



Centre for Research in
Education Inclusion
and Diversity

Key Issues for ASL Provision in Scotland



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ASN in Scotland – two decades of change



Since early 2000s, discourse of inclusion has dominated – but definition of special needs population shifts over time.

Education (Additional Support for Learning) (Scotland) Act 2004 replaced concept of SEN with umbrella category of additional support needs.

Abolished Record of Needs (statutory plans given to about 2% of Scottish children) – replaced with Co-ordinated Support Plan (covers about 0.3% of pupils).

Increase in ASN categories and plans has led to a considerable increase in children with ASN – 5% in 2005 and 27% in 2017.

Extent of material change in unclear.



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Discourses of professionalism and bureaucracy strong in Scotland – more recent emphasis on parents' and children's rights



ASfL legislation attempted to strengthen parents' rights - new dispute resolution measures included tribunal, adjudication and mediation – but used mainly by relatively socially advantaged.

2016 amendments to ASfL Act strengthen rights of 'eligible' children with ASN.

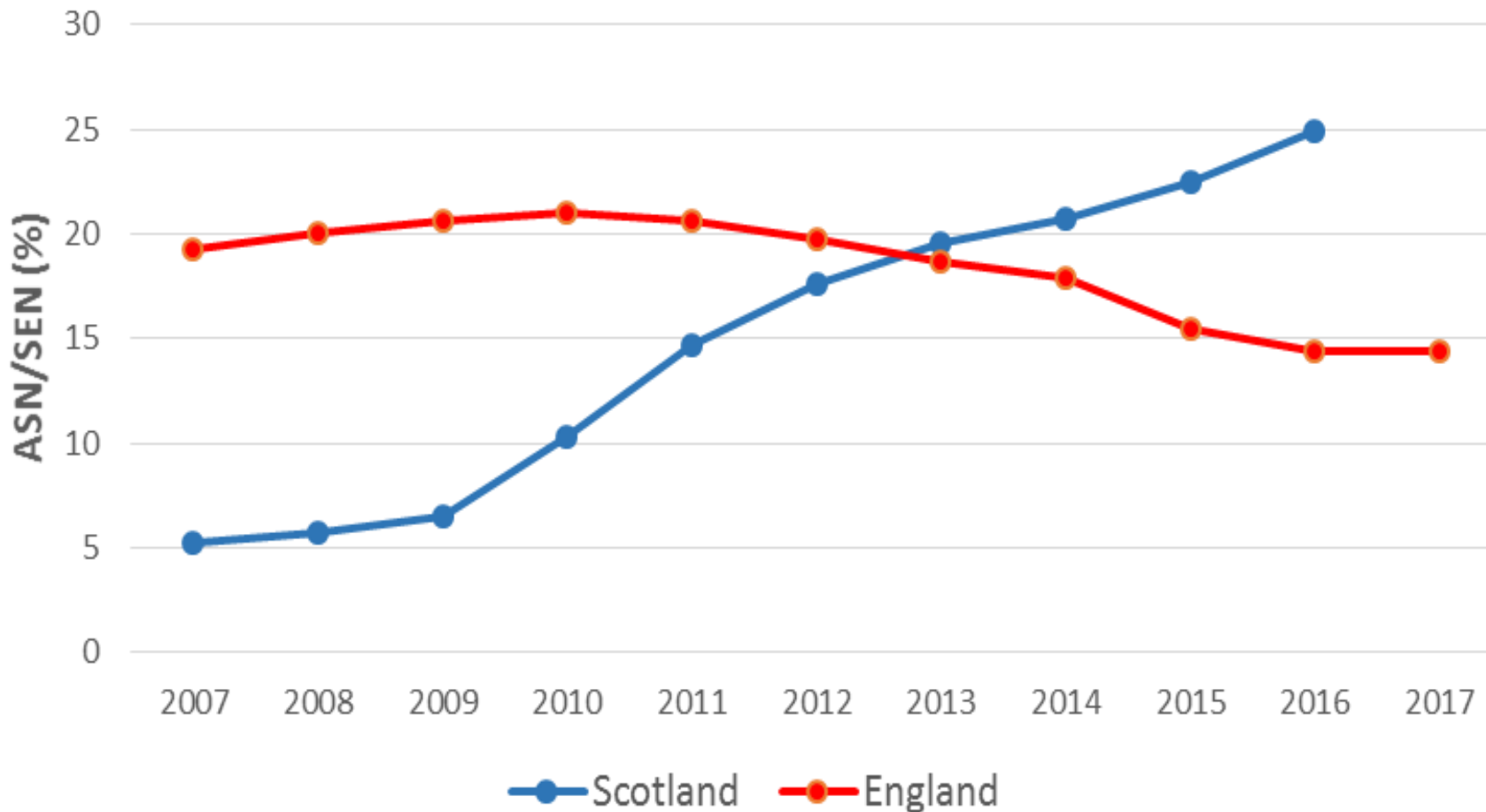
Described by Scottish Government as making Scotland the most progressive country in world with regard to implementing UNCRC.

22 new rights, including right to request specific type of assessment, request a CSP, appeal to tribunal etc.

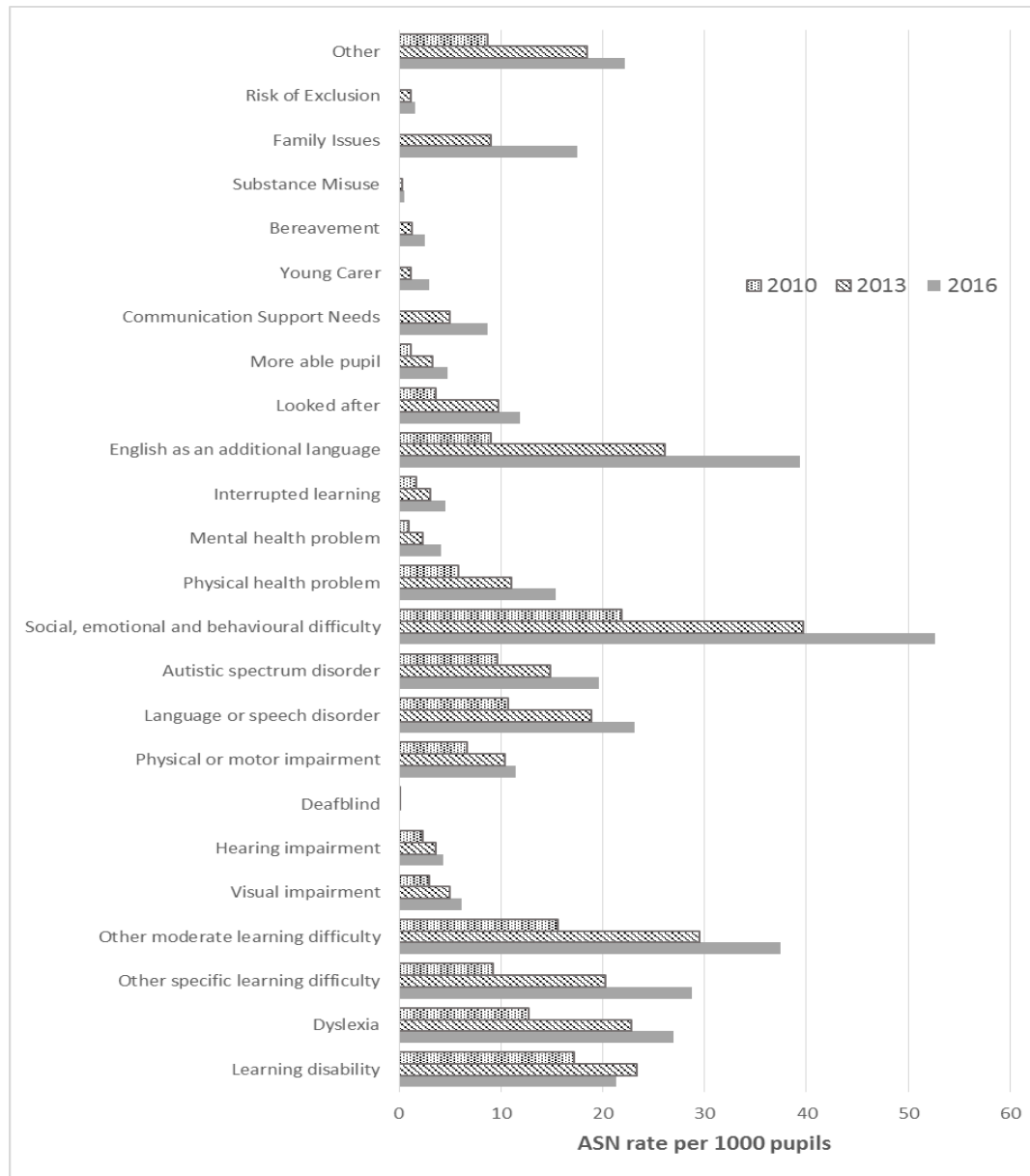
But each time child wishes to use right, LA must assess (a) whether they have capacity and (b) whether use right would be detrimental to well-being



Increase in percentage of children identified as having ASN – contrast with England



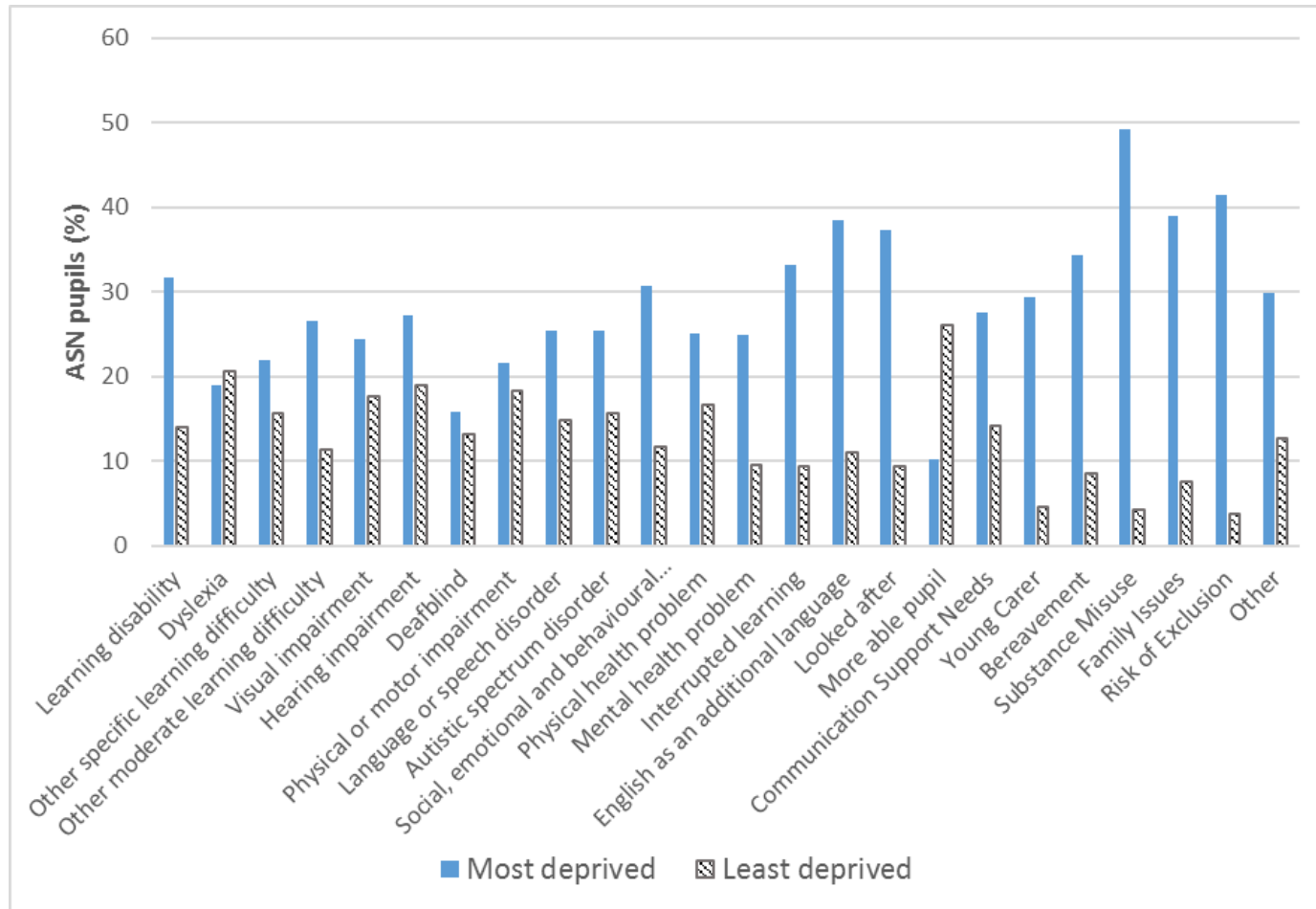
ASN per 1000 pupils –SEBD largest category



Source: Scottish Government, 2010, 2013, 2016.

Entries per category are not discrete; a child with multiple needs will be recorded in multiple categories.

Strong association between ASN and social deprivation – particularly SEBD



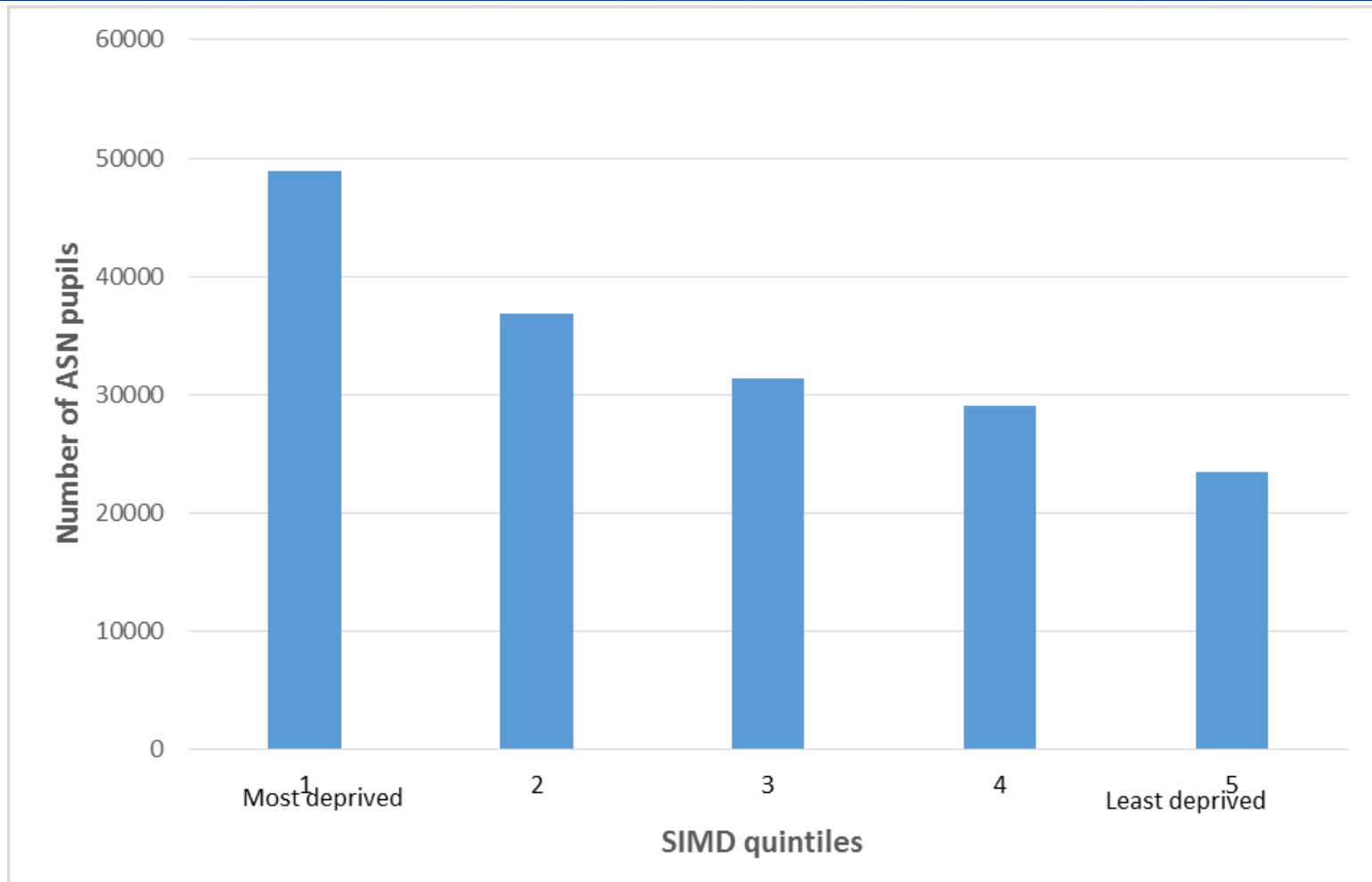
Source: Scottish Government, 2016; special request.

Entries per category are not discrete; a child with multiple needs will be recorded in multiple categories.



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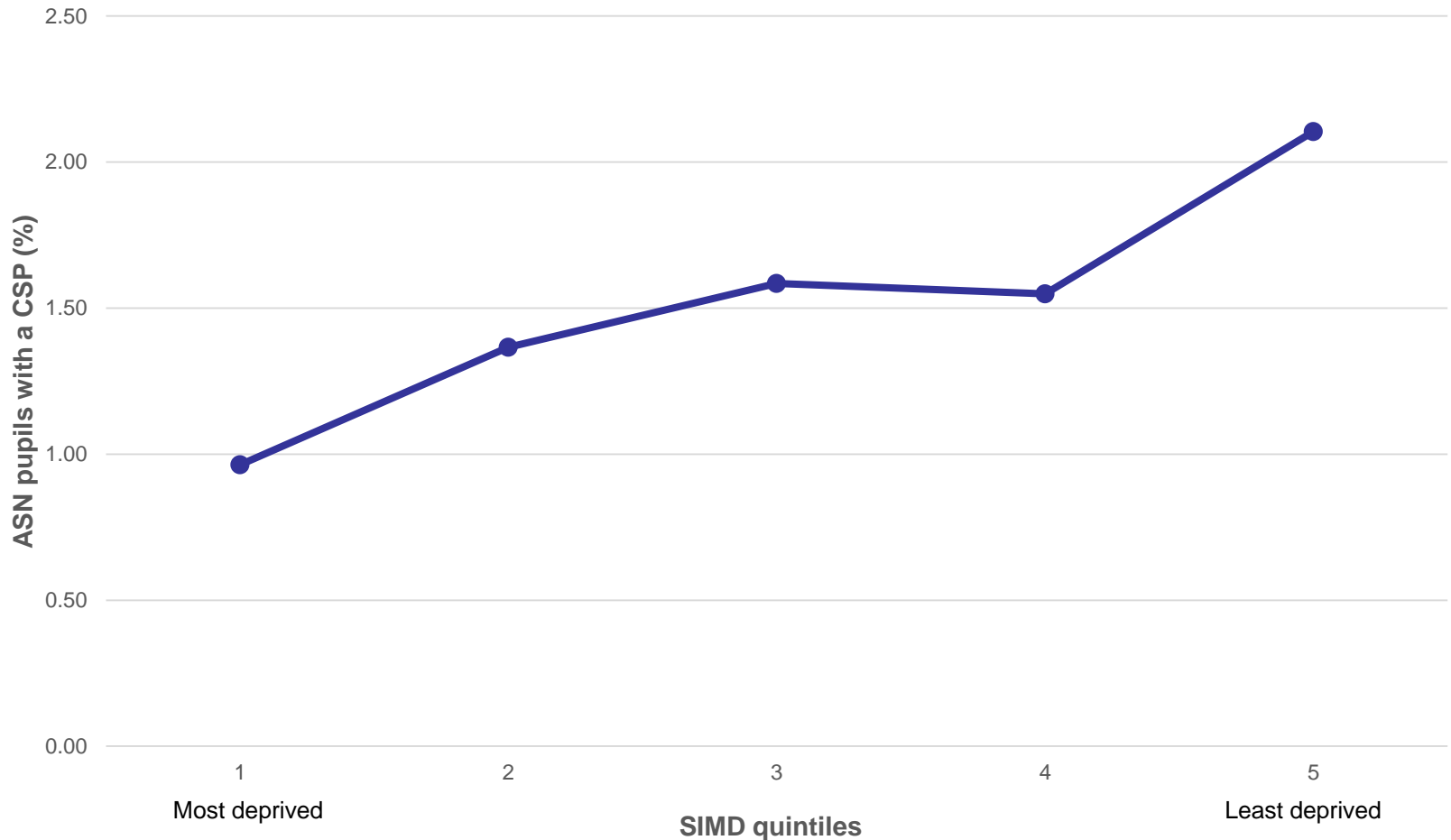
Children in more deprived areas more likely to be identified with ASN



Source: Scottish Government, 2016; special request.



But much less likely to have CSP (counter-intuitive)

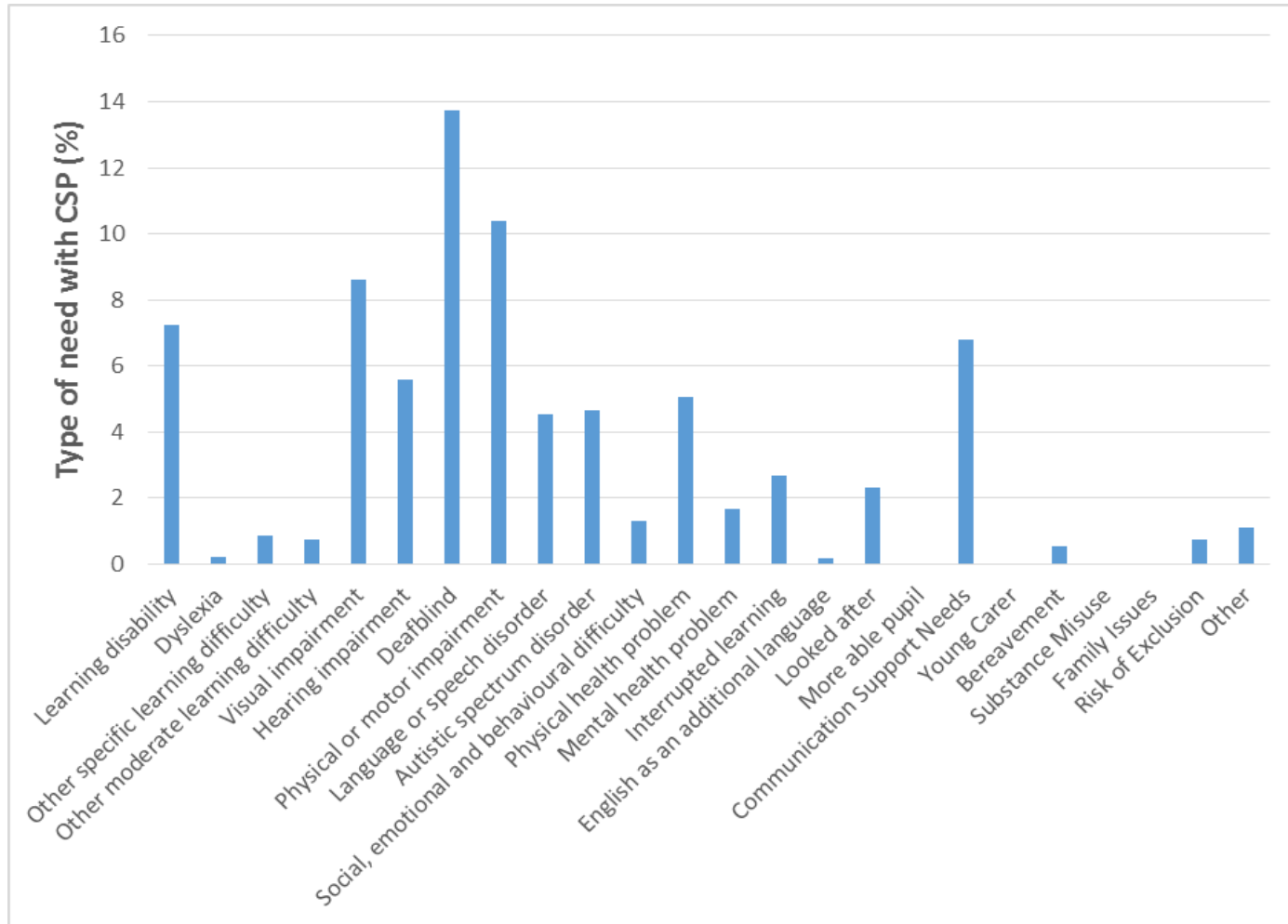


Source: Scottish Government, 2016; special request.



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Most children with CSPs have sensory/learning difficulties - few are looked after or have SEBD





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Shift to rights discourse?



Professionals wary of parents' rights discourse:

I think it's [the ASL Act] strengthened the rights of those parents I described earlier who have this sense of entitlement and hostility to basically be frivolous and vexatious. (Pupil and Parent Manager)

Parents complain about lack of respect & attention to rights:

There has been no support whatsoever, even though he is starting P7 and was diagnosed in P2. the school has been unhelpful, even issuing a letter of exclusion. We have had to fight for basic rights. (Parent of child with diagnosis of ADHD)

Scepticism about new children's rights discourse – particularly tests of capacity and well-being



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Conclusion



Most people believe that ASfL legislation has many positive features.

But key problems with implementation.

More children have ASN identified – but staff cuts reduce support.

CSP criteria problematic – requirement for ‘significant’ input from agencies other than education leads to Catch 22.

Is new emphasis on children’s rights a form of window dressing?

The jury is out ...