UNIVERSITY OF ESSEX   **DISSERTATION**

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LLM/MA IN: Human Rights and Cultural Diversity

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DISSERTATION TITLE. Delivering the right to education for autistic primary school children in Essex: how can human rights help to escape the inclusive education/ special education dichotomy?

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2018-2019

Supervisor:
Andrew Fagan

DISSERTATION

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Delivering the right to education for autistic primary school children in Essex: how can human rights

help to escape the inclusive education/ special education dichotomy?

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Background

Essex County Council (2019) have developed a new strategy for changing and improving their services for young people with special educational needs or disability (SEND). This strategy is partly in response to funding changes (decreases) and increased demand for SEND provision. It. aims to ensure earlier identification of need and assist schools in enhancing their capacities for managing SEND without recourse to statutory services.

Data from 2018 shows that of the state funded primary school children in Essex who have recognised SEND, 10.2 %, which is 294 children, have a diagnosis of Autistic Spectrum Disorders (ASD) as their primary need (Department for Education, 2018). Amongst these children, some are finding they must travel long distances to school, sometimes to other counties in order to access a school which can meet their needs. Others, at the high functioning end of the spectrum, are ending up in alternative provision (AP) such as pupil referral units (PRU), having been excluded from school (Education Committee, 2019). Some are home-schooled, by parents who feel there is no other choice (Essex County Council, 2019). This is reflective of the national picture of education for children with ASD, which finds parents battling local authorities in court in order to secure appropriate care and education provision for their children (National Autistic Society, 2016).

This picture will come as no surprise to parents of children with ASD, many of whom find getting their children to school each morning to be a daily struggle and some of whom agonise over whether it would be best to withdraw their children from mainstream school and keep them at home because of how unhappy their child is at school. Furthermore, there are a significant minority of parents of children with ASD would prefer for their children to be in special education provision, many would choose an autism specific school (National Autistic Society, 2016).

This sits contrary to the human rights agenda, which argues for inclusion; all children have the same right to education, a right which should be inclusive and supportive of equality (UN, 2006: Article 24) and also

'It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (UN, 1948: Article 26 (2)).

This has been supported internationally in more recent years by the Salamanca Statement (UNESCO, 1994) which demonstrated an international commitment to inclusive education. This has been further supported by the Sustainable Development Goals (United Nations, 2019) and the Incheon Declaration (UNESCO, 2016). Nationally, inclusive education has been central to the education agenda in England since the 1970's. However, in recent years there has been a retreat, with prominent voices essentially proclaiming inclusive education was a mistake (Lightfoot, 2005). There are arguments on either side of this debate; special educationalists argue that children with SEND are not well served by mainstream education (Emam and Farrell, 2009). However, on the other side, special education is seen as discrimination and segregation which violates the rights of disabled citizens (Oliver, 2009).

Those advocating for special education can demonstrate a lack of critical analysis of the discourses underlying and surrounding education and which shape how classrooms and teachers interact with children. Advocates of inclusion could be accused of being blind to the reality of life in the classroom for many children with (and without) SEND.

Introduction

The overarching aim of this research is to discover why autistic children are not receiving the education they are entitled to by law. To do this, this paper will analyse and evaluate the arguments surrounding inclusion and special needs and find where a human rights approach fits within these arguments, through scrutinizing the right to education on the different levels at which it exists (Alderson, 2016). This will involve analysing international law, national SEND and education policies, empirical studies into inclusive education and the theories and concepts which support arguments for both inclusive and special education. In addition to this data, I. Shall be listening to the voices of parents of children with ASD who are currently at primary school in Essex.

Research aims and objectives

The task of this research is to discover the barriers that lie between autistic children and the right to education and whether or not human rights can provide the tools for overcoming these barriers. This can be broken into the following objectives:

Objective1. To examine the human rights standards relevant to the 'right to education'.

Objective 2. To analyse existing research into inclusive education practice and policy with a view to discovering why the policy of mainstream inclusion is not working for children with SEN, particularly autistic children.

Objective 3. To analyse broader arguments and theories of education and schooling and ascertain how these fit children's experiences.

Objective 4. To hear the views and experiences of parents with autistic children with regards to accessing education.

Objective 5. To piece together objectives 1-4, looking for a coherent narrative that will highlight what is currently working and not working in the education system and why, and to hopefully find a human rights-based solution.

Scope and limitations

The time limits of an MA dissertation dictated that it would not be possible to conduct research with children. It also meant that interviews conducted with parents would be very limited in number. These factors are obviously limiting to the research methodology and application. These limitations also steered the research method, leading it to be a 'patchwork' taking in multiple perspectives and stitching them together.

The present thesis is qualitative research, situated within an interpretivist paradigm, using inductive reasoning to piece together and interpret different types of data, (Davies and Fisher, 2018). The value principles (Hammersley, 2018) which inform this research are:

- A commitment to discovering something true, which is relevant to and meaningful for, primarily, children with autism and their parents, but also the wider community of professionals who work with autistic children.

- The research must be empowering, both for the autistic community and for the participants.

Using Bronfenbrenner's (1977) ecological systems theory as a methodological tool to help me to visualise the implementation of the right to education, revealed the different levels at which 'the right to education' exists and how the 'systems', which operate at these different levels, interact together.

There are several components to this research task. First, the right to education as written in human rights law and conventions must be understood and this will provide a solid frame of reference for the subsequent research. Internet searches are used to find the relevant treatise, conventions and comments and an analysis is performed to highlight potential shortcomings of or inconsistencies within the legal standards. This may considered to inhabit the macrosystem (Bronfenbrenner, 1979, p. 258).

Thus established, the task is to consider how the right to education is (for children with autism) implemented, both in policy and in practice. Conceptually, this takes place in three spheres; policies inhabit the exosystem, whilst the practice of education occurs in the micro and mesosystems. The child interacts with his teachers within the microsystem. These interactions are influenced not only by other relationships within the microsystem but by interactions between policies and systems which inhabit the mesosystem and macrosystem (Bronfenbrenner, 1977).

Researching the implementation of rights is fraught with difficulties. There are multiple, complex layers involved in converting a 'human right' as written in law, into something substantive, that is recognised as a norm within a community or institution. Human rights research is criticised for not acknowledging

this complexity, for example: an initial glance at education policy in England will find it consistent with human rights law, subsequently a human rights lawyer may conclude there is no work to be done here (Coomans, Grünfeld and Kamminga, 2010). It is crucial for the development of human rights, that these assumptions be challenged and properly researched (Coomans, Grünfeld and Kamminga, 2010). Ecological systems theory takes us beyond the law and policy makers, to the children who are exercising (or not), this right (Bronfenbrenner, 1979).

In order to highlight the disconnect between IHRL and practice, quantitative data is examined. National data sets must be obtained and scrutinised and the relevant data extrapolated. Care must be taken, when examining different data sets and data from multiple sources, to ensure any comparisons are only made using comparable data. This data portrays what is happening in the mesosystem (Bronfenbrenner, 1979, p. 209).

The next layer is a search for qualitative data which demonstrates the personal experiences of education, which are shaped by the relationships within microsystem (Bronfenbrenner, 1977). The original search task was to find primary research into inclusive education for autistic children in primary schools, within the past 10 years. Extensive online searches were made using the key terms 'inclusive', 'primary school', 'human rights', 'autism' and 'human rights'. It was found that broader searches, limited to 'inclusion' and 'education' yielded better results. There were no papers which fit all the criteria. However, dropping the human rights requirement found one paper which was primary research fitting the original criteria- this was (Wood, 2018) . However, 5 further papers were similarly matched but with age ranges that extended beyond primary and these were included - (Emam and Farrell, 2009; Humphrey, Neil; Symes, 2011; Lindsay *et al.*, 2016; Goodall, 2018a).

In addition, the decision was made to include older research and research into special needs education, more generally. Secondary research was also included, including two literature reviews because they offered relevant input into inclusive education debate, these additional papers were (Ainscow, Mel., Booth, Tony., Dyson, 1999; Frederickson, Dunsmuir and Lang, 2004; Gibb *et al.*, 2007; Lindsay, 2007; Ruijs and Peetsma, 2009). The research papers will be thematically analysed within the context of the

Special Educational Needs and Disability Act 2015 (Gomm, 2004). Findings will be compared with a human rights approach.

In order that the research is consistent with its own value principles, authentic voices from parents of children with autism will be heard and included in the research. This will involve semi-structured interviews, conducted in accordance with University of Essex ethics and data collection guidelines. A synopsis of the interviews is given and referred to throughout the rest of the essay.

The Right to Education

The right to education is addressed in international human rights law through many conventions, including:

The Universal Declaration on Human Rights (UDHR) (1948)

The European Convention on Human Rights (ECHR) (1950)

The Convention against Discrimination in Education (1960)

The Convention on Economic, Social and Cultural Rights (CESCR) (1966)

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (1979)

 The Convention on The Rights of the Child (CRC) (1989)

The Convention on the Rights of Persons with Disabilities (CRPD) (2006)

Examination of these conventions finds the 'right to education' holds a central position within international human rights law, from which it encapsulates the interconnectedness of human rights,

being vital for the realisation of both civil and political rights, and economic, social and cultural rights (Smith author, 2018). Article 13 (1) of the CESCR (United Nations General Assembly, 1966) states that education is the right of everyone and "shall be directed to the full development of the human personality and the sense of its dignity". Furthermore, it specifies an additional goal of education, stating that it should "enable all persons to participate effectively in a free society...".

This relationship is emphasised by (Coomans, 2007), who stresses the importance of education in relation to other human rights, claiming that education is pivotal to bestowing any meaningful significance upon basic civil and political rights, such as freedom of expression and the right to political participation. A healthy, functioning democracy, at a state level, in which human rights abuses are prevented or challenged, requires that public officials be scrutinized and held to account; this vital function of democracy requires an educated population to fulfil it (Nickel, 2007). This key message is emphasised in The Convention against Discrimination in Education (UNESCO, 1960), which states that denying people their right to education is one of the most effective methods of circumventing human rights.

General Comment 11 (United Nations Economic and Social Council, 1999, para 2.) also conveys this aspect of the right to education, stating that:

> "It has been variously classified as an economic right, a social right and a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realization of those rights as well. In this respect, the right to education epitomizes the indivisibility and interdependence of all human rights"

In addition to providing people with the tools to understand and access their rights, the right to education requires that certain other rights be implemented in order that persons may access their right to education. For example, ill health, disability, war, lack of transport, discriminatory cultural customs and poverty all hinder access to the right to education, even where it may be available (UNICEF, 2007, p. 18 para 1). Hence, the right to education connects together different rights from within and across covenants.

Consequently, in order to deliver the right to education, multiple negative and positive rights obligations are made on governments. In some contexts, in addition to the availability of schools, it may be that both non-interference and non-discrimination become crucial principles for individuals wishing to exercise their right to education (Nowak, 1995:201-203). Additionally, as alluded to above, many environmental aspects can affect the right to education. Health is a factor which has a complex relationship with education, preventing children from accessing education, causing children to drop out or to be in some way excluded from education (Pe Symaco, 2014).

Evans (2002) highlights the depth and breadth of the effects of HIV/AIDS on children in Tanzania, where 'AIDS orphans' may find themselves forced into positions of caring for elderly relatives or fleeing to the streets as they are ostracised from communities, or in need of work. In the UK, children and young people's mental health is having a significant impact on education, with analysis finding increased pressures from school to be a contributor to the rise in the numbers of children with mental health problems. These problems are further exacerbated by reductions in funding for both mental health services and local authority support services, which often leaves schools dealing with the effects of mental health problems (Busby, 2018a, 2018b). These two examples demonstrate that in order for states to take seriously their obligations to fulfil the right to education requires more than ensuring the availability of schools.

Moreover, delivering the right to education does not end with securing access. The United Nations Economic and Social Council notes that acceptability and adaptability are key components of the right to education (Tomaševski, 1999). These features confer on governments administrative and financial obligations including resources, legislation, policy and accountability processes (Coomans, 2007). Tomaševski (1999) refers to the 4 A's (accessibility, availability, adaptability and appropriateness), suggesting they have an essential function in ensuring the right to education is non-discriminatory. This deeper understanding of what it means to deliver the right to education raises questions as to the nature and purpose of education.

The right to education is written in the UDHR (United Nations General Assembly, 1948), which sets out in Article 26 (1) the universal character of the right to education, reinforcing the principle of non-

discrimination and stating that primary education, at least, should be free. Article 26 (2), conveys that education is to be directed to "the full development of the human personality". This phrase indicates the right to education is both holistic and broad in its application. This is elaborated upon in Article 29 of the CRC (UNICEF, 1989) which, as highlighted by General Comment 1(United Nations, 2001), *insists* upon a holistic approach to education. Moreover, it is argued that a narrow approach to education such as found with competition models based on measuring and comparing acquired knowledge, and which burdens children with excessive workloads, may be detrimental to the 'harmonious development' of the child (United Nations, 2001, para 12.). Thus, General Comment 1 introduces the idea that education has the potential to negatively impact on children. This is especially pertinent to children with Special Educational Needs (SEN), who are particularly vulnerable to the effects of 'poor quality' education.

General comment 1(United Nations, 2001, para 9.) states that education must recognise a child's individual interests and talents as well as their different abilities and learning needs. Grounded in the principles of human potential and dignity, the CRPD (2006) Article 24, referring to lifelong learning, suggest it should be directed to

> "The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.."

Article 24 (c) of the CRPD (2006) also conveys that education should enable persons (with disabilities) to participate in a free society. Once again, education is inextricably linked with accessing other rights. In addition, education is seen to have a more explicit role in promoting human rights through promoting diversity. This ambition is further reinforced in Article 13 (1) of CESCR and Article 26 (2) of the UDHR, which require education to

> "..further the activities of the UN for the maintenance of peace"

Teaching human rights is another key feature of the right to education and is also emphasised in the CRC (1989) Article 29 (b) which states that education should be directed to "The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the charter of the United Nations". This message was made explicit in the Vienna Declaration of the World Conference on Human Rights, para 33 (United Nations General Assembly, 1993), which stated:

"[e]ducation should promote understanding, tolerance, peace and friendly relations between the nations and all racial and religious groups".

Herein this combination of rights to education and human rights education lies the ability to create a virtuous circle of education, leading to promotion of human rights, which in turn produces better education (Smith author, 2018).

The CRPD (2006) Article 24, highlights the extra support required by persons with disabilities, which must also be provided by the state if education is to be free for persons with disabilities. Smith author (2018) argues that to encounter costs in accessing education can be a form of discrimination based on wealth. For a disabled child to encounter costs, in accessing education, because of their disability would constitute double discrimination. Non-discrimination and its counterpart- equality are core principles, which underpin almost all other rights (Nowak, 1995). The right to education is indivisible from the right to non-discrimination. However, the right to education, as articulated in article 13 of ICESCR allows for parents to choose private education provision, which includes independent (private), religious and unisex schools. This legitimises certain kinds of segregation and instils in people a way of thinking about 'other' people, which can potentially perpetuate discrimination (Chowdhury, 2011).

The right to education in the UK.

The CRPD (2006) Article 24 (2a) stresses that state parties must ensure that:

> Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.

This is supported in England by the Education (Handicapped Children) Act (HM Governemnt, 1970)which halted the classification of handicapped children as unsuitable for education; the Equality Act (HM Governemnt, 2010), which identifies disability among nine protected characteristics which are protected in law from discrimination; the Children and Families Act (HM Government, 2014) places the

positive obligations, which arise from the right to education (for children with disabilities), on local authorities. General Comment 9, section 66 on the rights of children with disabilities (Committee on the Rights of the Child, 2006) states that the aim of educating children with disabilities should be inclusive education, which should be guided by the educational needs of the child. It also states in section 20 that the budget allocated by governments for the purposes of educating children with disabilities must reflect the maximum extent of their available resources. However, in the UK, reductions in funding for education pose significant barriers to local authorities in meeting these rights obligations (King, 2018).

The Committee on Rights of Persons with Disabilities (2017: section 52a-c) found that, in the UK, a dual education system persists which segregates children with disabilities. Of particular relevance for this paper is the refusal of schools to enrol 'disruptive' children. This is supported by the Committee on the rights of the child (United Nations Committee on the Rights of the Child, 2016, 56b) which finds that "Many children with disabilities are still placed in special schools or special units in mainstream schools". The committee also highlights the inequality in attainment between children with and without disabilities as well as the high numbers of exclusions of children with disabilities (United Nations Committee on the , 2016: 72a-b). (Tomaševski, 1999) found that in 1999, children with special educational needs (SEN) in the UK, were 7 times more likely to be excluded from school than their non-SEN counterparts. In the year 2016-2017, department for education figures show that children with SEN (in England) were 6 times more likely to be excluded (Department for Education, 2018a). These figures demonstrate that in nearly twenty years little progress has been made in addressing disability-based inequalities within the education system in England.

Children with SEN form one (significant) part of a picture of exclusion in England, where 48000 pupils are in Alternative Provision (AP), which is educational provision that is segregated from mainstream and special schools, often in Pupil Referral units (PRU). AP is overwhelmingly represented by children with SEN, children in care, children in need, children from lower socio-economic backgrounds, black Caribbean children and Irish gypsy and Roma gypsy heritage. About 1% of children in AP get 5 good GCSE grades. From a children's rights perspective, this is very worrying. Furthermore, AP does not have to be registered. Despite AP being an educational environment which require the best teachers,

they are often staffed by unqualified and supply teachers. Children are typically placed in AP without any consultation with them or their parents/ carers (The Education Committee, 2018).

The UK has ratified both the CRPD (2006) and the CRC (1989) However, in practice, many children in England are not accessing an education that is consistent with the 'full development of the human personality and the sense its dignity'(United Nations General Assembly, 1966 Art. 13.). Moreover, many children are removed altogether from the education system, contrary to their rights. This discrepancy appears to highlight a problem at the level of implementation. Examination of the National Curriculum (Department for Education, 2013) finds large discrepancies between the education being delivered in England and the education advocated for in IHRL. The National Curriculum (Department for Education, 2013) makes no reference to human rights or teaching human rights, as required by UDHR (1948), ICESCR (1966), CRC (1989). Furthermore, the factors highlighted by General Comment 1 (United Nations, 2001) as being detrimental to 'harmonious development' of the child, have been expanded upon in the National Curriculum 2013, which is more highly prescriptive and more knowledge -based than its predecessor, in addition to having a narrower subject focus.

A commitment to a human rights treaty is more than the acknowledgment of a convention. It is a promise to adopt policies and allocate provisions in such a way that honours the spirit and details of that convention. It is also a commitment to the evolving interpretations, comments and reviews that accompany a convention (Alderson, 2018).

Children are recognised as belonging to a period of biological immaturity; being physically, and emotionally vulnerable. As a consequence of this, they possess a distinct set of rights. These rights are also designed to challenge such notions of children as 'vulnerable', claiming children are not passive individuals, but active citizens, who have the right to participate in making decisions that affects them (Alderson, 2018). The rights of children roughly fall under three categories, these being, provision rights, protection rights and participation rights. As with all human rights, these rights are interrelated, interdependent and indivisible (United Nations General Assembly, 1993). All aspects of a child's education should be consistent with the promotion of the rights and principles set out in the CRC (1989), in particular: non-discrimination- article 2, best interests of the child-article 3, right to life, survival and

development- article 6, right to express views and have them taken seriously- article12, responsibilities of parents- articles 5 and 18, freedom of expression- article 13, freedom of thought- article 14, right to information- article 17, children with disabilities- article 23, education for health- article 24.

(Lansdown, 1998) argues that disabled children must primarily be recognised as children with the same rights as all other children, in particular there must be active measures to ensure their voices are heard and every opportunity is given to facilitate them realising their capacities and achieving their full potential. Furthermore, schools should be an environment which prioritises children's rights and supports children's full involvement in decision making at all levels, including curriculum (Lansdown, Jimerson and Shahroozi, 2014).

The right to education is multi-layered and links directly with many other rights. Understanding and implementing this right is an evolving process, through which all stakeholders must educate themselves in and for human rights. Schools are the primary sites for delivering the right to education and as such they should be environments which exemplify human rights principles.

Autism

Autism is described by the National Autistic Society as ' ..a lifelong developmental disability that affects how a person communicates with and relates to other people and how they experience the world around them (The National Autistic Society, 2018). Autism is recognised as a spectrum of disorders, ranging from the originally identified Kanners' syndrome, characterised by typically low IQ and often additional learning difficulties, to Asperger syndrome, with an average to high IQ and usually no learning difficulties (Wing, Gould and Gillberg, 2011). Also included in this spectrum is Pathological Demand Avoidance, characterised by an extreme need to control and severe mood swings, but often with a sociable appearance (The National Autistic Society, 2018). As (Della Fina, 2015) suggests, the disorders that comprise the spectrum have much variation in their combinations and in the degree of severity that presents in individuals.

Throughout this thesis, the term 'autistic person' will be used; this is to respect the fact that (for most autistic people) the term is preferred over person first language (Demer, 2018). It must be noted this is in opposition to other disabled persons who are generally found to prefer person first terminology. This highlights the distinctness of autistic people and the difficulty in grouping together such a diverse range of persons under one heading of disability. For consistency, the term autism will used when talking about the condition. However, both of these terms refer to Autistic Spectrum Disorders (ASD) (or a person diagnosed with ASD, or any condition on the spectrum). This is to be consistent with official diagnosis guidelines in DSM-V, which now diagnoses all conditions on the spectrum as ASD (Wing, Gould and Gillberg, 2011). The term ASD is also used for government and other data, which can be found on chapter 5. However, there is an assumption inherent in inclusive education research and discussion, that 'autistic children' refers to the higher functioning end of the spectrum. This a reflection of how far apart the different ends of the spectrum are. Autism, for some children means they are incapable of verbal communication and, in addition to having a low IQ, have multiple learning and physical disabilities.

The diagnosis process itself is subject criticism. Wing, Gould and Gillberg (2011) highlight potential problems with the diagnosis process, particularly in older children or adults for whom diagnosis requires information about early childhood. Problematically, without a particularly observant, knowledgeable

parent, or other experienced observer, relevant details, such as social interaction deficits may easily have been missed, presenting a barrier to diagnosis (Wing, Gould and Gillberg, 2011). Furthermore, Autistic spectrum disorders themselves are also subject to contention, although such arguments will not be examined here.

For educators, teaching children with autism can be very challenging. (Asperger, 1991: 48) describes the different rules that autistic children have and the different ways in which they see the world and suggests that:

> "Management and guidance of such children requires a proper knowledge of their peculiarities as well as genuine pedagogic ideas and experience. Mere teaching efficiency is not enough"

(Dewey, 1991) argues that Asperger just accepted autistic behaviour as deviant and the behaviour of 'normal' children as natural. The designation of 'normal' and 'not normal' is a striking feature of the narrative and history of autism, something challenged by (Ramos-Zimmerman, 2018:116) who states that ASD is 'neither good nor bad, just different'. Happé (1999) also offers an alternative perspective, suggesting that more can be gained from looking at the strengths of autistic people, rather than examining the areas in which they struggle.

Perhaps the most valuable insights into autism, for educators and other professionals, come from autistic people themselves, who can highlight the mismatch between the autistic and neurotypical worlds. Holliday Willey (1999) recalls her childhood; describing how she hit a girl who was standing too close to her. For Holliday Willey (1999), this was a reasonable and logical response to the intolerable situation she had found herself in, namely a person was uncomfortably close to her. For the parent or teacher, this is most likely to appear as inexplicable and unacceptable behaviour. Dewey (1991) reveals the acute response to criticism that some autistic people experience, which means they fear displeasing people.

Autism is considered to be a disability and subsequently autistic people are protected by the CRPD (2006). Respecting the rights of autistic children primarily entails obligations under the CRPD (2006) and the CRC (1989) (1989).

In the UK, autistic children are categorised as having Special Educational Needs (SEN). Special Educational Needs are defined in the Children and Families Act as:

> A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her.

(HM Government, 2014 S20 (1)). Children with SEN and/ or disabilities (SEND) are protected by the Children and Families Act (HM Government, 2014).

Children with SEN who need additional support to that which is available to them through SEN support, should have an Educational Health and Care Plan (EHCP). This is a program of support for health, education and social needs and can be requested by parents, teachers, doctors, health visitors or family friends. Young persons between the ages of 16 -25 may request an EHCP for themselves. It is the duty of local authorities to provide EHCP's (GOV.CO.UK, no date)

Education for children and young people with SEN and ASD, locally and nationally.

National data
% of SEN pupils whose primary need is ASD

	England	Mean all English regions
Primary schools	7.3	7.2
Secondary schools	9.7	9.7
Special schools	28.5	28

(Local Area SEND report 2017/18. Available from local government association [Online])

January 2018: % of pupils with SEN support and EHCP, whose primary need is ASD

SEN support	5.7
EHCP	28.2

(Department for Education (2019) Special Educational Needs: an analysis and summary of data sources)

% of Permanent exclusions (PE) and fixed period exclusions (FPE), children with SEN 2016/17:

PE = 46.7%.   FPE = 44.9%

Permanent exclusion and fixed period exclusion rate by type of SEN 2016/2017

	Permanent Exclusion	Fixed Period Exclusion
*social, emotional mental health	1.09	46.34
ASD	0.12	9.56

*Profound multiple learning difficulties	0.04	0.97

*For reference, highest and lowest figures for SEN category.

(Department for Education, National tables: permanent and fixed period exclusions 2016/17)

GCSE attainment: % of children achieving 5+ A*-C.

With SEN: 30.6 %   No SEN: 75.5%

Key stage 2: % of children achieving expected level in reading, writing and math.

With SEN: 21 %   No SEN: 74%

(Department for Education (2019) Special Educational Needs: an analysis and summary of data sources)

Phonics: % of pupils meeting expected standard of phonics decoding

Statement/ EHCP	SEN (no statement/ EHCP)	No SEN
19%	48%	89%

(Local Area SEND report 2017/18, available from Government Association [Online])

Local data

Essex schools and pupils

There are **553** schools in Essex, of these: **19** are special schools and **28 are** mainstream with special provision, meaning that 8% of the education provision in Essex is 'special educational' provision.

There are **209, 000** pupils in Essex Schools, **22,000** of whom receive SEND support (10.5 %), **88.5 %** of which is in mainstream schools.

However, **8670** of these pupils have an EHCP (an increase of **40%** since 2014), and within this group **38%** are in special schools.

Developing a Strategy for SEND in Essex (Essex County Council 2019)

Essex County Council (ECC) (2019) state there are too many children in Essex who are not accessing full time education. There is anecdotal evidence of what amounts to involuntary home-schooling, whereby parents feel they have no choice but to remove their children from mainstream education. There are also children in Essex who have to travel outside of the county to access appropriate education provision. A lack of appropriate provision finds ECC paying for children with SEND to be educated in Independent schools.

Acknowledging the challenges they face in meeting the needs of all the children in the county, ECC have developed a strategy for implementing a school led SEND system (Development of a School Led SEND system) that will provide 'A positive experience of learning' and help children feel a 'sense of belonging, value and worth' (Essex County Council, 2019, p. 4). However, whilst offering a summary of the problems faced, the strategy appears lacking in conviction. It makes no acknowledgement that education is a human right which is the entitlement of all children, not, as seems to be the ambition of ECC, most children. An additional area of concern from a 'human rights', inclusion perspective, are the plans to increase special school provision and the inclusion of boarding facilities at some schools, which in light of recent high profile investigations into abuse at special needs care homes and calls to close such facilities, seems like a backward step (Brindle, 2019).

The SEND Strategy was developed in consultation with Essex Families in Focus, who are an independent group of parents and carers of children with SEND, although it is unclear how much real influence the group has. The main thrust of the strategy appears to be to empower schools to play a central role in decision making and assessment of need. This could be concerning for a number of reasons.

Firstly, the pressure schools feel to compete for top league table rankings via test scores, may drive, as highlighted in previous chapter, an atmosphere which is antithetical to an inclusive agenda. With increased powers of decision making and increased local specialist provision, it may be that schools are further incentivised to exclude SEND children.

Secondly, placing schools in control appears undemocratic as power ultimately rests with the headteacher. In the case of Academy schools, which do not face the same accountability procedures as local authority schools, these concerns are magnified. A good headteacher, who committed to creating an inclusive school in which every child feels valued, will be well placed within this new system to access the outside facilities and support. However, it is difficult to see how the system can change the values and agenda of headteachers who are not committed to inclusive education.

Thirdly, as research will demonstrate, individual teachers have possibly the most significant impact on a child's experience of school. It is also the case that teachers are well protected within their positions, making it very difficult to address problems with individual teachers. Without changes to teacher training, such as embedding inclusive practice throughout training and adding a specific, substantial focus on autism, it is difficult to see how a school led system will work to benefit children.

(Developing a strategy for SEND in Essex (2019))

The voices participant parents

Semi-structured Interviews with three Essex parents gave detailed insights into the daily struggles incurred in order to meet their autistic children's needs and to ensure their child does not miss out on their right to education. Questions were asked about the relationship with the school, what their child enjoys doing, what they dislike doing, teacher's attitudes, the suitability of the school their child is in and hopes for the future.

Interviews were recorded and then thematically analysed. A synopsis of key themes is offered here.

Participant 1. Lisa

Lisa has 2 children: Annie is 7 and neurotypical. Heidi is 8, has **ASD** and **Sensory Processing Disorder (SPD)-**. Both children attend the same mainstream primary school – school 1.

Participant 2. Helen

Helen has 2 children: Sophie is 6 and is neurotypical. Freddy is 9 and has **ASD, Attention Deficit, Hyperactive Disorder (ADHD) and Oppositional Defiance Disorder (ODD**). Both Children are in mainstream primary, school 2.

Participant 3. Debbie

Debbie has 2 children: Freya is 5 and is neurotypical. Abbie is 7 and has **ASD, SPD, ADHD, epilepsy, Pica and hypermobility.** Freya is in mainstream school and Abbie is in a special school with enhanced autism provision -school 3.

Mainstream versus special school.

Each parent had a slightly different perspective of mainstream education, this seemed to link to the complexity of the children's needs. Lisa felt mainstream can work *if* teachers have a positive attitude to inclusion and have a good understanding of autism.

Helen felt that although Freddy has benefitted socially from being in mainstream, he needed specialist education as he approached secondary school age, saying '..he would be swallowed at TCC [Tendering Technical College]..'.

Debbie was adamant that there was no way Abbie, who has very complex needs, could be in mainstream education saying 'the thought of her going there scared me'

There were many criticisms of mainstream. Much of the criticism was to do with a lack of emphasis on care from mainstream schools and neglect of their children's physical needs.
The importance of understanding the sensory needs of the children was raised by all the parents.

Conversely school 3, the special school was identified as 'going above and beyond' what may be expected of a school.
Debbie: "I love that school, they're more supportive than my family'.

The praise from Debbie for school 3 contrasted sharply with the sighs and gritted teeth of Lisa and Helen when talking about schools 1 and 2.

Learning and assessment

Lisa and Helen had similar views as to the unsuitability of the curriculum and target. expectations for their children which were viewed as pointlessly rigid and meaningless for their children.

Helen: "..what is the point of giving Freddy 6/7 letter words for spelling when he's not even doing 3. He can't read them; how can he make a sentence with them?"

Lisa referred to Heidi's report as always being a 'sea of red' and persuaded the school to focus on what Heidi can do and how she has progressed rather than all the things she was failing to attain.

What also stood out was that Freddy and Heidi love art and creative activities but that rather than being encouraged in these areas, they were only allowed to do these things at the allotted times.

Physical Education also came up, this was something that was of little or no interest to the children. For Freddy and Heidi, who were expected to participate in PE, it was a cause of anxiety and stress for them.

Neither Debbie nor Helen have academic aspirations for their children.

Helen hoped for Freddy to be able
'to live independently' by which she meant that he could be able to 'say "I'm hungry, I'm going to make a sandwich", I don't care about education for him. It's not going to be his forte. He wants to be a comic book artist; he can do that without any qualifications..'

Lisa's main concerns were for Heidi's 'mental health to improve because '
if she's healthy the learning will come more naturally. If she gets. GCSE's [sic] great, but if she doesn't get GCSE's but she can read and write because that's her level of achievement, absolutely fantastic'.

For Debbie, academic achievement was not a consideration. Her hopes for Abbie were that she would learn life skills and maybe one day she will be able to find some kind of work 'it will probably be one of those places….' 'someone is watching and supporting them.'

Teacher training and understanding.
A lack of understanding about autism and a lack of commitment to inclusion were raised by both Lisa and Helen, who both identified teacher training and teacher attitudes as the first thing they would change if they were in charge of education.
For Debbie, the degree of expertise and understanding of the teachers at school 3 was the main reason for why she loved the school so much.

Both Lisa and Helen bring to light the inconsistency of teaching staff, where some teachers have a good understanding of autism and are obviously committed to understanding the needs of all children, whilst others have no understanding of autism, which impacts negatively on the children.

Lisa spoke of a teacher in year 3, who had an autistic child

'she just fed back, she understood Heidi and fed back' Adding that she spotted when Heidi was stressed and walked around at lunch time and held her hand. 'and that doesn't take money, that just takes a teacher who is vested in "there's a child struggling, I'll go and walk around and hold her hand"

Helen spoke of a specialist SEND teacher during reception and year 1, who Freddy loved but who subsequently left.

It was clear from all three parents that having teachers who understand autism is the factor that makes the most positive difference to their child's experience at school.

Inclusive (Education)

The right to education as it has evolved, argues for inclusive education (UNICEF, 1989; United Nations General Assembly, 2006). The rhetoric of education policy is supportive of an inclusive agenda. However, attainment and exclusion data belie a system which is not inclusive. Voices from parents of autistic children suggest that support for their children's inclusion in mainstream education is conditional

upon their children's well-being. Essex County Council's (2019) SEND strategy is committed to expanding special education and improving the support systems for SEND. This appears to respond to the issues raised by parents and carers in Essex.

Inclusion introduction

The substantial gap in GCSE attainment between the 75.5% of children (without SEN) who achieve 5 or more grade A*-C, and the 30.6% of children with SEN who do, suggests the right to education is a right enjoyed by some groups of children more than others (Department for Education, 2019). The fact that children with SEN are more than 6 x more likely to be permanently excluded than their non-SEN peers, adds significant weight to this proposition (Department for Education, 2018a). Attainment and exclusion figures for other groups including those from lower socioeconomic backgrounds, black Caribbean children and Irish and Roma gypsy children strongly suggests that some groups of children face barriers to their right to education that other children do not. These discriminating barriers must be identified and removed if all children are to enjoy their right to education.

Identifying and removing these barriers is the occupation of Inclusive education researchers and advocates. Inclusive education researchers and academics contribute from and to a range of disciplines, including sociology of education, feminist research, disability studies and critical theory (Allan and Slee, 2008). Juxtaposed to these 'inclusion advocates' are special educationalists, who the way to deliver education for children with SEND is through specialist education provision (Ruijs and Peetsma, 2009).

Within the global conversation about inclusive education, 'human rights' organisations such as UNICEF contribute big reports, drawing on large amounts of population data. This is supported by data from large national organisations, such as the Children's Rights Alliance for England (CRAE). These human rights contributions highlight the extent to which states are not fulfilling their human rights and obligations, setting out overarching objectives in order to secure human rights compliance. Adding to this conversation, from the academic community, voices come from different camps, with key contributions from: school improvement, critical research, disability activism and special educationalists, with significant contributions from disabled researchers, notably Mike Oliver (Oliver,

2009), Tom Shakespeare (Shakespeare, Watson and Abu Alghaib, 2017), Sally French (Cook, Swain and French, 2010). Empirical research (in UK, US and Australia) seems to mostly come from the special educationalist camp. What is striking about the conversation is the debates over inclusive education appear to be between the above listed camps, with seemingly very little interaction with the human rights community. The human rights element appears as a sperate conversation, taking place next to these debates. The author of this study hopes to contribute a new voice to the conversation, namely that of an autistic human rights researcher.

Inclusion, both within an educational context and also within the surrounding contexts of communities and societies, is an intrinsic principle of the right to education (UNICEF, 1989; United Nations General Assembly, 2006). However, as highlighted in the previous chapter, in the UK, there is a gap between policy and law pertaining to the right to education, and the experiences of many children, who are unable to exercise this right (King, 2018; Busby, 2019). In order to close this gap, we need a greater understanding of what it means for education to be inclusive, one which both reflects inclusion norms within educational settings, and which also understands inclusion as it ought to be (Slee, 2014).

(Sebba and Sachdev, 1997) describe inclusive education:

> Inclusive Education is a process involving changes in the way schools are organised, in the curriculum and in teaching strategies, to accommodate the range of needs and abilities among pupils. Through this process, the school builds its capacity to accept all pupils from the local community who wish to attend and, in so doing, reduces the need to exclude pupils.

This definition distinguishes inclusion from integration, which limits inclusion to the physical placement of children in mainstream settings, sometimes in separate groups or facilities without wider consideration of the suitability of these settings or for the attitudes in schools and societies. It is acknowledged that the physical presence of a child in a school does not ensure their participation (Lindsay, 2007). The integration/ inclusion distinction is crucial to the inclusion debate and to analyzing

the effectiveness of inclusion policy and practice (Committee on the Rights of Persons with Disabilities, 2016, S.11).

This chapter will be focused on inclusive education for children with SEN, with a specific focus and interest on autistic children. It will first take a look at 'inclusion' in the international and national policy context, it will then analyse national policy and empirical research into inclusion and SEN. These findings will be held up in the light of a 'human rights' perspectives of inclusion and education.

International and national inclusion policy

The Salamanca (UNESCO, 1994) world conference on special needs education, demonstrated, in consensus with IHRL, an international commitment to ensuring that those with special needs are educated within the mainstream education system. Building and expanding upon this, Sustainable Development Goal (SDG) 4 (United Nations, 2019) aims to:

 "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all".

This goal is supported through the Incheon Declaration (UNESCO, 2016: 7, S5.) which provides a detailed framework for realizing this goal. This framework provides a 'humanistic vision' of education, one that is built on human rights and the values therein, such as dignity, social justice and inclusion. Placing inclusive education within this framework necessitates a holistic approach, as also advocated for by the CRC (1989) (United Nations, 2001) . Salamanca (UNESCO, 1994) set the agenda, in the UK, for the national policies which proceeded it. The Special Educational Needs Code of Practice (Department for Education and Skills, 2001) and the Special Educational Needs and Disability: code of practice 0-25 years (Department for Education, 2015), which superseded it.

A brief history of special education and models of disability

Historically, school was never intended to be universal and as compulsory school expanded so did the SEN discourse (Lawson and Silver, 1973; Ball, 2013). The Special Educational Needs Report (HMSO, 1978), or as it has come to be known, the Warnock report, is heralded with implementing important changes in attitudes towards disability and education in England and has come to be associated with an inclusive education agenda. However, it appears to have enabled conflicting approaches to education and disability to be simultaneously pursued; on one hand, the special educationalists, who continued to embrace the mainstream/ special school dichotomy, and on the other, were those who sought equality through integrated education. The Warnock Report led to the introduction of the term 'Special Educational Needs', which was introduced into the Education Act (1981), along with 'statements of SEN'. The introduction of this new category and its accompanying definition laid the blueprint for what is still in place today.

Prior to the Warnock Report, the Education Act (handicapped children) (1970) had removed the categorization of children as not suitable for education. This brought into the education system, and under local education authority responsibility, children who had previously fallen outside of the protected categories of 'feeble minded' and 'mentally defective', although only as far as special schooling (Armstrong and Barton, 1999).

Special schools have been in existence since 1898, originally to cater for 'feeble minded', 'mentally defective and epileptic' children, in addition to schools for blind and deaf children (Myers and Brown, 2005). It was not clear what constituted mental deficiency, however, special schools were often populated with 'troublesome' children, usually boys, mostly those from poorer backgrounds (Myers and Brown, 2005). Cockerham (2011), suggests changing definitions of 'mental disorder' often bear close relation to social class and socioeconomic status. Figures for attainment and exclusions strongly suggest that social class and race divisions remain entrenched in the education system (Department for Education, 2018b, 2018a). Tomlinson cited in Armstrong and Barton (1999) found the process of categorizing children expanded alongside the introduction of compulsory schooling. The fluid and ambiguous nature of these categories has made it possible to keep certain children excluded from mainstream education.

Accompanying the rhetoric within the Warnock Report of 'education for all', which brought severely disabled children into the education system, was a strong argument that the same educational goals applied to all children, however different the path to achieving these may be, laying the ground for an outcomes based approach to equality (HMSO, 1978,S1.4). However, the new definition of SEN, as essentially any child who required additional learning support, allowed for many more children to be labelled as deficient and potentially placed in special schools if it was thought that 'ordinary' schools were not compatible with:

The child receiving the special education provision he requires

The provision of efficient education for the children with whom he will be educated

The efficient use of resources. Education Act (1981 section 2, 3a-c).

This re-categorization would appear to achieve contradictory outcomes, relative to the starting position of the children affected. For disabled children, who may have previously been labelled severely handicapped and who would now have the same right to education as their peers, this new legislation may have represented a positive move towards inclusion. For some other children, this category potentially deprives them of the opportunity to learn in their own way, at their own pace, alongside their peers, giving teachers the power to label them as not normal'(Brantlinger, 2004).

Special Educational Needs has now become a dominant discourse within education. The 2001 SEN code of practice (Department of Education and Skills, 2001: sect. 1.35) continues this somewhat ambiguous course towards inclusion in mainstream schools, retaining the proviso which allows for a child to be refused a place in a school if it is 'incompatible with the efficient education of other children'. Such criteria may permit interpretations which are incompatible with ensuring access to education, calling into question the rights of the child with SEN, in particular Articles 2, 12 and 23 of the CRC (1989). The revised code of practice is, by contrast, although still retaining that veto for local authorities, more closely aligned to the CRC (1989), having a stronger emphasis on participation of children and young people. In addition to this, section 1.35 of the SEN code espouses collaboration between, not only parents and schools but between different stakeholders and services, which, it states, must keep the wishes and feelings of the child at the center of decision making, with the overarching aim of keeping the child in mainstream education.

Armstrong and Barton (1999) argue that a special needs discourse sanctions exclusion not only in education but within society, where persons with disabilities are prevented from exercising their civil, social and political rights. The social model of disability was developed as a challenge to 'special education' and the tragedy/ medical model discourse it enveloped. The social model of disability claims disability is a social construct which can only be addressed through changing the social, political and economic structures that disable people. Thus disability moves from being a deficit located within an individual, to being a social and material deficit (Oliver, 2009). However, where the medical model of disability trapped people within their bodies, the social model removed their bodies as if their impairments were inconsequential, a factor which has attracted criticism (Cook, Swain and French, 2010).

The social model of disability may be criticised and contested but it has played a critical part in developing the rights of persons with disabilities, which itself claims a human rights model of disability in which barriers are located within the community and society rather than in individual impairments (Committee on the Rights of Persons with Disabilities, 2016, 4 (a)). Embedded within this model, disability is defined thus in the preamble to the CRPD (2006):

> "Recognizing that disability is an evolving concept and that disability results from the interaction between person with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others"

The principles underpinning this definition sit at odds with a special needs discourse which locates disability within the individual's limitations according to the specific, narrow criteria of the National Curriculum (Department for Education, 2013) and school behavior policies (The Education Committee, 2018). Ainscow, Slee and Best (2019) draw attention to the fact that the Salamanca statement adopted this deficit, special needs outlook, which may have undermined a move towards more radical strategies for inclusion. Armstrong (2000) cited in Slee (2001) concurs, arguing that contrary to a special needs discourse, an inclusion discourse must ensure that schools foster a sense of belonging for everyone. Cook, Swain and French (2010) state that any move towards inclusion must involve the participation of disabled people. These arguments all reaffirm a central point that perhaps gets lost in implementing the

right to education, which is that inclusion is a process, not an end point (Ainscow, Booth and Dyson, 2006).

Research into inclusion

A literature search for research into autistic children's education experiences in primary schools, that was human rights-based, using the search terms 'human rights', 'inclusion', autism', 'primary education' was not successful. Searches were adapted and broadened and criteria for inclusion into the study was expanded.

Existing research into inclusion in education is mostly based on 'special needs' more generally, including- (Frederickson, Dunsmuir and Lang, 2004; Ainscow, Booth and Dyson, 2006; Gibb *et al.*, 2007; Ruijs and Peetsma, 2009), with very little specifically focused on ASD (Emam and Farrell, 2009; Humphrey, Neil; Symes, 2011; Lindsay *et al.*, 2016; Goodall, 2018a; Wood, 2018). Of the studies into children with ASD, only (Wood, 2018) focused solely on primary schools. There were many studies into inclusion in physical education (Kennedy and Yun, 2019; Mcgrath, Crawford and O'sullivan, 2019; Wang, 2019)- for example, but far fewer into inclusion in the classroom or school more generally, suggesting an emphasis within research, on physical disability rather than learning difficulties or autism. Marron and Morris (2018) although researching physical education, was the only study, comparing universal design with differentiation approaches and so was relevant to this study.

Some studies made reference to 'human rights' (Lindsay, 2007; Goodall, 2018b), but did not explicitly adopt a 'human -rights' perspective. In the context of these studies, 'human rights' and its accompanying narrative of inclusion is viewed as something ideological, and separate to any empirical evidence as to the benefits of inclusion. Wood's, (2018) thesis demonstrates closer attention to human rights, although her primary discourse was informed by the social model of disability and theories of language and interpretation. Wood (2018) and Goodall (2018a) present the closest match to the present study, in terms of the aims and objectives of the research. However, all of the research contributes a component or 'puzzle piece' of what is a large, complicated picture.

An analysis of the above research reveals a distinction is made between advocating inclusion from a human rights perspective which is viewed as ideological, and assessing the merits of inclusion

empirically, through finding what components are 'effective' (Farrell, 2000). The empirical research is centered around mainstream versus special schools, with evidence gathered to support one or the other as the most effective way of supporting children with special needs (Ruijs and Peetsma, 2009). What is evident from the research is that empirically, there is no overwhelming evidence in support of either inclusive or specialist education. However, studies do show a slight positive bias towards inclusion (Lindsay, 2007; Ruijs and Peetsma, 2009). This is perhaps an issue of methodology more, than it is evidence of any indifference on the part of inclusive education. It is very difficult to identify causality to any specific factor within a school environment, as there are so many variables involved. Social, economic, physical, cultural, cognitive and emotional factors all holistically influence a child's development and well-being (Ruijs and Peetsma, 2009).

Allan (2007) is skeptical of research, which examines *effective* inclusion, suggesting the better research was Goodall's (2018a), which found the authentic voices of autistic children and sought to find what constitutes *good* inclusion. The distinction between what is effective inclusion and what is good inclusion represents two different normative assumptions, the former concerns the nature and categorization 'special needs' as being both accurate and a reason for potentially segregating children from their non 'special needs' peers. The latter concerns the subjective nature of 'inclusion' and the need to feel a sense of belonging. The latter is consistent with a human rights perspective of inclusion which recognizes persons with disabilities as equal citizens, with equal opportunities for participating in school/ society. Research which uncritically measures the impact of teaching in schools on children with SEND, without questioning the underlying model of disability being applied or the content and purpose of the curriculum, serves only to perpetuate a 'special needs' discourse (Slee, 2001). Additional criticisms can be found from (Oliver, 2009) who is critical of research done on children with SEND, by researchers without SEND. Cook, Swain and French (2010) argue that disabled children and adults must be participants in the construction, delivery and assessment of inclusive policy or initiatives. This perspective is consistent with children's rights advocates, who argue that research on children should be research with children, involving them in all aspects of the research process

The SEND code of practice 2015

Comparing research with the current code of practice provides a method with which to bring to light some of the barriers to and facilitators of inclusion in schools as well as the fitness of policy. However, it must be noted that the schools featuring in the research were not subject to the current code of practice, either because the research predates the policy or because the research comes from outside England.

SEND and teaching

Section 1.24 of SEND code of practice (Department for Education, 2015) states that:

"High quality teaching that is differentiated and personalized will meet the individual needs of the majority of children and young people"

This section of the SEND code recognizes the contingent nature of special needs. That is to say, by their very definition, special educational needs are the needs a child has because they are unable to make expected progress within the 'normal' classroom environment. However, high quality teaching should ensure that all children can progress without recourse to additional support. With so many special needs children falling behind their non-SEN peers and in some cases falling out of mainstream education, it might be suggested that many teachers fall short of delivering high quality teaching (Department for Education, 2019). However, as UNICEF (United Nations, 2001:76) highlight, a quality education is dependent upon the content of the curriculum, the quality of the learning environment and the *nature* of teaching. This suggests that to refer to high- quality teaching as if it can exist independently of the education it is delivering and the environment it is delivering it in, is a misnomer.

Lindsay (2007) found certain elements of teaching to be especially effective for educating children with special needs. For example, a good understanding of learning theories such as Vygotsky's (Bodrova and Leong, 2003) social theory of learning and his use of the Zone of Proximal Development, would facilitate effective use of 'scaffolding' techniques. In practice, this means a child is helped to progress their understanding of a concept by a more knowledgeable 'other', who identifies the child's current level of understanding and provides appropriate activities to the child in order to develop their understanding, initially assisting and then withdrawing assistance when it is thought the child is able to master the activity by themselves.

Ensuring that teaching is child friendly and inspiring is another obvious component (United Nations, 2001: section 12), but one that can be overlooked in a culture of high stakes testing (Ainscow, 2016). The concern from (Hadfield and Ainscow, 2018) is that, in England, the competition and target led policies which now underpin the education system are squeezing out the fundamental aspects of good teaching through narrowing the measures of attainment and shifting emphasis from learning, to testing and accountability, reflecting a change in teaching from the professional to the technical. This can be seen reflected in the views of parents, who found teaching had become so target orientated that the capabilities and interests of the individual child were completely ignored, even where the tasks being set were wholly inappropriate.

Ainscow, Booth and Dyson (2006) view this as being part of a 'standards' agenda which, in England, has set a narrow definition of attainment. Figures from Department for Education (2018), both for permeant exclusions and fixed period exclusions, the downward trend which was visible from about 2006/2007, suddenly reversed and figures rose sharply after the introduction of the Education Act (HM Gov, 2011), which introduced stronger powers for schools with regards to behavior policies and exclusions. The 2011 act also reduced powers for local authorities and stepped up the privatization agenda, with the increase of academy schools. As has been highlighted, exclusion figures are overrepresented by certain groups, suggesting that the 2011 Education Act has had a discriminatory effect upon these groups. Both (King, 2018) and (The Education Committee, 2018) have argued against zero tolerance behavior policies, which are seen as paying close attention to unnecessary rules and rigidly adhering to these despite their discriminating effects.

The standards agenda reflects a discourse of learning as knowledge acquisition rather than a process by which knowledge is acquired. When learning is understood in this way, as knowledge acquisition, it supports the idea that learning outcomes can be observed, that they can be measured and compared (Murtonen, Gruber and Lehtinen, 2017). This discourse is reinforced by the OECD and its emphasis on measurable school performance and the relationship between these outcomes and economic development (OECD, 2015). This discourse suggests that education models can be applied universally, independently of cultural or historical contexts, contrary to some of the most important and most

enduring educational programs and schools, which were built in response to the needs of a community (Moss, 2016).

In addition to the standards agenda, further constraints are placed upon learning through the top-down, directive relationship between government and school (Chitty, 2014b). The manner in which the broader, standards agenda manifests itself through the relationship between government and schools is found reflected within schools themselves (Ainscow, Booth and Dyson, 2006). Just as schools adapt teaching practice to meet the narrowly defined needs of the governments standards agenda, so to, the children within the schools are expected to adapt to the needs of the teacher; this rather rigid approach is especially restrictive for children with SEN who, although integrated in school, may fall short of participating in an inclusive education (Lindsay *et al.*, 2007).

In addition to these considerations, the (United Nations General Assembly, 2006, viii :2C) highlight the importance of appropriate teacher training, specifically that high quality teacher training must include the appropriate methodologies and techniques for teaching children with diverse needs and as UNICEF (2007) suggests, it is governments' who bear the responsibility for teacher training. Marron and Morris (2018) demonstrate the pivotal nature of teacher training, which has the opportunity to prepare students to embrace inclusive practice as a core component of teaching. Through embedding inclusive practice throughout all modules of teacher training, new teachers will be knowledgeable and therefore more confident. Consequently, they will be more likely to bring a positive approach to inclusion. Conversely, if training is inadequate, newly qualified teachers may feel unprepared and lack confidence; consequently, they may start out with a negative perspective of inclusion (Marron and Morris, 2018).

In addition to teacher training and practice, teacher attitudes stand out from the research as a key barrier or facilitator to inclusion, particularly with regard to children with learning difficulties who, are often met with negative attitudes from teachers (Lindsay *et al.*, 2016) This encounter with negative attitudes was not found to be directed at children with physical or sensory disabilities. Gibb *et al.* (2007) also found that teacher attitudes could be a substantial barrier to inclusion, finding equal numbers of staff from the mainstream and special schools were in agreement that inflexible staff attitudes presented a significant barrier to inclusion in mainstream schools. Other identified factors did not reach such a consensus. Amongst the other identified factors which were considered to present barriers to inclusion

in mainstream schools, were several that implicated the children themselves and the difficulties they have by the very nature of their special needs (Gibb *et al.*, 2007). For example, out of 6 barriers identified, half were attributable to the children themselves, these being: the child's lack of social competence, the child's lack of social engagement and the child's low academic ability. This is a disheartening message for many autistic children, who will typically exhibit all of these characteristics, and so, rather paradoxically, are themselves identified as being a barrier to inclusive education, by virtue of being autistic.

The attitudes revealed in Gibb *et al.* (2007) study is reflective of government policy which promotes differentiation, but with the overarching aim that children must fit into mainstream school, follow the national curriculum and achieve expected key-stage targets, maintaining the course that Warnock set for equality of outcomes. It is perhaps this aspect of policy which prevents teachers from feeling positive about inclusion. This has become particularly prominent since the introduction of the 2014 National Curriculum (Department for Education, 2013), which clearly promotes a narrow academic approach to education. This is further compounded by funding pressures which leave teachers unable to provide the necessary support for children with SEN (King, 2018).

Highlighting an alternative picture of teacher attitudes, (Frederickson, Dunsmuir and Lang, 2004) found teachers (rather than parents) to be more mindful of the broader benefits of inclusion in mainstream education, such as the social advantages and the wider societal benefits. The separation of academic outcomes from social outcomes is a recurring feature of the research and reveals an 'either' 'or' distinction which implies that, for some teachers, educating certain children presents a choice between social or academic development (Frederickson, Dunsmuir and Lang, 2004; Ruijs and Peetsma, 2009). If we look at government targets for key stage 2 (years 3- 6) which measure reading, writing and math, we find children with SEN fall far behind their non-SEN counterparts, with 21% of SEN children achieving the expected levels, compared with 74% of those without SEN. On the face of it, this statistic raises immediate concerns over the lack of academic attainment of children with SEN in primary school, which from a teacher's perspective is a source of anxiety as targets are not being met. However, what these figures measure progress according to a very narrowly defined set of criteria and do not show the social and emotional development of the children (Moss, 2017). Neither do they recognize, contrary

to what was acknowledged in the 1978 Special Educational Needs report (HMSO, 1978, S. 1.6), that something which may be an everyday activity for many children, is for others a significant achievement. This is particularly relevant to high functioning autistic children who are intelligent and who's disability is not visible.

Goodall's (2018a) study gets closer to the world of the autistic child, he illustrates how deeply autistic children can be affected by negative teacher attitudes. Children were found to feel unsupported by teachers, who [the children] felt did not care. Looking from the opposite direction, at teachers perspectives- Emam and Farrell's (2009) research suggests the children's feelings may be justified. Emam and Farrell (2009) demonstrated that teachers were greatly frustrated by the inability of autistic children to fit-in with the school environment. The attitudes of the teachers demonstrated a deficit attitude towards autistic children which reflected an understanding of disability which is rooted in the medical model of disability (Haegele and Hodge, 2016). Therefore, some autistic children may be seen as both failing to adjust to the behavioral and social norms of the classroom and also failing to achieve keys-stage targets (Goodall, 2018a). Both these studies find the extent to which individual teacher attitudes can, for autistic children, contribute towards a difficult and hostile environment, one which appears to produce a cycle of negative reactions from children and teachers. In terms of human rights, this presents a challenge to the inclusive education agenda, for it suggests that the best interests of the child are not being served by their placement in mainstream school. This further fuels the special educationalists, who argue that inclusion is not proven to work (Lightfoot, 2005).

Goodall (2018b) highlights it has often been an assumption that high functioning and academically able children on the autistic spectrum can manage in mainstream education, but that in reality there is a mismatch between the high functioning autistic child and the school environment. Moreover, the school environment itself is antithetical to the intrinsic characteristics of an autistic child. Goodall (2018a) finds that most research into autistic children in mainstream education, takes the perspective of adult stakeholders. Goodall's (2018a) own research reveals the thoughts and feelings of autistic children in mainstream education, which challenge the assumption that they can cope in mainstream. Children

were found to experience loneliness, bullying and isolation. In addition to social problems, autistic children found it difficult to follow lessons, manage homework and struggled with sensory overload brought on by the physical environment. Some of the children experienced feelings of dread in anticipation of going to school. This adds weight to the need for better teacher training that would give teachers an understanding of autism, which may give them access to the child's inner world.

Humphrey, Neil; Symes (2011) support this picture of loneliness and isolation, examining peer interaction, the find autistic children have fewer friends and are more susceptible to bullying. Furthermore, autistic children are less able to identify or deal with bullying than non- autistic peers. These child focused studies utilize appropriate methodologies for research into good inclusion (Allan, 2007), shaping a narrative which is conducive to promoting children's rights (Flick, 2015). This is also supported by parent interviews. A particularly harrowing account was given by Helen of her son Freddy saying he wanted to kill himself, following bullying at school.

(The National Autistic Society and All Party Parlimentary Group on Autism, 2017), who found that fewer than half of children and young people on the autistic spectrum said they were happy at school. Linking to staff attitudes, 6 in 10 autistic children and 7 in 10 parents of autistic children said that having a teacher that understands them is the number one thing that would make school better for them (The National Autistic Society and All Party Parlimentary Group on Autism, 2017). Aspects of teaching practice which would be more inclusive for autistic children include showing an interest in the child and their interests; giving clear, unambiguous instructions and breaking work down into smaller chunks. In addition to these 'teaching skills', autistic children identify other factors which would better enable them to access education, including the need for more breaks in the day and flexibility around homework (Goodall, 2018a).

These suggestions from autistic children reveal that it need not be prohibitively expensive or complicated to make education accessible for autistic children. Rather, what is required is flexibility and the will to do things differently (Ball, 2019). Research with autistic children is crucial to developing an educational environment which they find conducive to learning. However, as highlighted above, it is not only autistic or other SEN voices which need to be heard. All children must be listened to and taken

seriously. Furthermore, engaging with children may reveal some of the concerns raised by autistic children are universal. (Ainscow, Mel., Booth, Tony., Dyson, 1999) argue that a focus on special education does not see the barriers which exist for all children. Moreover, children may have a far more inclusive outlook than teachers or parents (Ainscow, Mel., Booth, Tony., Dyson, 1999).

SEND, the CRPD and commitment to mainstream inclusion.

Section 1.26 of the SEND code of practice (Department for Education, 2015) refers to the government's commitments under articles 7 and 24 of the CRPD (2006). Article 7 is specific to children with disabilities and reaffirms the primacy of the best interests of the child and of the right of the child to express themselves freely and to have their views given due weight and consideration. Article 24 (2a) explicates that state parties shall ensure that:

> Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability"

Section 1.27 of the SEND code dictates that where a child has SEN but no EHCP, they must be educated in the mainstream education system. This immediately qualifies the commitment to Article 24, stopping short of a full commitment to mainstream education for all. However, this is consistent with the comments from the Committee on the Rights of the Child (Committee on the Rights of the Child, 2006 viii, C (66)), which states that although 'inclusion should be the goal of education', this must be dictated by the 'individual, educational needs of the child'. Once again, there appears to be something self-defeating about this policy. If mainstream provision cannot meet the needs of a child, the child may be given an ECHP, in order to better meet their needs. Once a child has an ECHP, they then have the option of specialist provision, which could mean a special school; in other words, the commitment to educating all children with disabilities in mainstream education does not whole heartedly extend to the very children who are supposed to be protected by equality and inclusion legislation.

Moreover, it has been suggested by the The National Autistic Society (2016) that *all* children with autism should be able to obtain an ECHP, if requested, this potentially could facilitate a step away from an inclusive objective. Further to this, there is an additional layer of complexity in terms of access to mainstream or specialist provision. If a child has an ECHP, they can opt for a special school placement, but if it is considered by the local authority that mainstream schools are able to meet the child's needs, the local authority will not fund a place in a special school. It is difficult to conceive of a space within this process, where the opinions or feelings of the child are given any meaningful consideration.

It would seem that education policy lacks clarity of purpose. This haziness appears to emanate from 2 key elements:

Firstly, the definitions of SEN as defined in the Children and Families Act (HM Government, 2014, 20 (1)):

> A child or young person has special educational needs of he or she has a learning difficulty which calls for special educational provision to be made for him or her.

Section 20 (2) then states:

> A child of compulsory school age or a young person has a learning difficulty or disability if he or she—
>
> (a) has a significantly greater difficulty in learning than the majority of others of the same age, or

(b) has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Gibson (2004) argues education policy constructs both children and teachers. The aforementioned definition of SEN requires that children are labeled according to the needs of the school. This reveals the duality of policy, where it is both policy as text and policy as discourse (Ball, 2013). The discourse of inclusion policy is, ironically, one of exclusion, where children are segregated, diagnosed and distributed into appropriately labelled categories which highlight their deficiencies, and from within which they are then passed around like political hot potatoes, to be 'measured' and 'helped'. This discourse has emerged in spite of a long- standing inclusion agenda, in part because of the special needs paradigm (Ainscow, Slee and Best, 2019).

The second element, which possibly fuels confusion in education policy and practice, is the ideology lying behind inclusive education policy, which appears to pull in two directions. One direction is represented by the desire for all children to be treated the same, regardless of disability status (or any other status), seemingly supportive of the equality act and the CRPD (2006). The second is the 'best practice' direction, which says all children are unique and teaching should be child-centered, recognizing that all children are different (Gibson, 2004). This push-pull between equality of opportunity and equality of outcomes appears to be a feature of education policy, which contains much rhetoric about the individual child, whilst also having very strict curriculum requirements and targets, by which all children are measured (Chitty, 2014a).

However, a closer examination of the CRPD (2006) finds that although it reaffirms the equal rights of disabled children and advocates inclusion, it does not force inclusion, leaving the room for choice, according to the needs of the child. The rights of the child are not always clear and unambiguous, they may have competing rights or the rights claims, or one child may compete with the rights of other children or of teachers (UNICEF, 2007). The experience of parent participants was that the 'best interests' of their child may not be compatible with accessing mainstream education on an equal basis with their peers. It may support their right to not be discriminated against, but not their right to express themselves and to be taken seriously (Lansdown and Karkara, 2006).

The CRC (1989), like the individual child, is to be understood as whole; it is to be embedded throughout all policy and funding decisions effecting children. This reflects how all aspects of a child's life impact on their development. Furthermore, a children's rights perspective will find that the best interests of a child cannot be met if the child's views are not heard (Lansdown, Jimerson and Shahroozi, 2014). The 'outcomes' of both SEN and non -SEN children have been measured and compared for inclusive and non -inclusive settings, as have various process involved in schooling. However, the voices of children both with and without SEN need to be heard and due weight given to consideration of children's opinions.

Additional barriers
Funding

A meaningful commitment to mainstream inclusion entails that education is appropriately funded. King, Louise and Rosa (2018) have highlighted, a reduction in per pupil funding of 8%, in England. In addition, only 2% of school leaders agreed they had sufficient funding to support children's ECHP provision, whilst 94 % struggled with providing support for disabled children. The Committee on the Rights of the Child (United Nations Committee on the Rights of the Child, 2016, 13 (a)) suggests that a child's rights approach should be deployed by the state when allocating resources and that, furthermore, the use of resources should be tracked. Moreover, (United Nations Committee on the Rights of the Child, 2016, 13 (d)) suggests that an impact assessment be carried out following funding decisions, including those resulting from austerity measures.

The enthusiasm or not for the implementation of policy measures may well be influenced by accompanying resources, or lack thereof. Frederickson, Dunsmuir and Lang (2004) highlight how, in 2004, additional funding made available to local authorities to support an inclusion agenda, since 1999, may well have influenced a drive towards developing various inclusion initiatives. Conversely, links will be made by some between government cuts to school funding, since 2008, and the rise in the numbers of exclusions (King, 2018).

EHCP's are linked to a personal budget and other funding recourses. In Essex, increasing numbers of autistic children have an EHCP (38% since 2014). The growth in applications for ECHP is attributable to a lack of appropriate support for the needs of autistic children within mainstream schools. EHCP are viewed as the means by which parents can secure the right support for their children (Essex County Council, 2019). This support includes funding, which enables schools to pay for one to one support for the child, something which is a key feature of SEN support in mainstream education. Emam and Farrell (2009) found that teaching assistants played an important role in classes with autistic children, acting as mediators between the child and the school environment. However, scrutiny of this role found, often, it was the teachers who were dependent on the teaching assistants to facilitate their role, rather than the individual children feeling they benefitted from the teaching assistant. This criticism was echoed by parent participant Lisa, who argued teaching assistants did not encourage independence.

Both the National Autistic Society (2018) and ECC (2019) identify early diagnosis and ensuring that children can more easily obtain an ECHP as important factors to improving education for autistic children. This demonstrates how at present the SEN discourse is seen as empowering for children and parents as it enables more choices and access to resources that the child would not otherwise have. Any meaningful move towards inclusion will have to address these factors.

How to move forwards, not backwards

Allan (2007) identifies a backlash against inclusion, including a U-turn from Warnock, who claims inclusion has not worked. However, Ainscow, Booth and Dyson (2006; Ball (2017) amongst others, have argued it is not 'inclusion' that has failed, but rather it is education policy which has failed. It is important to glance upwards for a moment and find it is not only autistic children and children with SEN who are overrepresented in exclusion figures and under-represented in attainment figures. Black Caribbean, Irish traveler, Roma children all experience poorer educational outcomes. Children categorized as disadvantaged (in terms of secondary education outcomes) have been either in receipt of free school meals between year 6 and year 11 or classed as 'looked after' for at least one day or adopted from care. Attainment for disadvantaged children is lower than for all other pupils across all headline measures -figures from (Department for Education, 2018b). Yet, there are not similar debates as to how to best educate disadvantaged children. Moreover, some attainment differences attract more attention than others. Gender differences, for example have been seen to be an unacceptable consequence of discriminatory assessment or curriculum policy.

Girls fell behind boys in attainment for many years until measures were taken to address what were recognized as ideological causes of these differences. Unlike with disability, femaleness was not identified as a deficit which required special education (Cook and Slee (1994) ciited in Ballard, 1999). Likewise, when it was found that boys were consistently falling behind girls in terms of attainment, steps were taken to address this by removing course- work from GCSE and making (most) courses 100% exam based (Adams and Barr, 2018). Neither poverty nor race attract the same outrage that the gender gap does.

Creating inclusive environments for autistic children that do not take into account the needs of all other children should not be the sole purpose of a humans- rights based study. Any commitment to inclusion, must be a commitment to inclusion for all children (Committee on the Rights of the Child, 2006, S 67), hence it is imperative to find ways to make inclusion work for everybody.

Universal Design

Kennedy and Yun (2019) raise a critical factor for the inclusion discourse, claiming inclusion has already moved from *if* to *how.* Their suggestion is to use the principles of Universal Design to achieve inclusion. The National Disability Authority (2012) describes universal design as:

> Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.

This approach is naturally inclusive and celebrates difference and diversity, reducing stigma and labelling. Marron and Morris (2018) suggest applying universal design to curricula, is to design from the bottom up, ensuring flexibility that benefits all learners.

Further examples of good inclusive practice find consideration of different needs should be embedded into the school day. For many children with special needs, vestibular, sensory and motor skills are underdeveloped. These are vital elements of physical development, which have a significant impact on children's cognitive abilities (Susanne Smith Roley, Zoe Mailloux, L. Diane Parham, Roseann C. Schaaf, Christianne Joy Lane, 2009). Incorporating exercises to promote development in these areas into the school day could be enjoyable for all children, whilst serving an important function for particular children.

Inclusion Europe highlights attitudes which suggest inclusive practice requires '..deep roots of respect to diversity..'(Inclusion Europe, no date). A universal design approach respects diversity and celebrates difference, consistent with promoting respect for the 'inherent dignity' of the child (United Nations General Assembly, 1948). Universal design could be mutually supportive of a children's rights

approach, providing the key to implementing the values and principles of a children's rights approach into practice.

Celebrating difference and diversity is a crucial aspect of creating a sense of belonging for all children which means they feel valued and respected (Chitty, 2014b). In addition, all children benefit from interesting and engaging lessons with opportunities for hands-on learning (Wood, 2013). Designing learning environments which promote these principles should be integral to a universal design. These principles are found integral to Early Childhood Care and Education (ECCE) but, in England, are lost in the transition to primary schooling, with the move to the National Curriculum (Department for Education, 2013).

ECCE is Informed by theories and research into Early Years development, which is the period between 0 and 8 years and is characterised by rapid growth and development and is recognised as being the most important period of development for a child (Dowling, 2014). Early Years has a rich history of ideas, its values and principles have developed out of the philosophy and philanthropy of individuals committed to observing and understanding children and providing opportunities for them to learn and develop (Nutbrown and Clough, 2014). There are key principles which can be adopted from ECCE and applied throughout primary schooling and possibly beyond:

- learning must be child-centred- building on the interests of the child is essential.
- Children learn through play
- Each child is unique and develops at their own pace, in their own way.
- Learning occurs in nurturing environments with sensitive, supportive and knowledgeable adults.
- Children are active citizens and rights holders
- Difference and diversity are to be celebrated through a proactive approach to ensuring all children see themselves reflected in their environment and learning
- Learning through and for democracy
- Children are co-educators.

(Nuttall and Edwards, 2013; Ødegaard, 2013; Wood, 2013)

These principles reflect a discourse which is truly inclusive and finds learning to be an 'epistemic apprenticeship (Claxton, 2014). Moreover, they are consistent with the points raised in General Comment 1 (UN, 2001). For most children in Europe, school does not start until they are 7 years old, with the recognition that prior to this all learning should be play based. In England, the Early Years Foundation Stage Curriculum ends at the end of the reception year (5 years). Entering a formal, directive learning environment at such a young age can have a detrimental impact on children, particularly children with SEN (Tomaševski, 1999). It is my contention that adapting and applying Early Years principles upwards into all levels of education would provide an important guide for developing a Universal Design' in schools to the benefit of all children and which is supported by and supportive of human rights.

A further feature of an inclusive, Universal Design must be that we measure what we value as opposed to valuing what we measure. Challenging the narrowly defined purpose of schools and redefining what constitutes a good school could will provide new ways of thinking about learning and development, which better reflect how children learn and develop. Teaching would then, once again, become professional as opposed to technical (Ball, 1994).

A human rights approach to inclusion, primarily founded on the CRC (1989) (UNICEF, 1989) would place children at the centre of planning and delivering education, starting from the assumption that all children have the same right to education and that it must be accessible, adaptable, appropriate and acceptable to them (Tomaševski, 1999). Developing learning environments based on universal design principles could potentially provide an adhocratic vehicle for delivering this (Skrtic, 1991) .

Conclusions

Research into inclusion in schools, highlights how some of the nuts and bolts of teaching practice work to facilitate or inhibit inclusion. However, methodologically, much of the research feeds into a special needs paradigm which asks 'how effective is inclusion in mainstream settings, for children with special needs?', rather than 'what does good inclusion look like?' (Gibb *et al.*, 2007; Emam and Farrell, 2009; Ruijs and Peetsma, 2009). In addition to this, most of the research is with adult stakeholders, not the children, who are the subject of the research. Where children's voices are heard, however, concerns

most frequently centre on the social aspects of schooling (Humphrey, Neil; Symes, 2011; Ainscow, 2016; Goodall and Mackenzie, 2019). These concerns are echoed by their non-SEN counterparts and serve as a reminder of what is important to children (Ainscow, 2016). When a child experiences difficulties making friends or is subject to bullying, they become socially excluded even whilst being included (Humphrey, Neil; Symes, 2011). Any approach to inclusion must address these very real problems.

Children's rights to education are not finished when they walk into the school (United Nations, 2001). Voices from parents and children portray how hostile the school environment can be to autistic children (Marshall and Goodall, 2015; The National Autistic Society, 2016). Critics of what is seen as an inclusion agenda claim this evidence that inclusion does not work. This is not the case. Inclusion in England has not worked because the commitment to inclusion lacks depth. It is a commitment in words, supported by inadequate, cumbersome processes, whereby each individual child with SEN must be identified as such in order that their parents/carers/ teachers can begin the uphill battle to persuade the school and local authority that treating their child the same as every other child will not deliver their right to education (Slee, 2019).

Children's rights insist there should be a holistic approach to education and that is should be directed towards the harmonious development of the child, which takes into account a child's physical, social and emotional well-being. Learning should be a process by which a child's individual interests, talents, abilities and learning needs are recognised (United Nations, 2001). Furthermore, adopting a children's rights approach means children's voices must be heard and respected (Lansdown, Waterston and Baum, 1996; Lansdown and Karkara, 2006). These principles must be embedded throughout all policy and funding decisions. This means, to be inclusive, teachers must have a high degree of knowledge of special needs and specifically autism. There must be a flexible curriculum which would enable teachers to have a flexible approach to learning that values all children for who they are and what they can do with the right support (UNICEF, 2007). There must also be flexible behaviour policies, which set high but meaningful expectations for all students (King, 2018).

Where children need specialist knowledge and support, it should be embedded within mainstream settings to the benefit of all learners, as part of a Universal Design which respects the rights of all

citizens. Furthermore, schools must be appropriately funded to achieve this as a matter of priority. Education is a right of every child, not only those whom it is convenient to educate.

The Essex SEND strategy does not challenge discourses around inclusion/ special needs. Furthermore, it is designed to further empower schools and teachers. If nothing is fundamentally changed within the macro and mesosystems, as appears to be the case, it is difficult to see how the child will experience any changes within their microsystems (Bronfenbrenner, 1977).

Recommendations

It is my recommendation that more research is needed to identify barriers to other human rights for autistic people, especially children and young people.

I also feel there is a need for research into the relationship between school and autistic children's well-being.

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