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The increasing use of private special schools: A policy gap for inclusive education

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Abstract

There have been significant increases in the number of children sent to non-maintained special schools in recent years. To assess the extent of this trend and its probable consequences, Freedom of Information requests about spending on private special schools were sent to a stratified sample of 24 local authorities in England. The responses indicated substantial rises in spending recently, with very substantial spending on certain kinds of provision in the private sector—spending of up to £0.3 million per child per annum. We argue that the increasing reliance on private special school placement carries not only potential risks for the education, care and wellbeing of the students placed in often distant schools, with recent evidence of cases of serious neglect and abuse in such schools, but also threats to the development of inclusive practice. Current policy and its associated funding mechanisms incentivise separation and are inimical to the development of inclusive solutions to children's and young people's problems at school. We argue that systems need to be developed which enable the substantial sums currently spent on private special schools to be re-deployed to cultivate imaginative inclusive responses to the difficulties experienced by some children at school.

KEYWORDS

education spending, inclusive education, policy, special education

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Key insights

What is the main issue that the paper addresses?

The paper addresses the issue of the increasing use of private special schools by local authorities (LAs). It finds evidence that the trend towards such use is increasing and it argues that this growing use is inimical to the development of inclusive education.

What are the main insights that the paper provides?

The fees charged by private special schools are largely unaudited and the increasing payment of these fees amounts to an unjustified use of public money. The very large sums of money spent on these schools could be better employed finding community-based and mainstream-based solutions to children's problems at school.

INTRODUCTION

The National Audit Office (NAO) has recently noted that the proportion of children sent to special schools has increased markedly in the years since 2014 (National Audit Office, 2019). In particular, the NAO noted that spending on private (i.e. non-state-maintained) provision increased by 32.4% in real terms between 2013–2014 and 2017–2018.

The consequences of these increases for inclusion are serious: as the NAO puts it, 'The main reason why local authorities have overspent their high-needs budgets is that more pupils are attending special schools' (National Audit Office, 2019: 8). Advice from the Department for Education (DfE) reinforces the point: 'pressure on available provision is growing, leading LAs to fall back on independent or distant placements (adding travel and/or residential costs) for needs which might otherwise be met locally' (DfE, 2022b: 23).

The National Audit Office (2019: 33) attributes the increase in special education requests directly to:

... funding pressures leading to mainstream schools having less capacity to provide tailored support for pupils with SEND ... and ... the focus of the school accountability system on attainment and progress measures ... making mainstream schools less inclined to be inclusive.

For context on the extent of the issue, Table 1 gives a summary of the increases in numbers of pupils in different types of special provision between 2014 and 2018.

Demand for places

The situation is, then, that demand for special school places has increased markedly, outstripping the supply of maintained special school places, with the shortfall increasingly being filled by private special school provision. There are many reasons for the demand for special school places to have expanded as far as it has, ranging from the quasi-marketisation of education (e.g. Baxter & Clarke, 2013; Whitty, 2000) associated with the tendency to reject less able or more troublesome students (e.g. Altonji et al., 2015; Guul et al., 2021), to

TABLE 1 Pupils ‘with high needs’ by school type (adapted from National Audit Office, 2019).

	Pupils in state special schools	Pupils in state alternative provision	Pupils in independent special schools
2014	97,395	12,895	15,870
2015	101,250	13,585	16,520
2016	105,365	15,015	17,345
2017	109,855	15,670	17,820
2018	115,315	16,730	19,610
Change between 2014 and 2018 (%)	+18.4	+29.7	+23.6

the increased ‘syndroming’ of children’s problems at school (e.g. Foulkes, 2022; Thomas & Loxley, 2022a; Verhaeghe, 2014), to the exclusion and off-rolling of certain children (Done & Knowler, 2020), and to an increase in parent demand related to the increasing inability of mainstream schools to meet special needs adequately (Cullen & Lindsay, 2019; Roanna Â SEND National Crisis, 2019; SEND Action, 2023; Thomas & Loxley, 2022b). Parents will demand places in special schools because special schools are where the resources are increasingly concentrated. The situation is self-reinforcing: as resources are increasingly channelled to private special provision, they are necessarily withdrawn from the mainstream, with the result that mainstream schools become progressively less equipped to offer inclusive answers to the issues posed by children and young people (CYP) with special needs.

The reasons for the increase in demand, though, significant as they are, are not the central focus of this article. Rather, the focus is the response to the increase in demand by local authorities (LAs) and the consequences of their response.

Increases in funding

The increase in demand has been addressed by increases in ‘high needs funding’—an increase of £780 m, or 9.6%, in 2022–2023, following a £1.5 billion increase over the previous 2 years (DfE, 2021). The total high needs budget stood at £8.88 billion for 2022–2023. The government suggested that a cross-departmental review of SEND (Special Educational Needs and Disabilities) would ensure that ‘it supports children and young people with SEND as efficiently and effectively as possible’ (DfE, 2021: 4), and the review ultimately, when published, concluded that ‘More children and young people are ... placed in independent specialist provision, even when this may not be best for them. Too often the costs of such provision represents [sic] poor value for money’ (DfE, 2022a: 13). The review notes that the average cost of a placement in an independent special school is more than double that of a placement in a maintained special school (£54,000 compared with £22,000).

It gives as an explanation for the higher average cost the fact that ‘independent special schools often cater for children and young people with very complex needs which increases the average cost’ (p. 22). It proceeds to note that spending on this more expensive provision is taking up a greater proportion of local authorities’ spending from 2014–2015 to 2020–2021, with an increase in spending on independent special and non-maintained special school places of 126%, as against a 38% increase in spending on other special school provision and spending on alternative provision increasing by 18% over the same period (p 22).

However, because *average* figures are used for the spending in the DfE’s calculations, there is no detailing of the extent of the higher cost for ‘very complex needs’, nor has there

been any attempt at auditing the real costs of providing for such needs ... either at special school or in different ways in the mainstream. The DfE (2022b) recognises the absence of auditing in calling for 'More robust procurement ... such as ensuring fees proposed by independent providers are appropriate for the needs of the pupil' (pp. 25–26).

Despite such calls for better oversight and auditing, there is little advice on the policy or administrative infrastructure necessary to enable this, and this omission occurs in the context generally of a policy lacuna in the area of special education spending, which has increased as general school spending per pupil in England has fallen by 9% in real terms between 2009–2010 and 2019–2020 (Farquharson et al., 2021).

Parallels in funding and provision

This situation—of increasing demand met by an increasing amount of private provision—finds a close parallel in children's social care, where the government-instigated 'Independent Review of Children's Social Care' (MacAlister, 2022) disclosed that 83% of residential children's home places in England are now provided by the independent sector. In fact, the degree of parallel between the education and care sectors is amply demonstrated in the fact that privately run residential special schools may actually be registered as children's homes, a point noted by the Child Safeguarding Review Panel (2023) in its investigations regarding abuse at these institutions.

There are several negative consequences of the unregulated rise in private provision detailed by MacAlister. These include the following:

- In the absence of review or regulation, costs for placement in these facilities have been rising fast, with profiteering a feature of the increased demand allied with poor sufficiency planning, as the Competition and Markets Authority (CMA) (2022) noted. High and rising fees put critical pressure on already-stretched LAs.
- The profit motive means that private providers set up facilities where land prices are lowest. This results in placements often being far from children's familiar home communities.
- With the potential of unsustainable business models arising and failing in the private sector—as happened in the Southern Cross care home collapse (Burstow, 2011)—there is a real risk of many vulnerable children's stability being endangered.

Alongside these potential difficulties are more general issues concerning the profit motive determining working practices in education, health and social care. Gupta et al. (2021), for example, in the US, examining data from 18,485 facilities, found that when these moved from non-government organisations to private ownership, taxpayer spend per patient increased by 11%, while this was accompanied by significant rises in mortality and decreases in other measures of wellbeing. In the UK, Bach-Mortensen et al. (2022) concluded with similar concerns about quality in privately run facilities after making a longitudinal analysis of inspection outcomes among English children's homes. They discovered similar issues to those outlined by Gupta following the marketisation of care, with care quality undermined.

The issue of care quality in private provision is clearly a serious one, given recent findings about abuse in residential special schools registered as children's homes. The Child Safeguarding Review Panel (2023), in its investigation of the care and safety of children with disabilities and complex health needs placed in such facilities, identified a substantial number of serious incidents of neglect, abuse and harm, which were the subject of formal criminal investigation at the time of the Panel's report.

Increased segmentation

One particularly concerning consequence of the move to private provision has been that children from low-income families or children who are otherwise more vulnerable may receive lower quality services as economies are made in the service of maximising profit (see, for example, Krachler & Greer, 2015). Phenomena such as ‘parking’ and ‘cream-skimming’ may be used by private providers, wherein easily served clients will be ‘cherry-picked’, while young people whose needs are complex and costly will be ‘parked’ with public services. Such strategies have also been shown to be employed in healthcare (Werbeck et al., 2021) and in welfare-to-work programmes (Whitworth & Carter, 2014). Notably, ‘cream skimming’ and ‘user sorting’ have been shown to occur in the selection of school students generally, and not simply in special placement (Guul et al., 2021), with the consequence that there is, as Guul et al. put it, increased ‘segmentation’ in the system, with a hardening of separation between lower attaining and higher attaining students. As forms of separation become semi-formalised in this way, the possibility of inclusion recedes.

The significance of policy in this area

Biesta et al. (2021) have argued that policy should perform a protective function in education, by defending education from domination by commercial and other interests. They proceed to point out that neo-liberal politics, which has shaped national and local government policy for several decades, relies on the market—on demand and supply—for the direction and provision of public services. In this context, it is perhaps no coincidence that the austerity and quasi-marketisation imposed on public services since 2010 (Loxley & Thomas, 2023) has had as one of its consequences an increase in demand for, and supply of, privately operated special schools. In light of this, the ‘protective function’ of which Biesta et al. speak, is manifest in the development of policy and the place of research in helping to cultivate that policy. Policy needs to match rhetoric on inclusion.

AIMS OF THIS PAPER

This paper has several purposes: (a) to contribute to an update on NAO figures on spending on private (i.e. non state maintained) provision in England; (b) to provide information on the spread of costs of individuals’ provision overall and within LAs, noting the maximum costs of individuals’ provision; (c) to assess the degree of any heterogeneity in forms of LA spending; and (d) in the context of reviews of the consequences of increasing use of non-maintained provision elsewhere in the public sector, to discuss the child welfare and education policy implications of the unaudited growth of such provision, particularly with regard to inclusion.

METHODOLOGY

We wrote to a sample of 24 LAs in England, stratified by tier of local government, to gain snapshots of current practice. The LAs written to comprised six county councils, six unitary authorities, six London boroughs and six metropolitan boroughs. To each we made a request under the Freedom of Information Act 2000 (FoIA) for the following: the annual amounts spent on independent special school provision, itemised by the name of the school, the number of individuals sent to that school and the sum of the annual spend for each school. If the school is a residential school, we asked also for the amounts spent on care and

living facilities to be, if possible, disaggregated. These data were requested for the current and previous 10 years, or, if records did not extend that far, for the total number of years for which records had been kept.

Certain of the LAs restricted the data supplied, citing Section 40 of the FoIA in line with their ethical duty under the Data Protection Act 2018 to protect the personal data of clients. Noting that information released under the FoIA is accessible to the world at large, these LAs considered that the information we had requested (relating to numbers and the specific geographical area of a named school) could lead to the identification of individuals. Some LAs restricted data relating to schools where fewer than five individuals were sent. Where data on cost per student were not available, data for the relevant LAs are not included in the findings that follow. Certain LAs were able to disaggregate education and residential costs while others were unable to do so. Five were unable to give any figures beyond the last 1 or 2 years, and four provided no data at all within a useful timeframe.

We requested the names of the schools to which students were sent, and all respondents complied. For insight into the nature, student intake and distance from home of the more costly placements, from the usable data we identified the 18 costliest placements. For these, via data available in the public domain, we looked at (a) the distance of these schools from the referring LA centre as an indication of placement distance from a child's home, (b) the nature of the clientele claimed to be catered for in publicly available information and (c) special features of each school's advertised offer.

Given that all data requested are in the public domain and that no personal contact with individuals was requested, ethics protocols were not germane to the collection or analysis of the research. Notwithstanding this, we considered that given that the aim of the research was not to individualise responsibility locally for policy that may have been enacted in response to circumstances imposed nationally, LAs' responses should be anonymised within their relevant tier of local government.

FINDINGS

Figures 1–4 give the total spend by the LA(s) on the pupils in private special schools according to tier of authority. In all tiers except the London boroughs, overall spending by the respondents providing usable relevant data increased markedly between the years 2019/2020 and 2021/2022: for the metropolitan boroughs (Figure 1), spending increased by 46%; for the unitary authorities (Figure 3) it increased by 58%; for the county councils it increased by 20% (Figure 4), although for the London boroughs it decreased by 17% (Figure 2). Total spending by the 18 LAs providing usable data increased by 26.5% over the 2 year timespan. Spend in 2021/2022 in the 20 LAs providing data totalled £231 million.

Numbers of students receiving education in private special schools over the same period increased in all of the LAs providing data on this theme. Percentage increases ranged from 8 to 141%, with a mean increase of 35% in student numbers educated in private special schools over the 2 year timespan. The actual number of CYP sent by LAs varied widely. For LAs where data was provided on numbers of CYP sent, the largest number (in a county council LA) sent in the most recent year for which data was collected was 1765, at a total cost for this LA of c. £84 million for 2021/2022. The smallest number sent (by a metropolitan authority) was 17. This latter contrasted with a similarly sized unitary authority, which sent 622 CYP to private facilities. Notwithstanding these wide variations, the mean number of CYP sent by LAs in the most recent year for which data was collected was 354.

Data on maximum spend per student per annum was available from 11 LAs. Maximum per-student spending ranged from £59,615 in one LA to £339,221 in another, with a median maximum spend of £238,143 per student per annum. While most authorities were unable to

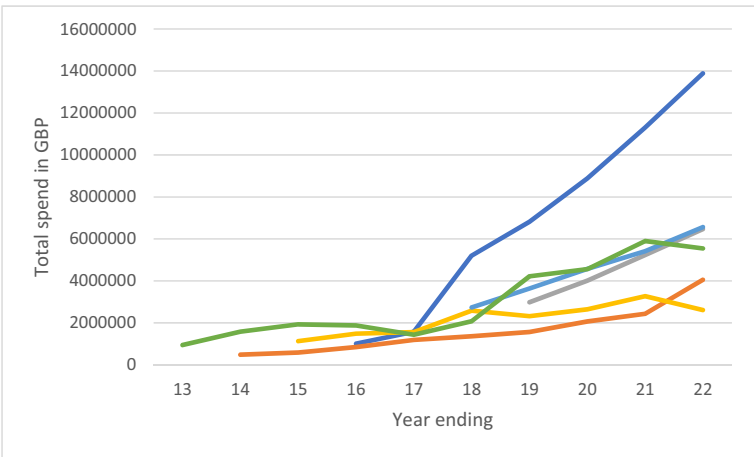


FIGURE 1 Total spend per year on pupils in private special schools, metropolitan boroughs. In Figures 1–4 each line represents the spend of a single local authority.

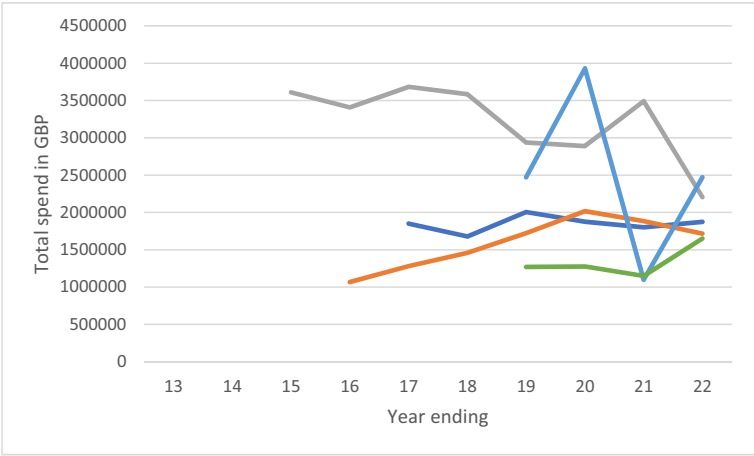


FIGURE 2 Total spend per year on pupils in private special schools, London boroughs.

disaggregate education from residential costs, it appeared from the minority that were able to disaggregate the costs that residential costs of more than £200,000 per student per annum had made up much the larger part of the higher figures.¹

We identified some of the costliest placements for specific analysis of the nature of the provision made by these schools. Distances from LA centre in these placements ranged from 6 to 278 miles, with a mean distance of 94 miles. ‘Conditions’ catered for at these schools were most commonly ‘autistic spectrum conditions’, challenging behaviour/SEBD (social emotional and behaviour difficulties)/SEMH (social emotional and mental health) and learning

¹It may be the case that actual spending in some authorities is far higher than that recorded in their responses, with residential costs possibly concealed by the ways in which accounts are paid to different institutions. Local authorities giving fuller finance details gave a breakdown of education/residential costs and from these it appeared to be the case that disbursements had been made to separate accounts for education and for residence; where full details of residential payment had been given, this was sometimes to an institution name different from that of the school name. It is possible therefore that other LAs have not given residential costs associated with education costs because of the separate institutional provenance of the facilities providing education and residence.

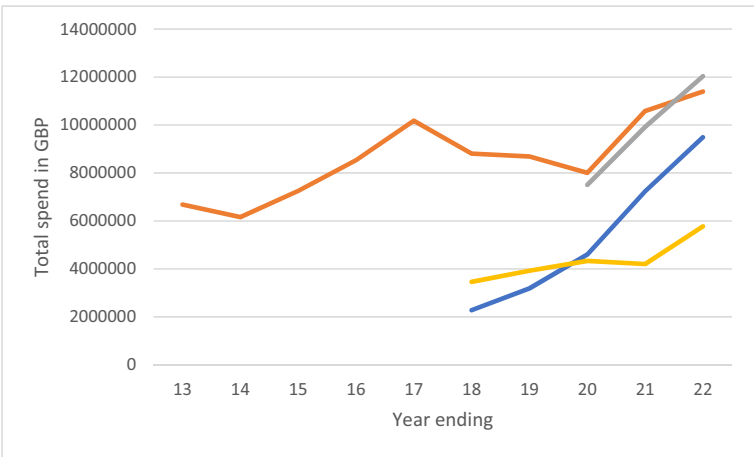


FIGURE 3 Total spend per year on pupils in private special schools, unitary authorities.

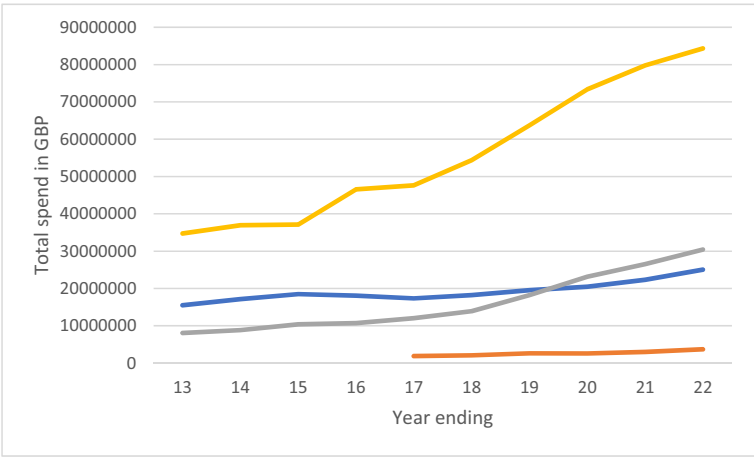


FIGURE 4 Total spend per year on pupils in private special schools, county councils.

difficulties (moderate or severe). A range of other conditions was mentioned including ADHD, language and communication difficulties, epilepsy and complex medication regimes. Often, a combination was listed. Many of the schools are accommodated in large, converted older houses with substantial grounds. Special features advertised by some of the schools include employment of a psychologist, speech therapist and/or occupational therapist. Certain of the schools advertise facilities such as swimming/hydrotherapy pools and some kind of indoor, outdoor or soft play gymnasium. The high fees imposed by schools taking children with profound and multiple learning difficulties could in part be accounted for by such facilities and on-site medical services. Most schools, however, particularly those taking children with behaviour difficulties, do not advertise any features of this kind.

DISCUSSION

Continuation in the trend for higher spending on private provision

There is a continuation of the upward trend in spending on non-maintained special school places beyond the increase of 126% noted by the DfE (2022a) in the 6-year period 2014–2015

to 2020–2021, with an increase in spending in our sample of 26.5% in the period 2019–2020 to 2021–2022. This broadly parallels, and is a reflection of, a consistent yearly increase in the total number of Education, Health and Care (EHC) plans over the period. The DfE (2023) notes that ‘The number of children and young people with EHC plans increased to 517,000, as at census day in January 2023, up by 9% from 2022. This has increased each year since 2010.’

The average increase in spending on private special schools, however, masks wide variation between LAs in their spending: taken as a group, the sampled London boroughs decreased spending over the period, while the authorities in all other LA tiers increased spending by an average of 45% during the same period. Two LAs in the latter group, a metropolitan borough council and a unitary authority, doubled their spend over the 2 years. This is over a period when inflation measured by the consumer price index stood around or below 2.5% p.a. until August 2021 (Office for National Statistics, 2022).

Alongside the wide differences in LA spending, there is also extensive variation in the amounts spent on individual students. The mean spend per student in the LAs sampled in 2021–2022 was £48,962, but this average figure again masks wide variation, with relatively low spending on part-time students and high spending on students receiving schooling with a residential placement. The highest recorded figures, with a median of £238,143 per student per annum, raise questions about how far any cost–benefit analysis may have contributed to the decision-making around these placements, particularly in LAs showing the steepest increases in spending on private school placement.

Cost–benefit analysis, and alternatives to private special provision

In terms of cost–benefit analysis, such high payments could, for example, comfortably cover the cost of full-time care at home and/or in the neighbourhoods in which students reside, alongside one-to-one teaching plus one-to-one support from teaching assistants in inclusive school placements in home communities. A cost–benefit analysis would specify the options available to meet a student's needs, such as teaching from a full- or part-time teacher, teaching assistant support, peripatetic teacher support, care assistance, attendance at therapy sessions and part- or full-time attendance at a special facility. It would proceed to identify and assess the potential outcomes of those options, including the benefit of factors such as non-removal from a student's home community, and weigh these against the cost (in financial, social and educational terms) of the various options.

It is the case that the resources required to educate some of the most troubled and/or disabled young people are likely to be substantial (e.g. Rogge & Janssen, 2019), and certain of the schools sampled in this study appeared to provide excellent facilities, although there was considerable variation in the offer made by different schools. One also has to recognise, though, that there are very large sums of money being spent on a particular solution (that is to say, a private special school placement) to children's and young people's difficulties at school.

The question arises as to whether the expenditure on a private special school placement up to almost 50 times as much as on an ‘ordinary’ school placement could not be used more imaginatively on some kind of alternative, inclusive solution, of the kind outlined in the previous paragraph.² As the Child Safeguarding Review Panel (2023: 27) put it, there is a need to ‘develop responsive and flexible models of school provision for this group of children’. The issue currently is that models of school provision are neither responsive nor flexible, with the default response to some of the most difficult issues children face being placement in a private residential special school.

²The most expensive placement we sampled was £339,221, while the average per-pupil cost of a 5–16-year old pupil in 2022–23 was £6970 (GOV.UK, 2022).

Indeed, one of the recommendations of the National Audit Office (2019: 12) was that

The Department [of Education] should review the incentives in the funding arrangements and the accountability system, and make changes that encourage and support mainstream schools to be more inclusive in terms of admitting, retaining and meeting the needs of pupils with SEND, whether they have EHC plans or require other support.

... yet this commentary was made on the basis of only the *average* spending, i.e. of around £50K per student p.a., for private special school places. The case for changes in policy to encourage inclusive solutions is clearly even more substantial where the far higher payments revealed by this research are being made.

Imagination about alternatives to distant private provision begins in the classroom, with attention to the kind of classroom practices outlined by Thomas and Loxley (2022a) and Thomas and Macnab (2022c)—practices such as examination and review of the curriculum, the encouragement of parental involvement and student voice, providing quiet areas and creating chances for social bridging. To enable such changes to be made, far more could be done to examine the possibilities which would unfold if the very substantial moneys currently set aside for private special school placement were disengaged from such provision and made available for use in the mainstream or even in existing LA special school provision. For the cost of certain private special school placements, several teaching assistants could assist with the kind of activities just noted (parental involvement, social bridging, etc.) alongside a range of already-existing and new community- and mainstream-based supports.

The role of LAs in maintaining the status quo

However, finance systems in LAs are inimical to such potential flexibility in the use of resources. The lack of coherent policy and associated administrative infrastructure means that it is impossible to take a proactive decision to spend £250K or more on a community-based solution to a child's difficulties at school—even though this may be the price of a private special school placement if the child is ultimately removed from the mainstream. Originality and imagination in finding inclusive solutions to young people's problems at school are likely to be in short supply as long as the relatively straightforward expedient of separation to a private special school exists.

With regard to the cost–benefit analysis referred to above, questions must arise about how far any such analysis or any consideration as to the opportunity cost of private special school placement occurs among LA officers prior to placement. Guul et al. (2021) suggest that there is a need to examine the role of policymakers and officials in the continuation of current trends. They argue that more research is needed to 'examine whether elected officials are merely passive or if they are responsive in terms of adopting new policy tools' (p. 573). As part of this, more information would be helpful on the relevant knowledge of local officers in partnership with professionals in making placement decisions, and the degree of communication among elected officials and LA officers about the consequences of current practice (which may not achieve the status of policy per se). (See also Section [Procurement, regulation and auditing](#) below.)

Current practice operates against inclusion

Our review of the offer made by the schools to which LAs' students were sent suggests that in identification and proposed 'treatment' there often subsists a simplistic resort to

pre-Warnock categories (Warnock Report, 1978), which in turn relies on quasi-medical diagnoses rather than specification of actual need. This lends itself to a tendency to seek placements offering straightforwardly to cater for these putative categories and conditions, rather than seeking solutions that offer multi-layered, bespoke responses to children's difficulties. The constructs that govern such thinking are bound to lead to labelling and separation rather than inclusive solutions (see also Thomas & Loxley, 2022a, 2022b).

There is built into the system, in other words, a tendency to find an expedient in separation—to exclude rather than to include—and this exacerbates the incentivisation noted by the NAO that already exists in the system to be less inclusive. The NAO (National Audit Office, 2019: 7) observed that the DfE's mechanism for funding SEND, with a non-ringfenced 'schools block' fund 'may incentivise schools to be less inclusive, by making them reluctant to admit or keep pupils with SEND who can be costly to support'. If mechanisms existed for redirecting the very substantial payments made for private special school placement to the mainstream in order to support continuing placement there, such incentivisation to be less inclusive would be inverted.

Currently, finance systems reinforce and exaggerate the tendency to construe issues about learning and behaviour in a frame labelled 'special'. Special education is rooted in a habit principally to identify and 'treat' difference and disability (e.g. Baglieri et al., 2011; Richardson & Powell, 2011; Tomlinson, 2020), with the resort to partial or complete removal and exclusion from mainstream schooling system if the 'treatments' fail. Artiles et al. (2010) refer to the pattern of repeatedly seeking 'special' treatments as the 'Back to the Future' syndrome of special education (and see also Koutsouris et al., 2020). Such 'Back to the Future' thinking enables and facilitates a separation-centred mentality around policy and inhibits any possibility of genuinely different, community-orientated and/or mainstream-based solutions to children's difficulties at school.

Concerns for care and welfare

Beyond the consequences for inclusion, there are other concerns that emerge from the increasing move to the use of private providers. The report from MacAlister (2022), which we reviewed earlier, lists those consequences for childcare settings—which, as the Child Safeguarding Review Panel (2023) has noted, because of the lack of precision in nomenclature, may in reality be residential schools. In short, where there is an absence of oversight, there is the possibility for costs for placement to rise where demand for places exceeds supply—as it has been shown to in the analysis here. There is also the issue, demonstrated here, that private providers are likely to offer facilities in parts of the country where property and land prices are lowest, with the result that schools are developed in places far from a student's home community, exacerbating any isolation brought about by separation and reducing opportunities for review and oversight.

As we have noted, private provision in institutions far from home also opens up the possibility for the kind of abuse examined by the Child Safeguarding Review Panel (2023). These closed facilities, evidence from repeated abuse outrages demonstrates, are prone to the kind of issues explicated by Zimbardo (1982) and many others since. Away from the possibility of regular, informal checks by relatives or carers, or more formal, frequent and systematic oversight by regulatory authorities, practices may develop which lead to deindividuation by staff, together with learned helplessness developing among residents. The consequence is the inevitable possibility of neglect and abuse in facilities such as these.

Procurement, regulation and auditing

One of the strategies proposed by MacAlister (2022) to address some of the issues arising from increasing demand in an increasingly market-led system is the establishment of

regional cooperatives, offering a fundamental change in the way that facilities are commissioned, recruited to, managed and run. Such cooperatives would be responsible for assessing and planning for needs, and commissioning, overseeing and regulating the not-for-profit and private sectors. Such a proposal maps equally well onto the needs of education provision. Regional cooperation and planning would enable joint commissioning and oversight as well as facilitating the cross-fertilisation of good practice on curriculum, therapy and management generally (and see Graham & Jahnukainen, 2011, for an international perspective here).

Especially in the area of commissioning, the children's social care sector can be seen as a proxy for the situation in special education, especially where residential provision is taken to be needed. In 2021, the CMA launched a market study into commissioning in, and management of, children's social care in England, Scotland and Wales (CMA, 2022). This was in response to major concerns about how the placements market was operating, notably 'that the prices paid by local authorities were high and this, combined with growing numbers of looked-after children, was placing significant strain on local authority budgets, limiting their scope to fund other important activities in children's services and beyond'.

The CMA proceeded to note that the market in provision was not operating effectively, with profits 'materially higher than we would expect them to be', children moved far from home and separated from siblings, special difficulty in catering for complex needs, and 'severe limitations on the ability of ... local authorities ... to engage effectively with the market to achieve the right outcomes'. The latter connects with the conclusion drawn above from the current research—namely, that there is a need for better informed decisions on the part of local officials and collaborative procurement strategies which could strengthen the bargaining position of LAs and help to secure placements at reasonable cost that would provide facilities to match the needs of individual children.

No equivalent study to that of the CMA's has been undertaken with regard to the market for special school places. A similar study could offer helpful insights into how appropriately priced education solutions could be tailored to children's specific needs.

OVERVIEW AND CONCLUSIONS

Our findings confirm the continuation and acceleration of the trend increasingly to use private special school provision in most LAs, although there are outliers in the sampled authorities where reliance on such provision has declined: future research could examine potential reasons for the decline in placement in the small number of outlier authorities. The research extends that done by the NAO and the DfE not only in updating their analyses but also in detailing the wide variations in spending on private provision, both within and between authorities, and what these variations mean for inclusion policy.

Our analysis draws parallels with an equivalent situation in childcare, where there has been a similarly mounting reliance on private provision. Analysis of the issue there, including an auditing of the costs and use of such provision, has pointed to the problems that emerge from this growing dependence on private rather than public resources, with inadequate regulation of the sector allowing poor practice, and, at worst, cases of neglect and abuse to occur. One of the recommendations proposed in the childcare sector—namely, the development of regional cooperatives for procurement, oversight and regulation of private provision—seems apposite also in education.

Added to the problems identified in the growing reliance on private provision is a declining emphasis on inclusive solutions to children's problems at school. We have argued that the very substantial sums currently being spent on private special school places could often be employed more fruitfully in finding inclusive solutions to students' problems—if funding

mechanisms enabled this. Current systems of funding, however, make separation expedient, and even incentivise it. There is no mechanism for enabling the substantial moneys—or, indeed, any proportion of them—associated with private special provision to be transferred to the mainstream to be deployed there. Potential mechanisms for the re-direction of resources need to be explored.

Further research should examine the continuing extent of the trends outlined here and their consequences. If quasi-markets are to be a feature of the education environment for the foreseeable future, policymakers need to find ways of regulating them to avoid the increased segmentation revealed in the recent escalation in private special school placement. As Biesta et al. (2021) argue, there is a duty upon policymakers and researchers to examine and analyse the consequences of policy, including that which governs the distribution of finance for education, in such a way that we guard against commercially directed and ad hoc developments which may not be in the best interests of the students we serve. As Biesta and his colleagues put it, the policy structures we create determine ‘*what counts ... who counts ... who has a voice and who has a say*’ (Biesta et al., 2021: 467).

The situation here, though, is that the use of certain forms of education provision has been allowed to grow substantially not because of policy, but rather because of the absence of policy. Placement decisions have been made out of expediency in a policy-light milieu wherein scant consideration has been given to the kinds of issues—issues such as the nature of inclusive practice—that nevertheless form the centrepiece of political manifestos. The cultivation of an inclusive education environment will rely on the principled development of policy and accompanying administrative infrastructure in this arena.

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CONFLICT OF INTEREST STATEMENT

There were no conflicts of interest encountered in the collection or analysis of data.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available owing to privacy or ethical restrictions.

ETHICS STATEMENT

All data used were publicly available and their collection involved no personal contact with individuals. In line with BERA Ethical Guidelines, then, ethics approval was not required.

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