

Think Tank 3

Involving children and young people in ASN decision-making

Case study 1: Successful involvement of a child in mediation

Stephen is 14 and is academically gifted, and an accelerated learning programme in some subjects has been put in place. Some difficulties have arisen around social interaction with some of his peers. He has been excluded twice this school session (one day exclusions) for physical aggression towards other pupils. His parents are very angry as they feel Stephen's aggressive behaviour is a sign that he's not being well supported at school to prevent such events. They complained in writing to the Education Department and independent mediation was suggested between the family and the school, as by this time Stephen was being kept out of school by his parents who said they had lost trust in the school's ability to support Stephen.

Stephen's parents and school staff all felt it would be a good idea to involve Stephen in the mediation process, so he was invited to speak to the mediator, and he agreed.

The mediation meeting was held to discuss 2 main issues: Stephen's educational, emotional and psychological needs, and the recent exclusions and the lead up to these. During the meeting Stephen explained that working in the Support Base had not always been a positive experience, and he could get 'wound up' when he was removed from his peers. The Learning Support Teacher undertook to look into alternatives. Stephen and his parents agreed to meet again with the Educational Psychologist (which they had been resisting for some time) with a view to re-assessment and a new IQ test suitable for his giftedness.

Mediation offers a calm safe environment with an opportunity to consider potential creative outcomes, and a number of ideas and action points were agreed by everyone in the room. School staff reassured the family that Stephen is a valued member of the school community, and everyone agreed that communication between home and school needs to be clearer. Stephen was in support of all the agreements reached and expressed his wish to get back to school as soon as possible.

The mediation service agreed to get back in touch with everyone in 2 months to see how things are going.

Questions for discussion

- What were the factors which made it possible to involve Stephen in the mediation process?
- What was the purpose of involving Stephen in the discussion of the exclusion?
- In your experience, do such discussions, involving the child, the parents and school staff, often take place and are they helpful?
- What role did the mediator play in allowing the discussion to take place? Could it have happened without the mediator's input?

Case study 2: Parent's decision not to involve a child in a tribunal hearing

Mrs McFall's daughter, Amelia, was identified as having Asperger's Syndrome at primary school. Her mother, a Scottish nurse, was concerned about how her daughter would fare at secondary school, and was worried about bullying. She decided that in order to obtain a place at a special unit, it would be necessary to have a CSP, and therefore requested that an assessment be carried out. However, the local authority was extremely slow to respond and eventually refused the request for a CSP. Mrs. McFall decided to make a reference to the ASN Tribunal because she was advised by an advocacy group that this was the best means of getting the local authority to take her concerns seriously. She also considered mediation, but was told by other parents that '*you get nowhere, they're just a way of placating parents*'. The educational psychologist believed that if the Council had communicated with Mrs. McFall more openly, the appeal could have been avoided because she was not by nature a disputatious person.

Mrs McFall described the tribunal as friendly at one level, but like a court at another, where 'words could be twisted'. Despite her professional background, she said that having to put her case and being asked questions was challenging. Her husband did not attend the tribunal and she felt that he would have found the experience very intimidating because he would not have had 'the right language'. Mrs. McFall was challenged for not having brought her daughter to the hearing, but she felt that this would have been unhelpful and upsetting:

They said to me 'Why didn't you bring Amelia?' and I said 'Well one reason was I thought Amelia might get upset'. Another reason is that if they said to Amelia, 'Are you happy at school?' she would just say what she thought they wanted to hear, so she would smile and say 'I'm fine' and would come over as not having the problems that she actually has and I didn't want the added stress of having to cope with Amelia there. (Mrs M)

Although the case was not found in Mrs. McFall's favour, she felt that it did make a difference to Amelia's treatment at secondary school. The local authority and the school ensured that she received transport to and from school, and additional attention from the learning support teacher. This help, she believed, was provided because the local authority wanted to ensure that the placement would work out well.

Questions for discussion

- It would appear that children rarely attend tribunal hearings. What might be done to involve children in the tribunal in a meaningful way?
- Should the default expectation be that the child will be involved in tribunal proceedings in some way? Should the parent always decide on the nature of the child's involvement?
- In Scotland, young people are able to make references to the tribunal, but so far this has not happened. Why is this the case and what changes would be needed to help young people make independent references?

Case study 3: Failure to involve a child in educational decision-making

Raghid was fifteen years old at the time of the research and lived with his mother in a small town. Mrs Daine took the lead in managing her son's education. Her working life as a care assistant was extremely disrupted because her son was excluded from school on many occasions, and she was obliged to leave work without notice to look after him. At one point during his primary schooling, Raghid was out of school for a year because of the local authority's failure to suggest an appropriate placement. Mrs Daine resisted suggestions that he should be in a special unit on the grounds that he was clever and generally polite, though easily agitated, whilst pupils in the special unit had more significant cognitive and behavioural difficulties.

Raghid was identified at nursery as having severe behavioural difficulties, and the local child psychiatry service became involved at an early point. Doctors initially diagnosed 'attachment disorder', a diagnosis disputed by the consultant paediatrician who worked with Raghid over many years and believed from an early stage that he had classic Asperger's Syndrome symptoms. Mrs Daine believed that her son had been badly let down by the education service, which failed to act on the numerous plans which were drawn up. There was a particular failure to ensure that auxiliary staff had adequate knowledge and training, and as a result inappropriate confrontational tactics were often used, leading to further exclusions. She also believed that her son was not asked about what was going wrong at school and how future exclusions could be avoided.

She described a situation with the secondary school's deputy head, who wanted her to take her son out of school:

There was a situation where the deputy head had called me in, and we were sitting in a little interview room, and there had been a bit of a problem and he said 'I want you to take him home'...And I said, 'Sorry, but I have got a job to go to, got to be at my job, can't just take him home because there is a problem, how are you going to sort it?' (Mrs Daine)

The deputy head teacher assumed that Raghid would willingly go home with his mother, as he had done on many occasions before. However, when asked to leave, the boy refused, explaining that he wanted to stay in school rather than waste time at home where he was bored. On this occasion, Raghid was not excluded. However, by this time he was nearing the end of compulsory schooling and appeared to have gained little from the experience since so much of the time had been spent at home whilst the conflict with the local authority remained unresolved.

Questions for discussion

- Scottish Government statistics show that children with additional support needs are five times as likely to be formally excluded from school compared with others. What particular measures are needed to ensure that the views of children at risk of exclusion are heard and acted upon?
- What should happen when the wishes of the child are different from the course of action suggested by the school or by the parents?