

# **Bolton Data for Inclusion**

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## **Title :**

*“Unspeakable Acts”*

## **Abstract :**

*This paper offers a description of the energy Lancashire Education Authority will waste in keeping disabled children out of mainstream school. It also provides the chronology of events of two Lancashire families who continue to struggle to have their children included at their local schools.*

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## **INTRODUCTION**

This article describes the experiences of Joe Whittaker and John Kenworthy in their support of two Lancashire families' struggle to secure what for many has come to be recognised as a basic human right, namely, a place within mainstream education for their children, Nicki Crane and Zak Lewis.

It is written to highlight the hypocrisy and injustices perpetuated against these families by Lancashire Education Authority and to offer guidance and support to others who may be in a similar dispute with their local Education Authority.

Joe is a senior lecturer at Bolton Institute and John, until recently worked for Burnley Health Trust and now works freelance, as a Clinical psychologist. Both are actively involved in a movement campaigning for Inclusive Education. They believe, along with many others, that ALL children belong in mainstream schools regardless of any impairment or label that the child may have. They believe children have a right to be educated in their local mainstream school along with their friends and peers and SCHOOLS have a responsibility to ensure the appropriate support is available in order that all children can participate fully in their local community. The effects of segregated education have been well documented, indicating that segregation leads to further isolation.

## **THE CONTEXT**

Joe and John have worked for a number of years with parents who wanted their children to go to a mainstream school. The children often have a variety of support needs but the overriding concern for the parents has been one of ensuring that their child attend their local school, in their local community. Parents often contacted Joe and John not at the beginning of the process but in desperation when they have exhausted all the bureaucratic procedures laid down by the Local Education Authorities, such as case conferences and numerous meetings with Education Officials. This was the point at which Peter and Wendy Crane contacted Joe.

Nicki had been in his local mainstream primary school for some time, and although his parents initially had difficulties in obtaining the place they felt it was the right thing to do given that the school was in their village and Nicki's sister was there. Peter and Wendy worked incredibly hard to ensure Nicki remained with his friends and had to overcome a number of barriers put

forward by the Local Education Authority. The school said Nicki could not attend because they did not have the changing rooms or facilities, so Peter and Wendy bought and erected a cabin on the school site which was then available to all the pupils.

The school said that they did not have the finances to pay the support worker to accompany Nicki on school visits, so they actually paid the travelling expenses. Peter and Wendy have demonstrated on a number of occasions in many different ways that they were willing to sacrifice their own resources in order that they could have what should be everybody's right for their child, to belong to their local school.

Nicki's participation in his local mainstream school was a great success, the indicators for Peter and Wendy being how much Nicki enjoyed it, the fact that he loved going to school and obviously enjoyed having children of his own age around him. The school had initially thought that Nicki would not be able to manage given his additional support needs however his parents were continually prepared to look at creative ways in which Nicki could participate and access the curriculum and offer support and advice. Peter and Wendy made regular checks with the teachers, support teachers, and educational officials to confirm just how effective Nicki had been in the mainstream school and given his progress, the indications were that his continuation into the local secondary school would be a formality.

Before Nicki's final year the Crane's contacted the Local Authority just to make sure the procedures were in place for his transition to the Secondary school. It was then that concerns were raised about how appropriate the placement would be, but nevertheless given that the Crane's had prepared a year in advance and that they were fairly tenacious and positive people they decided that whatever problems would arise they would help the Local Education Authority overcome them, simply to ensure that Nicki went with his friends to the next phase of his education. To the Crane's surprise and dismay the Local Education Authority still decided that Nicki would be better going to a special school rather than the secondary school.

It was at this stage the Crane's contacted Joe. Together they attended a number of meetings with the Statementing Officer and Educational Officials to discuss what the barriers were and how they could be overcome. The meetings proved positive, the Authority seemed prepared to listen and gave several indications that Nicki would be able to go to the mainstream school. Despite

these the Crane's received a letter from the Local Education Authority saying that Nicki was not able to go.

An informal meeting was then arranged with the Authority's Solicitor and Statementing Officer in which Peter and Wendy repeated all their experiences emphasising why they thought it was important for Nicki to go to Tarleton High School and how the barriers could be overcome. The Crane's counteracted all the arguments and reasons put forward as to why Nicki should not attend the school. The meeting lasted over two and a half hours, by which time the Solicitor acting on behalf of the Local Authority stated that in his view the case as presented by the Cranes was so strong in favour of Nicki that he would be advising the Authority not to challenge any appeal that they may put forward. Such a clear statement was so surprising that Joe asked the Solicitor to repeat it. At last somebody was hearing what the Cranes had to say and Nicki would be going to Tarleton High School.

Two weeks later near the end of the Nicki's final year, Peter and Wendy received another letter from the Local Authority completely contradicting the statement made by the solicitor. The Crane's and Joe were really shocked after being given such a clear statement that Nicki would be able to attend the school by people who were supposed to be in a position to support such a decision. Although shocked they were not really that surprised after having been in contact with a number of parents who had also gone through the whole procedure only to be sent a letter from the Local Authority just before the end of the school term stating their child could not attend the school of their choice. The situation was very frustrating for all concerned.

Coincidentally John had been working with a family, the Lewis's, whose son, Zak, had been labelled as "autistic" and was going through a similar process in that his parents wanted mainstream primary education for Zak and they were being denied it. Both John and Joe felt frustrated with the families' situation and their own position, in that they had reached this dead end several times before only to begin the whole process again with another family. They recognised this situation was unacceptable and as professionals working in the field of special education, all be it from different positions, they had to do something much more than simply accept the status quo presented to them. Both sets of parents had followed all the "official" procedures in order to justify the inclusion of their children so when John and Joe considered the available options in terms of action, for example, writing to M.P.'s and the governing body of

the school, they decided that more of the same was not necessarily appropriate. In consultation with the parents they decided to take more direct action.

## **THE STRUGGLE**

Importantly Joe and John kept both sets of parents fully informed as to their actions throughout the protest, they did not want them to be in a position where they felt they had no control. Indeed the parents at any stage could have ended the action in their children's name and if this had been the case the protest would have become more general and focused on all children having the right to attend their local school. However after serious consideration the parents decided that Joe and John could campaign on Nicki's and Zak's behalf to highlight the injustice within Lancashire Education Authority.

## **PLANNING DIRECT ACTION**

Joe and John decided to devise a list of demands, to present to the Chief Education Officer of Lancashire, Andrew Collier. Demands rather than requests, as previous experience proved that the Authority did not respond to attempts to be reasonable and accommodating. The demands were that the Chief Education Officer should take personal responsibility for both these children's cases and examine the appropriate support they needed in order to go into the mainstream school of their choice. Joe and John decided that they would refuse to leave the Chief Education Officer's room until such demands were met.

Over the weekend Joe and John contacted the local media to inform them of the situation regarding the two children and the reasons for their intended action to ensure the children's plight got the maximum coverage. On the morning of the protest, Thursday, they decided to hire a mobile phone so they could contact the press and friends from inside the building to keep them informed as to what was happening. This proved difficult as it was not possible to rent a phone, they had to purchase one and pay rental for a year. However they decided that it would be an important means of communication and how right they were.

On Thursday morning when Joe and John arrived at the Lancashire Education Offices, they expected it would be difficult to get past the security guards in the reception area who vet all visitors, however they simply walked past them and continued up to the Education Offices on the first floor. They asked somebody if it was possible to be directed to the Chief Education

Officer's room, the woman asked what it was regarding, Joe and John refused to tell her and restated their desire to see Andrew Collier. They were then ushered into a room along with an Education Officer and told that he was out of the building and would not be available for a while. Joe and John then revealed the purpose of their visit and stated that they had no intention of leaving the building until the Chief Education Officer acknowledged those demands and acted upon them. There was some confusion in the Education Offices, people really didn't know what to do, where to go or how to respond. After restating their intentions several times Joe and John were told by the woman in the corridor, who happened to be Andrew Collier's secretary, that a message had been sent to him.

An hour and a half later they were escorted to the boardroom, Andrew Collier, the Authority's Solicitor and the Special Educational Needs Officer were sat there. Joe and John listed their demands, Andrew Collier said he was not aware of the two cases and when Joe pointed out that the Solicitor had been present at the previous meeting with the Crane's and had supported their case he denied this, saying he had no recollection of such a statement. This is important, it is no wonder that families are shocked, confused, disillusioned and suffer a great deal of stress when they have Officials from the Education Department basically telling lies. Andrew Collier did say that he would discuss the matter with some of his Officials and return. Joe and John said they would not leave the building and were told by Mr Collier they were welcome to stay.

Whilst waiting for his return Joe and John contacted the local radio station, Radio Lancashire and the local newspaper, the Lancashire Evening Post as well as friends to ask people to spread the word about the protest. Five hours later Andrew Collier had still not returned and the Security Officers were asking Joe and John to leave saying they were not welcome, they refused and restated their intention of staying until Andrew Collier had acted upon the demands made on behalf of the two children.

It was now early Thursday evening, Joe and John were told that they were able to use the toilet but must remain in the boardroom. At about 7 o'clock two senior police officers arrived, Joe and John explained the situation and pointed to the fact that they were undertaking a peaceful protest and therefore would not leave unless they were arrested or physically removed from the building. The police stated that they were simply concerned that a breach of the peace was not being carried out and that no damage was being done. Seeing this was clearly the case they left.

Joe and John had taken little food and no drink with them. Fortunately a member of the cleaning staff had heard about the demonstration and was really supportive and positive regarding their action, and supplied them with food and drink. They settled down for the night and attempted to sleep on some chairs. The security guards tried to make the night as uncomfortable as possible by switching lights on and off, banging doors, walking up and down, and playing loud music, however they did not succeed and Joe and John took comfort in the fact that they at least were not being evicted.

The following morning Joe and John were still being denied food and drink by the security guards and started to feel isolated as nothing was really happening. However, in the afternoon they received a boost when friends arrived with everything they needed. By moving to the front of the building John was able to let down a rope and hook to reel in the supplies. This added to Joe and John's determination to stay as long as it took, until Nicki and Zak were able to go in their mainstream schools. Their morale was very high and they were very optimistic however, the action made them realise how ridiculous the whole situation had become and question why they had to go to such extraordinary lengths simply to ensure that the two children went to their local schools. Despite all the arguments and energy that had gone into supporting the children the Authority seemed quite bloody minded in making sure that the children didn't get what they wanted.

At 10 o'clock on Friday evening a friend telephoned to say the police were coming to evict them, it was obvious the security guards had called them again when they realised that Joe and John were not going to be starved out. It turned out that in fact it was the security guards who had decided to remove them and the police were only in attendance as observers to ensure that a breach of the peace was not carried out and nobody was hurt. At 10.30 p.m. four police officers came into the boardroom along with six security guards who stood menacingly in front of Joe and John. They had decided prior to the police's arrival that they would climb on to the window ledge and threaten to jump out if anyone came near them, unfortunately before they could do this John was caught. Joe managed to reach the ledge which stalled things for a while but it was clear nothing was going to be gained by this and it was never their intention to jump. However to make the eviction as difficult as possible Joe and John refused to go quietly and stated their intention of continuing the protest outside.

They lay on the floor and whilst four or five security guards grappled with John and eventually removed him, Joe grabbed the table legs and held onto them with all his strength. A great struggle ensued in which Joe and the table were dragged across the room, eventually they dragged him into the lift, Joe asked the security guards what they thought they were going to gain by this and generally made accusations about their inability to listen to what the protest was about. When they reached the ground floor and dragged Joe out of the lift, the reception area was closed, so he took them by surprise by shouting, he then sprung to his feet and ran back upstairs to the boardroom. When he arrived the four police officers were sat there looking almost apologetic as if to say, well you know this is going to be a waste of time. As Joe sat down he began to feel strange after all the exhaustion, he collapsed and was rushed to hospital, it was to be diagnosed that he was diabetic and had collapsed due to a low sugar level caused by the sporadic eating, lack of sleep and physical exertion. Strangely this added to the publicity of the campaign, as a friend Chris Gathercole had been outside County Hall and recorded the events on video, these powerful images of Joe being rushed to hospital were later shown on the local news programme.

## **THE DESPICABLE POLITICIANS**

Joe was released himself after a couple of days in Hospital and had decided with John to continue the protest on Monday. When they arrived at County Hall at about 10 o'clock Radio Lancashire were already there along with several friends who had heard about the incident over the weekend and wanted to support the protest.

On entering the reception it was clear the security staff were expecting them as they were on what was euphemistically called "red alert" this was supposedly to put them in some state of readiness to cope with any sort of demonstration. Joe and John again asked to see Collier the Chief Education Officer and stated that they would wait in the reception area and not leave until he arrived. When it became clear that Collier was not coming, they camped out in the foyer, in a gap between the inner revolving glass doors and the outer entrance. Eventually they received a message from Collier stating that the two children's situations would be investigated, however due to previous experiences Joe and John decided to stay there until the report was made.

They camped there on the Monday and Tuesday night during which time they received lots of visitors who brought food and drink, it became almost a carnival atmosphere with lots of interest

from the passing public. They also contacted Collier's secretary on the telephone several times asking her when they were going to report, Collier said it would be on Tuesday afternoon but as the council had all the information they required to support Nicki and Zak back into mainstream schools Joe and John continued to phone in order to continue the pressure.

On the Tuesday afternoon there was quite a lot of activity, Louise Ellman the Labour leader of Lancashire County Council, and career politician personified, belatedly appeared to ask Joe and John what their requests were. It was quite clear she was totally non committal and unprepared to offer an ounce of sympathy for the plight of the two families she simply reiterated the position of the Authority. They also had a number of visits from John Ashworth the official Council solicitor, he was the only person, throughout the whole of the proceedings at County Hall, sensitive enough to hear what was being said and try obviously within his own professional limitations to convey the protesters concerns to the County officials.

Martin and Nobby, supporters of the action, had also arrived.

#### **SECURITY FARCE AT COUNTY HALL.**

By this time of course all the entrances were blocked and secured, the one or two entrances still open, were heavily staffed by security guards. After hearing that Collier was to announce the decision of the internal inquiry and on seeing a number of Council Officials arrive, the protesters decided they needed to find out what was going on inside County Hall. The garage connected to County Hall seemed the best place to gain access into the building, so whilst John and Martin waited at the front, Joe and Nobby walked round to the back where they found another entrance unguarded. They simply walked through and passed behind a large number of security guards patrolling the front entrance. Ten minutes later when they had nearly reached Colliers office Joe and Nobby were spotted and surrounded by security guards who blocked all the entrances and exits in the area. The whole of County Hall was sealed off, staff and visitors were either locked in or out, Joe and Nobby refused to leave until they had seen Collier. After about fifteen minutes a police officer arrived from the main entrance and informed them that they could be physically removed by the security guards if they caused an obstruction. The protesters then lay down and were carried out by the guards who were jeered by people outside expressing their dissatisfaction and concern at the way Joe and Nobby were being treated.

It was now late Tuesday afternoon and those staff leaving the building by car were being let out two at a time from the garage by the security guards. After being evicted Joe and Nobby joined John at the front of the garage and when again they were refused the chance to see Collier they proceeded to lie down in the path of the outgoing cars. Chris again caught this on video and Brian Wheelan from Radio Lancashire was also in attendance. The protesters refused to leave at which point several security guards, along with some heavy maintenance men who had also been called to the scene, began carrying each of the protesters in turn to the other side of the road. As they were laid down each returned on a rotational basis to lie down and cover the garage entrance. The half dozen police officers in attendance just observed as they realised the protest was peaceful, this was to the frustration of the Council Officials who made it clear they wanted the protesters arrested. This action of lying in front of the cars caused massive disruption and the numerous council "bouncers" became very angry and started shouting abuse. The senior security officer, Ian Holmes, who was a despicable character hid behind other people, as he had done previously, giving instructions.

Although the police seemed reluctant to arrest the protesters they decided the situation could not continue for much longer, and when Joe, John and Nobby were told that they were being arrested for a breach of the peace they stopped the protest and were then taken to the police station. They were charged and placed fortunately in the same cell while their details were taken. On reflection they had not expected events to reach this stage however they felt the action was a reasonable and justifiable means of continuing the protest given the council's inaction. Two hours later they were informed that they would be held in the cells overnight to appear in court the next day. They were allowed to make a telephone call to their families and offered a solicitor, which they refused.

Whilst the protesters were in prison Collier announced that having completed the investigation no further action would be taken and therefore Nicki and Zak should attend the designated special schools. This came as little surprise given Collier's behaviour during the protest. This was presented as the only choice for the Lewis's and the Crane's and yet it was quite clearly not an option, therefore the protest would have to continue until a satisfactory resolution was reached.

## **First Court Appearance**

The following morning at 11 o'clock Joe, John and Nobby were transferred from the police cells to appear in court. They stood in the dock together while the clerk explained that they had been charged with a breach of the peace because of the events at County Hall, a brief statement was then made by the protesters as to the reasons for the demonstration and then they were asked in turn how they would plead. Both Joe and John pleaded guilty however Nobby was reluctant to do so as he felt the protest had been reasonable, the magistrate stated that he refused to enter into discussion and asked Nobby if he was prepared to plead guilty, Nobby again refused however after speaking to Joe and John who recognised his frustration, but also realised they had actually caused a breach of the peace, he reluctantly pleaded guilty. The Magistrate after consultation bound the protesters over for a year in the sum of one hundred pounds.

## **The Vigil**

After being released and holding discussions as to what the next course of action should be it was decided that a vigil would take place outside the main entrance of County Hall. Some posters and leaflets were made and a couple of days after the court hearing the vigil began with people working on a rota spending as much time as they could handing out leaflets and engaging with people to tell them about the protest. The vigil lasted for a month every working day from eight thirty in the morning until five thirty in the evening.

During the court hearings and vigil there were a number of articles in the local paper and several radio broadcasts from Radio Lancashire about the protest and even though Collier was aware of these he gave little indication that he was prepared to look for a solution. Perhaps even more worrying was the lack of support from the Labour Councillors who were implicitly accepting the segregation of disabled children and hence educational apartheid.

## **Time for Reflection**

It was now August and things were fairly quiet, although the Vigil and protests had succeeded in terms of drawing publicity to the injustice of Nicki and Zak's forced segregation, pressure still needed to be applied on Collier and County Hall to reach a suitable solution. Discussions among the network of supporters resulted in the decision to stage a fairly large demonstration on the first day of the school term in September. Two hundred people turned up and surrounded

County Hall by joining hands. Louise Ellman and Andrew Collier were invited to speak but neither were to be seen, however Stan Wright, the council jester and puppet, also known as the Chair of the Education Committee did appear to try and justify the council's position of segregating disabled children. Needless to say his arguments convinced no one, he basically spent half an hour restating the council's position. More interestingly he did state that Lancashire Education Authority were indeed "average" in terms of integrating children and he seemed to take great pleasure in this fact, even when concern was expressed that Lancashire as one of the largest Authority's should be setting an example in terms of indicating ways in which children could be included. Stan Wright had no answers when confronted by Linda Jordan, Chair of Education for the London Borough of Newham, which was one of the first if not the first Education Authority to have a policy of inclusive education, a process which involves the closing of their special schools and providing places for children in mainstream schools with the appropriate support.

### **A National Alliance**

Although there was a lack of support from the Council with regard to the children, they did let Joe, John, Chris and other supporters give a presentation to the County Councillors as to the reasons why children with disabilities should be included in their local mainstream schools. It was badly received and used as an opportunity by the Councillors to dismiss the protest as creating a larger barrier to the inclusion of Nicki and Zak. This tactic was expected in order to disguise their own inaction, however it was necessary to press the case in any way possible.

The protest grew; simultaneous action was being taken by Integration Alliance in London in support of Preethi Emmanuel and her daughter Zara who had been excluded from her local school, and a monthly meeting was being held involving supporters of Nicki and Zak called North West Action for Inclusion.

In October the campaign reached a plateau. Numerous letters had been sent to the County Council but all that returned were non committal replies. This bureaucratic resistance had been consistent towards the Lewis's and Crane's and proved to be wearing. A great deal of time and effort had been spent in writing correspondence yet the Education Authority had a huge army of people to respond to the letters and had to do very little to prevent the parents from getting what

they wanted. In fact the Authority had begun to use obscene intimidatory tactics such as threatening to send the parents to court if they did not send their children to special schools.

The Authority eventually agreed to an independent assessment for Zak by a psychologist who was agreeable to both the Authority and the Lewis's in the belief that she would find in the Authority's favour. Stephanie Lorenz, an educational psychologist working freelance, conducted a week long assessment of Zak to determine his suitability for a mainstream placement and spent time at the school where he should have been included. The conclusion of that investigation was that Zak would in fact be better off with the appropriate support in a mainstream school. This was a significant victory for Zak and also for the campaign. Nicki however had been refused an investigation so the protest continued.

### **Visit to Secretary of State for Education.**

Given the inactivity of Collier, Joe and John decided to see Gillian Shepherd the Secretary of State for Education in London. They sent a fax informing her of their visit but received no reply, so they decided to go anyway. When they arrived the receptionist phoned the office and two Education Officers appeared who were young and obviously new to the Education Department, as they proceeded to explain about what the statementing process was for children with special needs. As Joe and John had worked in special education for some fifteen years they were fully aware of the legislation and procedure and it was the unacceptability of those procedures that had brought them to the Department of Education in the first instance. After sorting out this initial confusion the officers said that they had not received the fax and Joe and John would not be able to see Gillian Shepherd as she was very busy. They insisted and stated that they had no intention of leaving until they had seen her. The officers were equally insistent that Joe and John should write. After half an hour of arguing Gillian Shepherd appeared with an entourage of about four or five personal assistants following her. As she walked towards the door Joe and John stood in front of her and immediately the security officers tried to drag them away. They managed to inform her about their wish to talk about what was happening to Nicki and Zak. She was very calm, collected and fair and said she was going to a meeting, but would allow them twenty minutes or so on her return. She then instructed the officials to provide Joe and John with coffee and somewhere to sit.

When she returned they were ushered into a room with several other officials, they explained the case for Nicki and Zak as precisely as they could stating the unacceptability of children being forcibly removed from mainstream education and denied their rights because of the legislation. John pointed to a bizarre practice of assessing children for a place in a mainstream school outside and in isolation from the school without any observation or assessment of the appropriate support in the setting. She expressed concern at this but said she was unable to direct the Authority. Mrs Shepherd said if they put the case in writing she would instruct her officials to investigate further. Joe and John had no expectation of this meeting except to draw more publicity to the campaign which they did as the local radio station interviewed them live outside the Education Offices.

### **The Label Burning Ceremony**

To give the protest an uplift a demonstration was held concurrently with London on December the seventh. After walking from the centre of Preston to County Hall a label burning ceremony took place whereby labels such as learning disabilities, downs syndrome, spina bifida, cerebral palsy, educationally subnormal etc. were written on paper and ceremoniously burnt to demonstrate our disgust at these unacceptable labels which are used to isolate, segregate and devalue children. It turned out to be a good demonstration with a lot of T.V. and radio coverage.

The following year the protests to County Hall continued but very little was being done. The Crane's were being pressed to go to the independent tribunals, which they and their supporters were reluctant to do as they had little faith in them. In fact a survey conducted by Joe found the tribunals to be no more than a replica of County Hall in that the people who sat on the them were former Chief Education Officers, Education Officers, Special Needs Officers, Educational Psychologists and the usual crowd of people you would expect to work at County Hall. Their views, which he had also identified through the research, indicated that they very much supported the status quo of labelling children and sending them off to special schools.

### **The Head of Tarleton High - A man without vision.**

At the next North West Action for Inclusion meeting it was decided to focus on the school where Nicki wanted to be included as little attention had been focused on their inaction. County Hall were saying it was the school that was refusing Nicki and visa versa. The protest took place at the school and the demonstrators insisted on seeing the headteacher. The deputy head asked

them to leave but they refused until they had seen the head and a decision was made to include Nicki. The headteacher was out of the building but the deputy head teacher hastily arranged a meeting for that afternoon with himself the head teacher and another deputy, Andrew Collier and another official from County Hall plus the Chair of the Governors. The case for Nicki's attendance was again explained and there appeared to be positive signs that they understood the case. However only twenty four hours later they again restated that it was not possible or practical for Nicki to go to that school.

### **Senior Politicians Ellman and Wright hide from the public.**

The letter writing campaign continued in an attempt to engage people who would support the case. Louise Ellman and Stan Wright were told that wherever they appeared publicly so would the protesters in order to highlight this injustice and it soon became apparent that whenever they felt this was going to happen they cancelled. By this time the protesters were becoming frustrated, however no more frustrated, angry or disenchanted than Nicki and Zak.

### **Return to breach the "bind over"**

In an attempt to continue the publicity which had begun to wane and put more pressure on County Hall, in June Joe and John decided to break the twelve month bind over order by returning to County Hall. They were fully aware that they would be asked to pay the hundred pound fine but agreed they would refuse which could have meant imprisonment. This was an indication as to the level of frustration that had been reached due to County Hall's refusal to listen. John and Joe informed the police of their intentions and wrote to Collier to insist that he made himself available.

They arrived with a number of friends, Brian from Radio Lancashire and a film crew from the BBC who were making a programme "Old School Ties" about Nicki and Inclusion in general. The security were on red alert again, in numbers, blocking the inner entrance and the police were also in attendance. They approached reception and asked for Collier to come down. As expected Collier did not arrive but Stan Wright did, he always seemed to be pushed up front when nobody else would speak and had such a knack of making a calm situation confrontational with controversial remarks. He proceeded to do this and Joe and John sat down and refused to leave. Everybody else in the foyer was cleared out and the doors were firmly closed leaving John and Joe locked in the reception area between the wooden outer door and the revolving glass inner

door. It was clear nobody else was coming to see them and they were left in the hope they would eventually go.

During the next four hours the security guards made several comments to try and goad John and Joe, they were denied access to the toilet, food and water in an attempt to starve them out. They asked on several occasions to see the official solicitor, John Ashworth, who was unfortunately unavailable, as he would have been able to resolve the situation, the security guards were refusing to co-operate in any way. John and Joe were able to talk to friends outside but when it became clear that nothing was going to happen and the situation had reached a stalemate they decided to precipitate some action by searching the reception area. Behind the desk to which the security and reception staff had access was a picture of John and Joe cut from a newspaper, it had been made into a cartoon caption saying do not allow these people to enter. In order to gain access to the toilet Joe and John started to push and shake the revolving doors, the security guards started to push from the other side, as Joe and John started to kick the metal base the security guards became very excited.

One of the panels fell out at which point all chaos broke out the police were called. Joe and John were arrested for breaking the bind over order and for criminal damage. They were taken by a police van to the cells.

They were placed in a cell together, had their pictures and fingerprints taken and interviewed separately by two detectives. The following morning Mr Leech the duty solicitor saw them, he expected County Hall to drop the charge of criminal damage as Joe and John had a strong argument that they were seeking to remove themselves from the situation by using reasonable force. When they appeared before the magistrate they stated their intention of refusing to pay the bind over fine, however they pleaded guilty to the criminal damage charge saying that this had not been their intention as it was a peaceful protest. A date was set for the court appearance with regard to the criminal damage charge and they were given twenty eight days to pay the bind over fine. Joe and John again protested and stated their intention of not paying the fine and therefore this should be dealt with at this stage otherwise it was a waste of time and money. The magistrate refused and gave them twenty eight days which in effect meant longer. If the fine is not paid after this period it takes another two or three weeks to come up on the computer and then to be given a court date which seemed absurd as they were not going to pay. Although this

frustrated Joe and John as they had prepared themselves for prison it did maintain the press interest.

Several weeks later in September Joe and John were called to court. Even though they had agreed to pay the £250 costs of repair to the door the solicitor wrote to County Hall telling them that this would mean the case would be dropped and settled out of court, however County Hall were determined to press ahead with the charge. On the morning of the case there were six security guards and four policemen ready to make statements as witnesses to the criminal damage. Just before Joe and John were due in court the solicitor spoke to the prosecutor and as they had always expressed their intention to pay the £250 for damage to the door, the clerk instructed the magistrate to dismiss the charge and award costs to Joe and John. Therefore although they still had to pay the £250, County Hall had to pay their substantial legal costs.

Their refusal to pay the bind over led to them being sentenced to seven days in prison. Amazingly however they were given another twenty eight days to pay. Joe and John were outraged it had been perfectly clear since June that they had no intention of paying nevertheless the court was dismissed, even the police officers remarked how ridiculous the situation was in terms of the amount of time and money that was being wasted on the case. They were also bound over for another year in the sum of £200. The press reported the case as though they had received a suspended sentence but Joe and John made it perfectly clear that they had been sentenced to seven days imprisonment as they would not pay the fine.

Peter, Wendy, Nicki and Sarah throughout this whole period had been really quite remarkable and very supportive this was really important and essential to the success of the protest as everyone was speaking with the same voice. There was no disagreement about the action Joe and John had taken of which they had kept the Crane's fully informed. Obviously they were reluctant to allow them to go to prison as were their families and friends, in fact a number of people offered to pay the fine, even the police jokingly offered to have a whip round whilst they were in the cells. However due to the huge injustice perpetrated by County Hall, Joe and John had no intention of paying.

Sure enough it took seven weeks before the date for the next court appearance, arranged for the sixth of December, the day before Joe's birthday. The cameras were there again from the BBC and Granada TV along with Lancashire Radio. Joe and John were aware before they went to

court that they should have been automatically sent down last time for non payment, it was also possible that the money could have been deducted from their salaries or goods taken from their homes to the value of a £100, but as neither of these had happened they felt sure and prepared themselves for seven days in prison.

On previous occasions they had appeared in the dock together, however this time they called John first which was an indication that it was not going to be straightforward. Joe sat in the public gallery whilst John stood in the dock, the clerk of the court had a number of page indicators in his book and consulted the magistrate. John was asked his name, where he lived and worked and what his salary was. It became apparent the clerk had instructed the magistrate that although the seven day prison sentence had been passed it was still possible to take the money out of John's salary. The magistrates went out to deliberate, came back and said that £100 would be taken out of John's salary in two monthly instalments in December and January. Both Joe and John were furious after all the energy that had gone into the campaign the courts were going to kill the potential publicity of imprisonment by taking the fine out of their wages. John protested but there was little he could do. Having seen what had happened to John, Joe took to the stand and stated what a farce the whole proceedings were. Joe refused to give his name, address, place of work or salary the magistrate became very frustrated and shouted that he could send him down for contempt of court. Joe said he was contemptuous of the court and the proceedings, due to the injustice for Nicki and Zak and the way he and John had been treated. The magistrate left whilst Joe continued his protest from the dock whereupon he was sent to the cells to cool down.

After an hour Joe was recalled and restated that he had no intention of paying the fine, the magistrate again said he could send Joe down for contempt to which Joe again replied that he was and therefore should be sent down. The magistrate again left court for a good fifteen minutes with his colleague and returned to send him down for contempt, without stating for how long. This was on Wednesday evening, on Thursday around about eleven o'clock he was taken back to the court cells from the police cells.

### **The Court Room Farce**

A demonstration had been arranged for the seventh of December outside the prison where it was thought John and Joe would be. When John's case had been dismissed he was able to organise

with friends to meet outside County Hall and march to the courts instead. The timing was perfect just as the demonstrators arrived at court Joe was summonsed, he appeared flanked by about six or seven police officers. The court was full of protesters and friends from the demonstration. There was a different magistrate and clerk of court from the previous day. Joe was expecting to be asked to purge his contempt by apologising for his behaviour however it turned out the night he had spent already in the cells was for the contempt.

The clerk of the court then proceeded to carry out the case for breaking the bind over and the refusal to pay the fine. Joe said he had no intention of making a statement about that particular charge and when asked the same questions as the day before refused to answer. It was clear the court could not proceed and yet they obviously did not want to send him to prison as they wanted to avoid the publicity. Therefore he was sent back down to the cells. It was unclear however what was going to happen.

After three quarters of an hour and unbeknown to the protesters Joe appeared in the Juvenile Court. This was because people had filled all the other courts to ensure someone was there to support Joe. He reappeared in front of the same magistrates and clerk of court, and as he was sat down, he was asked to stand. Joe refused, they said please stand up and he replied no, making clear the whole proceedings were farcical and a waste of money, they again insisted he stand and take his hands out of his pockets but Joe had realised that ridiculous as it sounds the court could not proceed without his co-operation. The clerk said that the court could not officially begin until the press had arrived. During the five minutes this took, Joe had an opportunity to reiterate to the magistrate the amount of money wasted and time spent on the several appearances.

When the press arrived the whole procedure of the clerk asking Joe to stand and what his name was was repeated with Joe still refusing to co-operate. The magistrate became frustrated and anxious and didn't know what to do. After quietly conferring with the clerk she said that Joe could be imprisoned for contempt of court. He again stated that he was contemptuous and that they must do what they felt was right. When the magistrate left to confer with her colleague Joe harangued the clerk of the court with regards to the costs for the court appearances and the police presence, although the clerk would not enter into discussion it was a good opportunity to get the point over while the press were there. The magistrate returned and said unfortunately she had been put in a position where she had no choice but to sentence Joe to seven days in prison, he was removed from the dock where he was still sat down and taken to the police cells.

Joe expected to be sent to Preston prison but the police explained that he would only serve half of the seven days and as it was Thursday and as they don't let people out at the weekends he would be released on Friday morning after spending the night in the police cells. This seemed ludicrous however Joe was released at eight o'clock the following morning and was able to give an interview to the local press waiting outside.

The amount of time, money and energy that went into preventing Joe and John going to prison was a nonsense and is frustrating particularly when the authority are saying the reason why Nicki and Zak can't go to school is because it is too expensive.

The several months during the period of the court appearances Joe and John were unable to go on holiday, or go out of the country because they could have been called to court at any time. Joe had cancelled two trips to America and one to Croatia. The inconvenience and the length of time they had been subjected to made them both very angry and determined of course that these procedures should be challenged and that the arguments to include Nicki into school were something that they could not and would not put aside until they have been resolved.

### **Lancashire County Council - still practice apartheid for disabled children.**

It is clear from this account that Lancashire Education Authority have no conscience and the similarities between the injustice perpetuated against these two families with the injustice of apartheid in South Africa and that of the extermination of Jews in Nazi Germany is not lost. The fact that people like Collier and Ellman give implicit support to a system of segregation that discriminates, destroys peoples lives and threatens parents with imprisonment when they are only asking for a basic human right, namely, a place for their child alongside their brothers sisters and friends, effectively means they are actively encouraging this practice. The amount of energy and resources spent on the court proceedings and maintaining the status quo preventing children from attending their local school could be put to far more effective and positive use by finding creative ways of supporting and enabling children to be educated alongside each other. Only by reaching this situation will we be able to create a society where people value respect and accept diversity and recognise the immense contribution that ALL children can make to reaching this goal.

## **Where to next ?**

Professionals have to stop hiding behind the academic rhetoric, and as Joe, John and others have done, actively draw attention to this disgraceful injustice by supporting parents and children in their struggle. Without people such as Peter and Wendy who are prepared to fight for what they believe in this practice will never be stopped and it is a credit that they have continued the fight when all too many of us may have given up. Ultimately we must campaign for a change in the law which enables all parents the right to send their child to their local school.

To update the situation the Crane's were left no alternative but to accept a so called independent tribunal, this was held in July and as expected they upheld the Authority's decision. In the meantime Nicki continues to be educated at home away from his sister and friends and just the sight and thought of this makes us all even more resolute that the campaign will continue until such time as the Local Education Authority recognises that we will not go away until ALL children have the right to attend their local school.