’s opportunities. At a time when the government are talking about special educational needs covering children from 0 to 25 years of age, the only acceptable reality is for their education to prepare them successfully for the future that they, and we as their fellow members of society deserve; for only when we accept that the disabled child’s utility is the same as the utility of the wider society will it truly become the inclusive society that we all deserve.

**Questions for Reflection**

When we are faced with austerity measures, what are acceptable and unacceptable cuts?

How can we protect against the ‘othering’ of any group of children in our schools, but especially children with SEND?

What is the ‘Utility’ in your school? How do you – indeed do you at all – articulate the purpose of your school? How precise is this utility? Is this utility measurable?

**Further Reading and Resources**

Cohen, S. (2011) *Folk Devils and Moral Panics*, London: Routledge.

This text considers how demonisation of groups and their subsequent ‘othering’ is something that has a historical basis and historical answers to the dilemmas of difference. This is a seminal text in understanding how people are made ‘other’ and how society creates narratives around people that it views as outside the norm.

Lander, V. & Knowles, G. (2011) *Diversity, Equality and Achievement in Education*, London: Sage.

This work considers the othering of children, seen through the lens of critical race theory. It asks us to question the inherent prejudices we have in education and how we tackle them. This is a text that keeps rewarding the reader with thought-provoking ideas and questions to enable us all to critically reflect on our own practice.

Luxon, N. (ed.) (2019) *Archives of Power. Foucault on State Power in the Lives of Ordinary People,* Minneapolis: University of Minnesota Press.

This work looks at one of the seminal thinkers on the subject of power. Foucault is a controversial figure, mainly due to the provocative nature of his thinking, but despite the challenge of his writing, it is nonetheless worth the effort of engaging with his work.**References**

Ainge Roy, E. (2019) ‘New Zealand's world-first ‘wellbeing’ budget to focus on poverty and mental health’, *The Guardian,* (Online) 14 May 2019, Available at: <https://www.theguardian.com/world/2019/may/14/new-zealands-world-first-wellbeing-budget-to-focus-on-poverty-and-mental-health> (Accessed 20.01.2020).

Bevan, A. (1948) ‘National Health Service.’ *Hansard: House of Commons Debate*. February 1948 Vol. 447, Column 48, Available at: <https://hansard.parliament.uk/Commons/1948-02-09/debates/4c6dfcf8-0c50-45f8-9538-0622bdd228cc/NationalHealthService> (Accessed 27.09.2019).

Brown, C. R. & Morris, W. E. (2012) *Starting with Hume,* London: Continuum.

Chatzitheochari, S. Parsons, S. & Platt, L. (2014) *Bullying experiences among disabled children and young people in England: Evidence from two longitudinal studies,* Department of Quantitative Social Science, IoE, Available at: <http://repec.ioe.ac.uk/REPEc/pdf/qsswp1411.pdf> (Accessed 12.12.2019).

Department for Education and Science (DfES) (1978) *Special Educational Needs. Report of the Committee of Enquiry into the Education of Handicapped Children and Young People* London: HMSO, Available at: <http://www.educationengland.org.uk/documents/warnock/warnock1978.html> (Accessed 27.09.2019).

DfE / DoH (2015) *Special educational needs and disability code of practice: 0 to 25 years.  Statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities*, Available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf> (Accessed: 27.09.19).

Education Policy Institute (2018) *Bullying: A review of the evidence,* Available at: <https://epi.org.uk/publications-and-research/bullying-a-review-of-the-evidence/> (Accessed: 12.12.2019).

Jayanetti, C. (2019) Teachers ‘forced special needs child to make a list of his faults’, *The Guardian* 28th July, 2019, Available at: <https://www.theguardian.com/education/2019/jul/28/derby-primary-school-boy-with-special-needs-blamed-for-being-bullied> (Accessed 12.12.2019).

McInnes, K. (2019) ‘‘We feel like our heart is being ripped out’ – Government urged to step in as five special schools face losing all their residential care funding**.’**

Stoke-On-TrentLive / The Sentinel, 16 September 2019, Available at: <https://www.stokesentinel.co.uk/news/stoke-on-trent-news/we-feel-like-heart-being-3313811> (Accessed 10.01.2020).

McRuer, R. (2018) *Crip Times. Disability, Globalization, and Resistance,* New York: New York University Press.

Mladenov, T. (2015) *Critical Theory and Disability. A Phenomenological Approach,* London: Bloomsbury.

Murray, D. & Lawson, W. (2006) Inclusion through technology for autistic children, in Cigman, R. *Included or Excluded?: The Challenge of the Mainstream for Some SEN Children,* Available at:

<http://ebookcentral.proquest.com/lib/derby/detail.action?docID=425420> (Accessed 29.09.19).

National Archives (2010) *Equality Act 2010*, Available at: http://www.legislation.gov.uk/ukpga/2010/15/contents (Accessed 01.02.19).

Ofsted (2010) *The special educational needs and disability review: A statement is not enough,* Nottingham: HMSO.

Puar, J. K. (2017) *The Right to Maim. Debility, Capacity, Disability,* Durham, NC: Duke University Press.

Russell, B. (2009) *Marriage and Morals,* Abingdon: Routledge.

Russell, M. (2019) *Capitalism & Disability. Selected Writings by Martha Russell, ed.* Rosenthal, K. Chicago, IL: Haymarket Press.

Sen, A. (2009) *The Idea of Justice*, London: Penguin.

Warnock, M. (2005) *Impact 11: Special Educational Needs: A New Look*, London: Philosophy of Education Society of Great Britain.

Williams, B. (2011) *Ethics and the Limits of Philosophy,* London: Routledge.