

Warnock and Northern Ireland: time to break free from the *Slough of Despond*

Noel Purdy

In the forty years since the publication of the *Warnock Report* it is fair to say that no other single report has had such a significant impact on policy and practice in relation to special educational needs in Northern Ireland.

The impact of Warnock is seen first and foremost in the main legislation in Northern Ireland relating to special educational needs contained in the Education (Northern Ireland) Order 1996 which introduced a legal framework for the identification and assessment of children with special educational needs, including provision for statements of special educational needs. The five-stage Code of Practice arising from the 1996 Order came into effect on 1st September 1998 and, unlike other UK regions, remains operational today, some 20 years later. As elsewhere in the UK the Code promoted an inclusive approach:

“Children with special educational needs, including those with statements, should, wherever appropriate and taking into account the wishes of the parents, be educated alongside their peers in mainstream schools” (DENI, 1998, §1.6)

The 1996 Order was supplemented by the Special Educational Needs and Disability (Northern Ireland) Order 2005 which further strengthened the rights of children with special educational needs to be educated in mainstream schools. The ensuing supplement to the Code of Practice made it clear that “where parents want a mainstream education for their child all reasonable steps should be taken to provide it” (DENI, 2005, §5.3).

In the face of rising numbers of children with special educational needs, and an increasingly lengthy and bureaucratic statementing process, the Department of Education began a lengthy, costly and often contentious review in 2006 which led to the publication of an initial set of proposals entitled *The Way Forward for Special Educational Needs and Inclusion* (DENI, 2009). A revised set of proposals were brought forward in 2012 before *The Special Educational Needs and Disability Act (Northern Ireland) 2016* was finally passed in 2016 by the Northern Ireland Assembly, one of the last pieces of legislation to be passed before the Assembly collapsed. The SEND Act is the first stage of the new SEN framework (providing only the necessary legislative changes) and will be supported by revised Regulations, a new Code of Practice and a capacity building programme for schools.

Even though the SEND Act was given Royal Assent in 2016, a functioning Assembly at Stormont is still required to pass the SEN Regulations which would enable a new Code of Practice to be issued and the new SEN Framework to be fully implemented. However the power-sharing Executive collapsed in January 2017 and at the time of writing (August 2018) Northern Ireland has exceeded 589 days without a functioning, elected government, surpassing Belgium’s previous record, and sparking over a dozen public protests across the six counties using the hashtag #WeDeserveBetter to demand the restoration of the power-sharing executive (*The Independent*, 2018).

At the same time as policy development in Northern Ireland has effectively ground to a halt, a Northern Ireland Audit Office Report on Special Educational Needs (NIAO, 2017) reported that for the academic year 2015-16, ten years after the start of the review process in Northern Ireland, the number of children with SEN (76,000) and the associated costs are continuing to rise (£250 million), inconsistencies in the identification of children with SEN persist, and only 21% of statements were completed within the statutory time limit of 26 weeks. The report concluded damningly that “neither the Department nor the EA can currently demonstrate value for money in terms of economy, efficiency or effectiveness in the provision of support to children with SEN in mainstream schools.” (p.4)

The sense of frustration felt by school principals, teachers and parents is now palpable. School budgets have been reduced, teachers’ jobs are being cut, class sizes have increased, resources are scarce, Education Authority support is limited, and there is strong anecdotal evidence that in the necessary trimming of school budgets, additional classroom assistant support for children with special educational needs is often first to go.

Bogged down as we are in Northern Ireland in a political and financial *Slough of Despond* it is easy to forget the enduring legacy of Warnock which forever changed the way we think about children with special educational needs, and their needs and aspirations. Forty years on, education undoubtedly remains “a good, and a specifically human good, to which all human beings are entitled” (§1.7). The two long-term goals of education are also just as relevant today as in 1978: first, to develop a child’s knowledge, experience and imaginative understanding, leading to greater awareness of moral values and capacity for enjoyment; and, second, to prepare the child to become an active participant in and contributor to society, living as independently as possible. And the spirit of the social model of disability which aims to remove any remaining systemic barriers or “obstacles” facing children still rings true today:

The purpose of education for all children is the same; the goals are the same. But the help that individual children need in progressing towards them will be different. Whereas for some the road they have to travel towards the goals is smooth and easy, for others it is fraught with obstacles. For some the obstacles are so daunting that, even with the greatest possible help, they will not get very far. Nevertheless, for them too, progress will be possible, and their educational needs will be fulfilled, as they gradually overcome one obstacle after another on the way. (§1.4)

In Northern Ireland the most significant “obstacle” facing children with special educational needs at the moment is however political. The spirit of Warnock’s Report lives on in Northern Ireland, and we remain indebted to its original inspiring vision, but the overdue reform of its practical outworking is unfortunately being thwarted in part by budgetary pressure and largely by the currently insurmountable obstacle of old-fashioned political intransigence.

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