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Dis/ability in child and youth welfare – shortcomings and consequences

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Based on a problematisation of the concept of diversity, this article opens up a difference-theoretical perspective on disability. The theoretical discussion takes place against the background of central models of disability, with particular reference to Disability Studies. Using the example of current reform efforts in Germany to establish an inclusive child and youth welfare, the discourses on disability there are briefly presented and discussed. To this end, the legal understanding of disability is first outlined and categorised and its references to the UN Convention on the Rights of Persons with Disabilities (CRPD) and the International Classification of Functioning, Disability and Health (ICF) are presented. It is shown that references to difference theory are both fruitful and necessary for a critical understanding of disability, as these connections – at least in Germany – have so far hardly been made in the debate on inclusive child and youth welfare. On the basis of these findings, theoretical and conceptual challenges are finally formulated with regard to disability as a category of difference in child and youth welfare.

1 Diversity – a contradictory concept

Diversity as a concept is fundamentally related to the “analysis of the multitude of identity and affiliation categories and their interplay” (Mecheril & Plößer, 2018, p. 283). This definition means that a multitude of identities, affiliations and life plans are fundamental to social reality and that these should therefore be respected and recognised in their diversity (ibid.). The term diversity is associated with at least two contexts of understanding: On the one hand, the term, which originally comes from the Anglo-American linguistic sphere (e.g. Appelbaum, 2002), has been used in the context of social work in Germany since around the end of the 1990s (e.g. Leiprecht, 2011) and usually refers to anti-discrimination and the recognition of affiliations and identities. On the other hand, it has also been used since around the 2000s with regard to managerial issues in economic and administrative contexts under the label “managing diversity” (Mecheril & Plößer, 2018, p. 283) as well as in the context of “diversity studies” (Krell & Riedmüller, 2007).

The fact that the term diversity is associated with at least two contexts of understanding, which cannot easily be separated from each other, must be regarded as a general source of ambivalence. On the one hand, the concept of diversity can offer the opportunity to make a decisive contribution to inclusion by recognising the diversity of all persons (Lindmeier, 2019, p. 83; Waldschmidt, 2014, p. 187). On the other hand, diversity goes hand in hand with the economic logic of increasing efficiency and employability (Emmerich & Hormel, 2013, p. 183ff.), so that such a focus inevitably leads to the exclusion of people who do not meet these performance expectations.

It also seems centrally relevant that diversity – just like the concept of heterogeneity – itself “does not afford any options for reflection that are linked back to social theory” (Emmerich & Hormel, 2013, p. 259). Diversity focusses primarily on existing differences and thus remains underexplained in terms of social theory, as well as being fundamentally detached from social difference, social inequality, power and domination relationships, exclusion and discrimination.

Finally, it needs to be clarified whether diversity actually refers to the population as a whole or whether it is just about particular differences. While in the Anglo-American world it is mostly about the classic triad of class, race and gender, the European focus has long been on the category of gender. More recently, however, the focus has expanded to include the dimensions of gender, natio-ethno-cultural affiliation, religion/belief, disability, age and sexuality (Hirschberg & Köbsell, 2022, p. 579).

Although the category of disability is now widely acknowledged, it is a problem "that 'dis/ability' has hardly been recognised as a significant diversity characteristic" (Waldschmidt, 2014, p. 186; see also Goodley, 2017, p. 45; Hirschberg & Köbsell, 2022, p. 579; and Pfaff & Tervooren, 2022, p. 224). A possible reason for this lack of consideration could be that the dimension of disability is simply denied any practical application due to an ableist bias. In addition, disability cannot easily be addressed as a dimension of diversity, as it is often still understood as an individualistic biological phenomenon – i.e. in the sense of focussing solely on supposedly natural differences between people – and is therefore hard to deconstruct. At the same time, disability is a difficult category to demarcate and, not least, would seem to be a universal phenomenon that will sooner or later affect everyone to a greater or lesser extent (Hirschberg & Köbsell, 2022, p. 579).

2 (Fair treatment of) difference

In principle, it may be asserted that diversity is indeed closely linked to debates about difference. In contrast to the approaches to diversity outlined above, it appears not only that the approaches of difference theory anticipate them, but also that a golden age of difference theory thinking can currently be recognised (e.g. Goodley, 2017, p. 44ff.). Overall, the concept of difference stands for an "emerging thematic and categorical reorientation of thinking that increasingly spans all the cultural and social science disciplines" (Ricken & Balzer, 2007, p. 57f.). Perspectives on difference theory derive from traditions of thought that can be traced back to Heidegger, Derrida, Lacan, Adorno, Lyotard and Luhmann (Ricken & Balzer, 2007, p. 59ff.) and first became widespread primarily in theoretical debates about gender and migration (Pfaff & Tervooren, 2022, p. 223f.). While the plethora of approaches now available is not straightforwardly commensurable, however, they all seem to be based on a fundamental form of thinking "in which the focus has shifted from the general and the one in favour of the diverse and the many, the heterogeneous and the incommensurable, and has lost its orienting force" (Ricken & Reh, 2014, p. 28). At the same time, diversity references within social work can be explicitly identified primarily in terms of the concept of difference (Kessl & Plößer, 2010). This above all involves difference as a constitutive element of social work interventions in view of the processing and/or reproduction of otherness and normality, the consideration of difference as a consequence of increasingly pluralised lifestyles and the thematisation of difference as a consequence of power- and domination-related assignments of difference that lead to social inequalities and exclusion (cf. Mecheril & Plößer, 2018, p. 284).

Long-standing references to the concept of difference can also be seen in the context of disability. The theory of equality and difference is raised to in particular in the context of the theory of integrative processes developed in Germany (Reiser, 1991). The focus here is on

> “unification processes in the conflictual dynamics of rapprochement and demarcation in the confrontation with the other on the intrapsychic level, the interactional level, the institutional level and the cultural-social level” (Reiser, 2007, p. 99).

This distinction has become known through the theoretical figure of egalitarian difference introduced by Prengel following Honneth (Prengel, 2001), which forms the fundamental foundation of her pedagogy of variety (‘Pädagogik der Vielfalt’). The theoretical notion of egalitarian difference treats equality and difference “not as opposites, but as mutually dependent” (ibid., p. 93). This opens up a perspective “in which the question of difference and equality between people is broached” (ibid.). There have now been multiple cycles of difference-theoretical reflection in the context of disability (Lindmeier, 2019).

A fruitful proposal on difference theory, which is also to be understood as involving the subject of inclusion, was presented by Boger (Boger, 2019). “‘Inclusion’ as differential justice is a unifying marker of sexism, racism, ableism, classism and other approaches critical of discrimination/power/domination” (Boger, 2019, p. 413). The difference-theoretical approach is evident in the way that the fundamental aspirations of discriminated subjects can be condensed into three basic forms. Firstly, inclusion is to be understood as empowerment, as efforts towards self-empowerment are a central aspect. Secondly, inclusion functions as normalisation, as it is also associated with being allowed to be a ‘normal’ person, being treated ‘normally’ and having equal rights. Thirdly, inclusion means deconstruction, as categorisations (especially binary codes such as disabled/non-disabled) are subjected to critique and calls are voiced for their suppression or at least challenge. It is important to note that these three basic forms are mutually contradictory, as two of these basic forms always exclude the other third. Inclusion as empowerment and normalisation demands the right to a normality which is often accompanied by a ‘strategic essentialism’. These efforts rule out deconstruction insofar as that right cannot be claimed without reference to the category of disability (the UN Convention on the Rights of Persons with Disabilities is also inconceivable without the construction of disability). Inclusion as normalisation and deconstruction implies the deconstruction of normality in order to no longer feel ‘different’ as ‘the others’. These strategies exclude empowerment, as empowerment comes precisely from speaking as ‘the others’. Ultimately, inclusion as deconstruction and empowerment seeks emancipation from notions of normality by rejecting the assigned role of victim (see, for example, the so-called ‘Krüppelbewegungen’ [cripple movements]). Normalisation is deliberately excluded here, as it is decidedly based on a refusal to adapt (Boger, 2015, p. 52ff., 2019).

The achievement of this approach in terms of difference theory lies in the capacity to systematise difference in its basic forms while still doing justice to its contradictory nature. It assumes that difference as a concept is indeterminable and depends on the thought that “something is different*” (Boger, 2019, p. 414). The proper treatment of difference ultimately lies in the proper treatment of this inconsistency.

3 Dis/ability as a category of difference

Disability can be considered a category of difference that has to do with oppression and discrimination. Attention has already been drawn to the problem that disability often goes hand in hand with naturalising reductionism and is also subject to ableist bias. At the same time, disability is often less focussed on as a characteristic of diversity. In order to clarify this, it is necessary to take a closer look at disability as a category of difference.

The social model of disability has made a decisive contribution to understanding individual impairment and socially triggered disability as different and systematically separable levels. The social model was developed in Great Britain in the 1970s and stems from the Marxist critique of capitalist relations of production, as a result of which disability can be seen as an expression of the resulting social oppression. It was originally introduced into the debate as an activist model by the disability rights organisation Union of the Physically Impaired Against Segregation (UPIAS), but has since been extensively researched in the context of Disability Studies (Barnes, 2020). Fruitful approaches to the contouring of disability have been developing from this field of research from around the early 1980s to the present day. In Germany, Disability Studies developed much later, from around 2001 (see Brehme et al., 2020 on developments in German-speaking countries). To this day, the social model contributes to putting the social constitution of disability centre stage and no longer construing disability as a medical, individual and self-managed risk. Despite its thrust, the social model itself is also repeatedly criticised, as is reflected in the numerous efforts to develop it further (Waldschmidt, 2020, p. 72ff.). A central point of this criticism relates to the still medicalised view of the level of impairment and the associated discussions with "embodied dimensions of disability" that are not taken into account by the social model (Waldschmidt, 2020, p. 90).

While the British tradition of the social model within Disability Studies is primarily oriented towards materialistic-structural theory, a more cultural-theoretical perspective has developed in the USA and Canada, although both lines of development are increasingly diverging. Inspired by the American humanities and cultural studies approaches and as a bundling of them, the cultural model of disability has been developed (Goodley, 2017, p. 13ff.).

> "Compared to the social model, the cultural model [...] leads to a broadening of the perspective. Disability is no longer itself the exclusive focus of interest as a social problem, but rather the very social, historical and cultural contexts that make disability appear as a problem in the first place" (Dederich, 2010, p. 172).

In doing so, the level of impairment, which is relatively untouched by the social model, is removed from the pathologising and naturalising domain of medicine and impairment itself becomes the subject of analysis. Finally, the aim is to "develop a positive concept of difference" (ibid.). Beyond the controversies surrounding the social model of disability, there are now various initiatives in the debate on the concept of disability as well as more pervasive theoretical debates, which have also led and continue to lead to a growing divergence within so-called particular studies. There are also attempts to give substance to the concept of disability from the perspective of the capabilities approach in terms of justice theory (Hopmann, 2022). Critical Disability Studies approaches in particular take a transdisciplinary and intersectional perspective (in conjunction with other categories of difference) on the category of disability, incorporating a wide range of postcolonial, queer and feminist theoretical positions (Waldschmidt, 2020, p. 152ff.; Goodley, 2017, p. 191ff.). Approaches critical of ableism address the prioritisation of biology and ability- and performance-related differentiations of disability as dis/ability and thus shift the focus of difference theory towards social constructions of ability (Campbell, 2009). This criticism of societal notions of normality draws attention to the "coercive nature of societal ability orientation" (Karim & Waldschmidt, 2019, p. 272). Discourses on body theory have also intensified, which strive to take into account the "physical, intellectual and psychological aspects of disability" (Maskos, 2022, p. 3) and fundamentally problematise "when does discourse end and the brute material fact of the body begin" (Goodley, 2017, p. 135).

Overall, the pervasively heterogeneous approaches from Disability Studies are concerned with questioning and overcoming previous certainties about disability while at the same time appreciating the achievements of the past in order to think beyond disability with disability (Goodley, 2017, p. 191ff.). The impetus of difference theory thus consists of an "analytical re- and deconstruction of the processes through which the difference category 'disability' is produced" (Dederich, 2010, p. 175), such that the focus is on analysing discriminatory acts of differentiation and their productive mechanisms.

4 Disability as social rights positivism

When talking about disability in Germany, reference is primarily made to the socio-legal definition of disability in the Ninth Book of the Social Code (SGB IX), which in turn cites the ICF and the CRPD. In this regard, it must be clarified to what extent this reference fulfils the promise of a differentiation-theoretical approach and how their interrelationship is presented. According to this socio-legal definition,

> "persons with disabilities [...] are persons who have physical, psychological, intellectual or sensory impairments which, in interaction with attitudinal and environmental barriers, are likely to hinder their participation in society on an equal basis with others for more than six months" (Section 2 (1) SGB IX).

The understanding of social law is based on a dichotomy, according to which (1.) an impairment – whether medical, psychological or psychiatric – must be diagnosed, which in turn (2.) leads to a restriction of social participation. This dichotomy can then be influenced by "attitudinal and environmental barriers" (this extension was introduced as part of the Federal Act on Participation (BTHG) from 2018). The human rights model of disability of the UN Convention on the Rights of Persons with Disabilities (CRPD) and the biopsychosocial model of disability (International Classification of Functioning, Disability and Health, ICF) of the World Health Organisation (WHO) provides some orientation for the codification of social law. The CRPD, which was ratified by Germany in 2009, relates disability – although this term is constantly evolving – to a group of

> "persons [...] who have long-term physical, psychological, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" (Article 1 CRPD).

Disability from the perspective of the ICF is fundamentally a health problem and, taking into account contextual factors (environmental factors and personal factors), can emerge in up to three areas: (1.) as problems in bodily function or structure (impairment), (2.) as activity constraints and (3.) as restrictions on participation (WHO, 2001, p. 10ff.).

The hypotheses outlined above point to different approaches to an understanding of disability and its application contexts: The socio-legal treatment represents a welfare state category of needs, the biopsychosocial one a rehabilitation-related classification and the human rights one a category from politics and international law. However, these approaches are accompanied by several shortcuts. The socio-legal concept does not sufficiently distance itself from the monocausality of the still underlying individualistic-medical construal of disability (Rohrmann, 2024, p. 637). Despite the emphasis on "attitudinal and environmental barriers", individual impairment is still the starting point, meaning that labelling by means of a deficit diagnosis is an inevitable precondition for the allocation of resources. Based on the socio-legal perspective of the disability category, this opens up or closes off approvals for support services. Accordingly, the labelling-resource dilemma becomes apparent, as – despite all criticism – the use of the concept of disability forms the basis for guaranteeing legal entitlements, the realisation of which is often associated with efforts and political as well as legal battles for persons with disabilities. As deficit-orientated as a category may be, it can still generate legal certainty. Yet, it cannot be concluded from this that legal entitlements cannot be generated and honoured in other ways. This means that deconditionalised support services do not necessarily have to be less needs-based – rather the opposite is the case, as they are provided with a right to grow up in a wellbeing-oriented manner (Ziegler, 2022). The ICF, in turn, remains – despite all its advantages and achievements, which are also associated here in particular with the emphasis on interactions with environmental and personal factors – a classification based on standardisation and objectification, which makes a health problem the causal starting point for participation restriction (Barnes & Mercer, 2010, p. 36ff.). And finally, regarding the CRPD, it can be stated that the definition of disability was one of the greatest challenges in the development of the convention and that this can be questioned from a scientific perspective, as it functions essentially as a compromise between a conceptual renunciation and an overly concrete concept of disability (Kayess & French, 2008, p. 23ff.). Despite this criticism, it should not be forgotten that the CRPD also underpins the rights of people with disabilities in terms of human rights, that it has decisively initiated the inclusion debate and, last but not least, that the human rights model of disability also provides strong impetus from and for Disability Studies (Degener, 2017).

The social and human rights as well as classificatory approaches discussed therefore have limited scope at best when it comes to a differentiation-theoretical localisation of disability. While it is certainly doubtful whether this is the primary intention of the approaches question, political-legal documents such as the CRPD or the German socio-legal definition of disability are increasingly being treated as ‘quasi-theory or theory substitutes’ (Dederich & Felder, 2019, p. 92; Hopmann, 2023). Although attempts have been made to highlight the potential value of the ICF for Disability Studies (Bickenbach, 2020), the ICF has been criticised “for being a vague catch-all model that fails to capture the complex senses of ‘impairment’, simplistically placing it alongside social and relational factors” (Goodley, 2017, p. 20). It has already been pointed out that “the successful establishment of the KJHG [which means SGB VIII, Author’s note] has cancelled out the need for theory through the effect of legal positivism: reflection gives way to reference to the law” (Winkler, 2001, p. 249f.). So there is much to suggest that this socio-legal understanding of disability takes the form of a social rights positivism that is omnipresent even in the theoretical debates on disability, but at the same time lags behind them.

5 Disability in the light of inclusive child and youth welfare

Using the example of current reform efforts in Germany to establish inclusive child and youth welfare, the discussions there will now be briefly presented and problematised with regard to the difference category of disability.

Since its creation in 1990, the Eighth Book of the Social Code (SGB VIII) as the socio-legal basis of child and youth welfare in Germany has been surrounded by the debate on transferring responsibility for support services for children and young people with disabilities entirely to the area of responsibility for child and youth welfare. From a legal perspective, disability is still divided into three categories: psychological, intellectual and physical disabilities, with the overall understanding of disability being based on the earlier outlined understanding of disability under social law (Section 2 (1) SGB IX). The separation of support for children and young people with and without disabilities is evident in that children and young people with psychological disabilities receive support from child and youth welfare (Section 35a SGB VIII), while children and young people with an intellectual or physical disability receive assistance from integration support within the system of care for persons with disabilities (Part 2 SGB IX, known as ‘Eingliederungshilfe’ [integration support]). Although young people with intellectual or physical disabilities are not formally excluded from child and youth welfare services, in practice there are very high barriers to access. There are difficulties in categorising and differentiating between the separate disability-related support services on the one hand (Section 35a SGB VIII and Part 2 SGB IX) and the so-called socio-educational support on the other (Section 27 SGB VIII). It is not always clear whether support services should be utilised on the basis of socio-educational or disability-related needs, which of the three social law disability categories a disability should be assigned to (especially in the case of multiple disabilities) or whether both disability-related and socio-educational support services are needed. The implications of the CRPD have meant that the existing interface and demarcation problems are not compatible with the objective of inclusion in the sense of an inclusive social and support system.

The lengthy and contentious SGB VIII reform process has now come to a provisional end with the Child and Youth Strengthening Act (‘Kinder- und Jugendstärkungsgesetz’, KJSG), which came into force on 10 June 2021. The overall responsibility for the child and youth welfare of all children and young people, and therefore the ‘inclusive solution’ itself, has so far only been included in the KJSG as a future declaration of intent. This is because the merging of legal areas and support services for children and young people with and without disabilities is to take place in 2028, but is dependent on a federal law to be passed in advance by 2027 at the latest (Section 107 SGB VIII), although the legislative process has already begun with the so-called Draft Act on the Arrangement of Inclusive Child and Youth Welfare (Child and Youth Welfare Inclusion Act – IKJHG) of 16 September 2024[1]. Until then, procedural pilots (‘Verfahrenslotsen’) have been used for integration support since 1 January 2024 in order to help parents as well as children and young people in all procedural steps (Section 10b SGB VIII) and to prepare the expected overall responsibility of child and youth welfare for all children and young people in structural terms. The following section takes a closer look at the content of the treatment of inclusion and participation, issues pertinent to the construction of disability needs and the challenges of inclusive assistance planning. This is because the implicit or explicit ways of dealing with the difference category of disability and its productive mechanisms are made clear in each case.

The participation and inclusion postulates in the new SGB VIII must be regarded as ambivalent. In principle, it is to be appreciated and also long overdue that they are taken into account for the first time in the new SGB VIII against the background of the general development paths and discourses of inclusion (cf. Hopmann, 2021 for more details). Nevertheless, it is open to question what scope this will have. Because

> “as important as the goals of equal participation and the removal of barriers are, it is certain that educational professionals can neither instil equal participation in children nor remove barriers through education” (Zinsmeister, 2021, p. 138).

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[1] As the German government collapsed shortly afterwards, it is not possible to predict whether and when this legislative initiative will be pursued further. However, this does not affect the need to continue the debate on inclusion within child and youth welfare.

The new law applies such an interactionist and individualist understanding of participation. While inclusion barely appears conceptually in the new law (only as an adjective in Section 77 (1), Section 79a and Section 80 (2)), the focus here is on participation. A look at the new law clearly reveals the understanding of participation on which the programme is based.

> "In order to realise the right under paragraph 1, youth welfare should in particular [...] enable or facilitate young people to interact in a self-determined manner in all areas of life that affect them in accordance with their age and individual abilities and thus to be able to participate equally in life in society" (Section 1 para. 3 no. 2 SGB VIII).

This reflects the interactionist and individualist understanding of participation, which is reaffirmed in the explanatory memorandum to the law.

> "Participation is understood as the possibility of self-determined interaction in all areas of life that affect young people in accordance with their age and individual abilities" (Deutscher Bundestag, 2021, p. 67 Explanatory Memorandum to Art. 1 No. 2b).

What is striking at this point is that this understanding of participation itself falls short of the claim of child and youth welfare "to contribute to maintaining or creating positive living conditions for young people and their families as well as a child- and family-friendly environment" (Section 1 para. 3 no. 5 SGB VIII).

In addition to focussing on inclusion and participation, the ways in which categories of need are treated in the context of socio-educational support ('Hilfen zur Erziehung') and care for persons with disabilities (integration support, 'Eingliederungshilfe') are highly relevant in the Child and Youth Strengthening Act. Despite the different content of socio-educational needs on the one hand and disability-related support needs on the other, what they both have in common is that they are based on "subjective definitions of deficiency" (Halfar, 2017, p. 80), which are predominantly accompanied by a stigmatising and deficit-oriented means test (Schrödter, 2020; Hopmann, 2024). The basic orientation of the KJSG has, however, been revised. It now reads as follows:

> "In the design of support services and the fulfilment of tasks, [...] the different life situations of girls, boys and transgender, non-binary and intersex young people must be taken into account, disadvantages must be reduced and gender equality promoted, the equal participation of young people with and without disabilities must be implemented and existing barriers removed" (Section 9 Nos. 3 & 4 SGB VIII).

It is worth noting at this point that the girl/boy dichotomy has been abolished in the new SGB VIII and a range of gender identities are now to be taken into account. At first glance, however, it is difficult to understand why the dichotomy of disability/non-disability is now once again linked to participation, which has also been decoupled from the previous requirements of equal rights and the elimination of discrimination. It becomes comprehensible at second glance when the underlying structural logic is considered, which is tied to the concept of disability under social law (Section 2 (1) SGB IX). Despite the aforementioned extension to include interactions with attitudinal and environmental barriers, this understanding of disability still does not overcome assumptions of a causal link between impairment and disability. Overcoming this would be extremely important for a far-reaching concept of inclusion and participation as well as for a more comprehensive understanding of disability. Not only does this concept of disability fall behind the discourses already outlined, but participation remains above all linked to the category of disability. After all, according to this model, a restriction of participation is inconceivable without an underlying impairment. The formulation of “specific needs” (Section 77 (1) SGB VIII) also emphasises the deviation of children and young people with disabilities from the norm of non-disabled children and young people and thus sponsors an “ableist culture of dominance” (Zinsmeister, 2021, p. 140) in the sense of an individualisation of unequal conditions. The BTHG means that the concept of disability and the associated understanding of participation are fixed for the time being, so that (categorical) limits have been set to the realisation of inclusion. So even the planned merging of the systems cannot overcome the need for this categorical taxonomy (Molnar et al., 2021).

The ways of dealing with the difference category of disability outlined above recur in the professional debate on the further development of inclusive support planning (Hopmann et al., 2020). This is because the logics of categorisation that underlie the difference category of disability through its reference to social law continue to be operative here as well. With a view to the realisation of inclusive support planning, the question arises as to how individual needs will lead to appropriate support in the future and, above all, who will decide. This is because the merging of the previously separate systems of child and youth welfare and disability support requires the (further) development of procedures. According to the KJSG, it must now be

> “ensured that counselling and information in accordance with sentence 1 is provided in a comprehensible, understandable and perceptible form for the person with parental authority and the child or young person” (Section 36 (1) SGB VIII).

However, the reform efforts in the two systems to date have tended to lead to divergence (Rohrmann, 2021, p. 58). In addition, the two systems are already characterised by different procedural logics that are hard to reconcile. While the use of standardised procedures to determine needs is mandatory and therefore widespread in disability support, support planning is predominantly based on participatory-reconstructive procedures. Nevertheless, standardised procedures are now also mandatory for the area of support with psychological disabilities, which can be found in Section 35a in child and youth welfare. The use of the ICF outlined above has now become established as just such a standardised procedure. With regard to the development of inclusive support planning, it is still unclear where the concepts for a participatory understanding of individual needs and support will develop. What is clear is that the established procedure for support planning is much more participation-orientated and has a wider range of tasks than the disability support procedure (namely participation planning, ‘Teilhabeplanung’, in accordance with Section 19 SGB IX). Finally, the earlier debates on the further development of the procedures show that the ICF is sometimes exaggerated as an assessment tool, with both positivistic and conceptual exaggerations occurring (Hopmann et al., 2020).

6 Consequences

This brief look at the debate on the difference category of disability within child and youth welfare in Germany and the overall responsibility envisaged there makes it apparent that some further development efforts can be identified regarding the expansion of the mandate of child and youth welfare to enable participation and the creation of an inclusion-oriented infrastructure that is aimed at all children and young people. However, these expansion efforts are still excessively based on a dichotomous idea of disability/non-disability, while at the same time an individualising-medical understanding of disability remains in play. In addition, the mechanisms by which disability arises and its social constitution hardly play a role in the debate. In the context of the previously separate systems of child and youth welfare and disability support, this means that both professional and organisational action is often subordinated to the logic of legal categorisation. This is hardly surprising, as resources can only be generated through such labelling. This legal categorisation corset also prevents further-reaching and more differentiated discussions about disability, such as those found in the context of Disability Studies in particular. However, these have hardly been admitted to date – at least in Germany – and therefore have little influence on how the category of disability is dealt with (Hopmann, 2023). This observation is also consistent with the fact that the relationship between Disability Studies and social work (Bruhn et al., 2023), as well as child and youth welfare (Bochert, 2021), has so far received remarkably little systematic attention. At the same time, Disability Studies is certainly open to social work, while clearly distancing itself from the traditional disciplines of special needs education and rehabilitation pedagogy (Goodley, 2017; Waldschmidt, 2020).

Overall, the potential of a difference-theoretical approach to disability for child and youth welfare is evident. It lies in the analysis of discriminatory acts of differentiation and their production mechanisms. At the same time, a theoretical-conceptual perspective is opened up in contrast to the widespread classificatory and political-legal models in order to avoid the positivism that often accompanies them. This is a clear rejection of an overly narrow diversity perspective, which is tied up with an inadequate and ableist representation of disability.

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