

Narratives of inclusion: Representations of inclusion through policy and statistics in Scotland

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Abstract

This paper begins with an overview of the discourses surrounding inclusion in Scottish education policy. Within Scottish social policy, there is a strong commitment to the principles of universalism, with an acceptance of the need for some degree of redistribution for certain children. Children with additional support needs are seen as a group requiring extra resources, but decisions on the nature of that support and which groups should be prioritised has been left to professionals, with little input from parents or children. Published statistics are generally used to suggest that steady progress is being made towards inclusion of children with additional support needs, with the vast majority of pupils spending all of their time on mainstream classes. A relatively low proportion of pupils are placed in separate special schools (about 1% of the total of the pupil population, and this has not changed for more than 40 years). The Scottish Government's statistical bulletin shows that there has been a four-fold increase in the proportion of children identified as having additional support needs and the largest category is that of social, emotional and behavioural difficulties, which is strongly associated with social deprivation. There has been a marked reduction in the proportion of children receiving a statutory support plan (a CSP), which provides some guarantee of additional resources and stronger rights of redress. Following the implementation of the Children and Young People (Scotland) Act, the CSP will be embedded within a Child's Plan, which is intended to document additional support provided by health, social work and education. The advent of the Child's Plan, it was suggested by some interviewees, might result in the eventual disappearance of the CSP, which might weaken the educational entitlements of children with additional support needs in the future. In addition, it appears that accountability measures are also being downplayed, with a reduction in tribunal references relating to CSPs and placing requests

(although there has been a slight increase in references relating to disability discrimination claims). There is also a greater emphasis on resolution of ASN disputes through mediation and adjudication. Overall, the expansion of the ASN category at a time of economic austerity supports the argument made by Tomlinson in the 1980s that a crisis in the demand side of the labour market is translated into a supply-side problem, with high rates of youth unemployment blamed on skills and behavioural deficits of young working class men. A reduction in education spending may result in insufficient funds being available to support young people to gain higher level qualifications.

Introduction

Scotland is a country with a strong belief in education as the means of creating a strong democracy and a meritocratic social system ([Devine, 1999](#)). Many policy texts produced by the previous Labour and present SNP administrations express commitment to inclusion and social justice. In the run-up to the referendum on independence in 2014, the idea of a Scottish identity that is distinctly different from an English or British identity is being strongly promoted, with Scottish education being seen as exemplifying the distinctiveness of Scottish national identity. Some commentators such as Mooney and Scott ([2012](#)) have drawn attention to the danger that a focus on territorial justice may lead to the neglect of the social justice agenda, including policies designed to promote economic redistribution. In this paper, we consider the following questions:

- (1) How is the concept of inclusion understood and enacted in Scottish policy discourse on additional support needs?
- (2) How are statistics used to underpin the discourse of progress towards inclusion?
- (3) What other narratives may be supported by statistics which may not be publicly available?

Research methods

This paper draws on data gathered during the course of the Leverhulme Fellowship project, which ran from April 2012 – September 2014. Methods used included the analysis of policy and administrative data published by the Scottish Government. Seven key informant interviews were conducted with the following individuals: senior officer, Scottish Government Support and Wellbeing Unit; Co-ordinator, Enquire, National Advice and Information Service; Solicitor, Govan Law Centre and chair of the Scottish Government Advisory Group for Additional Support for Learning; Senior officer, Additional Support for Learning Service, Fife; Senior officer, Additional Support for Learning Service, Edinburgh; President, Additional Support Tribunals for Scotland; Scottish Commissioner for Children and Young People. A thematic analysis was conducted under

the following headings: Policy discourses and direction of travel; policy formation and the policy process; categorisation systems; the nature and purpose of official statistics; disproportionalities in identification; international assessment and the position of children with special needs; accountability regimes; marketisation and choice; curriculum developments; the economic crisis; and future policy trends. We begin with a discussion of the Scottish educational policy landscape as it relates to children with additional support needs.

Social inclusion in Scotland: the gap between rhetoric and reality

Since the establishment of the Scottish Parliament in 1999, reducing social exclusion and promoting inclusion have been major government preoccupations, in line with many other European governments. The decade between 1997 and 2007 was one of unparalleled economic growth across Europe, and therefore provided an excellent opportunity to narrow differences in educational outcomes between pupils from different social backgrounds. Policies such as *Closing the Opportunity Gap*, instituted by the Labour administration, aimed to reduce the gap between the bottom 20% of school achievers and the average, but failed in this endeavour. The SNP (Scottish National Party) which formed a minority administration in 2007 and a majority government in 2011, adopted some elements of Labour political discourse, but arguably placed a greater emphasis on economic growth rather than redistribution, seeking to create a 'wealthier and fairer society'. By way of illustration, the Skills Strategy ([Scottish Government, 2007](#)) identified, as one of its major aims, the achievement of equal access to and participation in skills and learning for everyone, including 'those trapped by persistent disadvantage' (p. 5). Policies targeted at children, such as the additional support for learning legislation and *Getting it Right for Every Child* (GRFEC), which mandates inter-agency working, are also frequently cited as examples of the government's commitment to improving the life chances and outcomes of 'the most vulnerable children', with a view to achieving social gains and also, in the words of Mike Russell, the Scottish Government Cabinet Secretary for Education and Lifelong Learning at the time of the research, 'hard edged economic benefits' ([Russell, 2011](#)).

Despite the rhetorical commitment to social justice expressed by successive Scottish governments, like other European countries, Scotland remains a highly unequal society. As pointed out in the OECD report entitled *Quality and Equity of Schooling in Scotland* ([OECD, 2007](#)), whilst Scotland scores highly on PISA, it is only in the middle range of countries with regard to equity. In Canada and Finland (the most equal countries) only 11% of the variance in PISA scores is explained by a pupil's socio-economic status. Scotland lies at the mid-point of this spectrum, with 18.1% of

variance explained by SES though the 2012 PISA results indicated a small decrease to 13% ([Seith, 2013](#)). In other countries, SES exerts an even stronger influence on pupil outcome, accounting for 20% of variance in France, 23% in Belgium, 27% in Hungary and 24% in Belgium. Educational inequalities in Scotland are very similar to those in the rest of the UK ([Wyness, 2013](#); [Hills et al., 2010](#)) and contribute to the reproduction of social inequality across generations. The UK is currently the fourth most unequal country amongst the OECD 34, with the top fifth taking 60% of income, whilst the bottom fifth receives a hundred times less. Over the past 30 years, the UK's top 1% has moved from taking 6% to 14% of national income ([Parker, 2013](#)). As is the case in other European countries, in the UK and Scotland, the current financial crisis is having a particularly adverse effect on the labour market experiences of young people. Excluding those in full time education, the unemployment rate of 16-24 year olds is about 18%, compared with a general unemployment rate of about 7%. Whilst unemployment in the UK is much lower than in countries such as Greece and Spain, there are still major anxieties about the long-term problems which may be experienced by school-leavers who find themselves excluded from the labour market. Those with few or no qualifications, who are often from socially disadvantaged backgrounds, are most likely to be not in education, employment or training (referred to in Scotland as the *More Choices, More Chances* group) ([Fordyce et al., 2013](#); [Riddell et al., 2010](#)).

Additional support needs policy and inclusion

Scottish education legislation has underlined the ongoing commitment to the inclusion of all children in mainstream schools. The Standards in Scotland's Schools etc. Act 2000 included a presumption of mainstreaming, establishing the principle that every child would be included in mainstream school unless this was detrimental to the education of that child or other children in the class, would involve unreasonable public expenditure or was against the wishes of the child's parents ([Tisdall and Riddell, 2006](#)). Education planning legislation passed in 2001 placed an obligation on local authorities to produce accessibility strategies to plan and record progress over time in creating inclusive environments, paying attention to policies and procedures, the physical estate and pedagogy and the curriculum ([Scottish Executive, 2003](#)). The Education (Additional Support for Learning) (Scotland) Act 2004 (the ASfL Act), amended in 2009, broadened the definition of additional support needs to include children with difficulties in learning for whatever reason, but also placed a duty on local authorities to assess and meet the needs of all children requiring additional support. The Record of Needs (RoN), a statutory document summarising children's difficulties in learning and the measures proposed by the local authority to meet these needs was abolished, and replaced by the statutory Co-ordinated Support Plan (CSP). This

document was intended to summarise the child's needs, which might stem from learning difficulties, disabilities or social factors, and the measures proposed by education and other agencies such as health and education to meet these needs. The rights of children with additional support needs and their parents were underpinned by enhanced rights to challenge local authority decisions on educational provision through independent mediation, adjudication or by making a reference to the Additional Support Needs Tribunals for Scotland (see [Harris and Riddell, 2011](#), for further discussion of the Act's provisions with regard to dispute resolution and avoidance). However, local authorities were generally reluctant to commit funds to the education of individual children and in their response to the government consultation on the ASfL legislation, opposed the creation of CSPs as a replacement for Records of Needs. Local authorities were also opposed to the establishment of the Additional Support Needs Tribunals for Scotland, seeing these as at odds with the consensual spirit of Scottish education ([Riddell and Weedon, 2009](#); [2010](#); [Weedon and Riddell 2009](#)).

Scottish education legislation was reinforced by British equalities legislation. The Disability Discrimination Act 1995, extended to education in 2001, prohibited discrimination against disabled pupils in schools, which was defined as failing to make reasonable adjustments or treating a disabled person less favourably for reasons associated with their disability. The Equality Act 2010 placed a duty on all public sector bodies to produce equality schemes, monitoring progress towards more equal outcomes in relation to protected grounds, including disability. Under the terms of the 2010 legislation, all providers of educational services, including independent schools, are obliged to make reasonable adjustments for disabled pupils by providing auxiliary aids and services. Previously, independent schools had sometimes charged additional fees to parents whose children required learning support. This practice was made unlawful by the Equality Act 2010, and as a result there is some anecdotal evidence that fee-paying private schools are less likely to offer places to children with conditions such as autistic spectrum disorder where a classroom assistant might be needed.

The provision of additional support is further underpinned by more recent programmes and initiatives. Scotland's national curriculum, *Curriculum for Excellence*, incorporated the principle that all children are entitled to personal support which will enable them to benefit from available learning opportunities. From a broader children's services perspective, the *Getting it Right for Every Child (GIRFEC)* programme was intended to co-ordinate support from all children's services (education, health and social work). The programme aimed to improve the learning outcomes and

life chances of all children, by ensuring they are safe, healthy, achieving, nurtured, active, respected, responsible and included. The Children and Young People (Scotland) Act 2014 provides the statutory underpinning of the GIRFEC programme. The Act's Policy Memorandum states:

It is the aspiration of the Scottish Government for Scotland to be the best place to grow up in. The objective of the Children and Young People Act is to make real this ambition by putting children and young people at the heart of planning and delivery of services and ensuring their rights are respected across the public sector. (Scottish Government Policy Memorandum)

The Act makes provision for one Child's Plan which will include all other statutory and non-statutory plans. Under the terms of the Act, every child in Scotland should have a Named Person, and those with additional support needs should have a lead professional. Key informants were broadly positive about the aims of the legislation, but had concerns about its implementation. The Child's Plan, intended to incorporate all other plans, was seen by the Children in Scotland interviewee as problematic on a number of grounds including poorly co-ordinated IT systems and a failure to address issues around confidentiality and access to sensitive information:

The idea behind [the legislation] is I think to simplify processes, which I would definitely support. You know that's a good thing. But it's making sure the information infrastructure, the IT and everything works to enable that to happen properly. And I think that ...could cause a bit of difficulty along the way. (Interviewee, National Advice and Information Service)

During the passage of the legislation, an organisation called Schoolhouse, which champions home education, objected strongly to the fact that the Act places a duty on the Named Person to both gather and share information with others. Schoolhouse described this duty as legitimising unwarranted levels of intrusion into the private lives of adults and children, and suggested that this provision should be scrapped. The Scottish Parliament Information Centre briefing ([Kidner, 2013](#)) noted these concerns, but explained that the duty referred to the 'appropriate' rather than 'inappropriate' sharing of information. It was noted that enquiries into child deaths and non-accidental injury often pointed to a failure of professionals to share information with each other, so the gains in child protection outweighed the danger of loss of privacy.

A respondent from a Law Centre questioned the need for new legislation, suggesting that regulation might have been sufficient to ensure the implementation of GIRFEC. For example, current

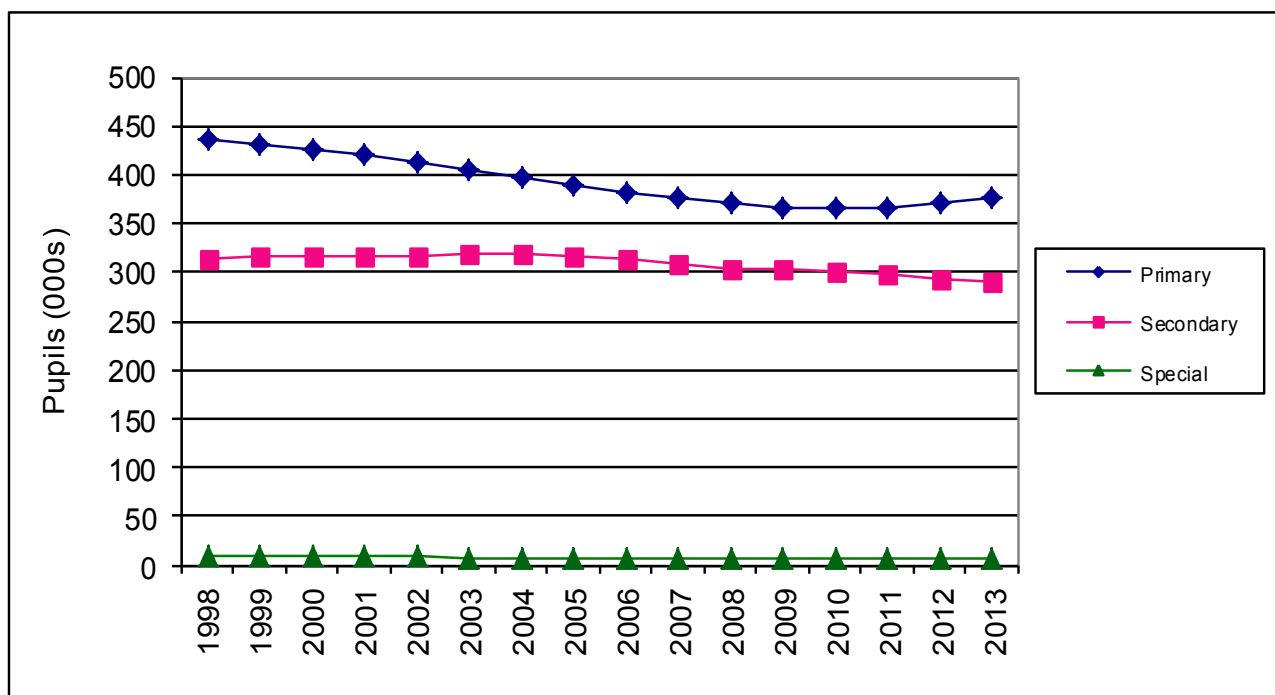
education legislation placed a duty on agencies such as health and social work to ‘help’ education support children and young people with additional support needs. The new requirement for agencies to ‘co-operate’ with each other in service delivery might be seen as somewhat weaker. He noted concerns that additional support for learning provision might get ‘lost or diluted’ within the Child’s Plan. Even though there were no plans to rescind statutes relating to additional support for learning and looked after children, they might simply be superseded by the new legislation, which might have weaker powers of accountability. For example, whereas education legislation provided a range of routes of redress for young people and their parents (tribunal, adjudication, independent mediation), the new legislation did not extend these accountability mechanisms to other agencies and was therefore unbalanced.

Overall, respondents believed that whilst the new legislation was well intended, it was not necessarily well thought through and might prove difficult to implement. In the following sections, we consider the outcomes of inclusive education policies as reflected in special school placement patterns, the use of statutory documents to underpin support for children with additional support needs and patterns of exclusion from school.

Has the policy of inclusion led to a shift away from the use of special schools in Scotland?

Figure 1 shows the total pupil population in primary, secondary and special schools over the period 1998 to 2012. As can be seen, there has been a steady drop in numbers in primary schools from 1998 to 2010 and then a slight increase possibly due to in migration. In secondary schools, numbers have been declining less and the drop in numbers is only noticeable in the last 3 years. This probably reflects the impact of measures, such as the educational maintenance allowance, aimed at encouraging pupils to stay on at school post 16. The pupil population in special schools has remained stable over this period, suggesting that there has certainly not been a major shift towards mainstream. However, changes have happened in relation to the population of special schools. Whereas a significant proportion of children with visual and hearing impairment used to be educated in special schools irrespective of their academic abilities, currently 70% of children with visual impairments and 80% of children with hearing impairments are educated in mainstream schools ([Weedon et al., 2012](#)). Children with sensory impairments in special schools and units tend to have additional learning disabilities. Particularly in the case of children with visual impairments and learning disabilities, these difficulties are often associated with very premature birth.

Figure 1: Number of pupils in state-maintained schools, 1998-2013



Source: [Scottish Government, 2013](#)

Table 1: Number of pupils in state-maintained schools, 2000, 2003, 2006, 2009 and 2012, and percentage of total population

School Sector	2000		2003		2006		2009		2012		2013	
	Nos	%	Nos	%	Nos	%	Nos	%	Nos	%	Nos	%
Primary	425,221	57	406,015	56	382,783	55	367,146	54	370,680	55	377,382	56
Secondary	317,704	43	318,427	44	312,979	45	302,921	45	293,562	44	289,164	43
Special	8,318	1	7,680	1	6,975	1	6,673	1	6,976	1	6,984	1
Total	751,243	100	732,122	100	702,737	100	676,740	100	671,218	100	673,530	100

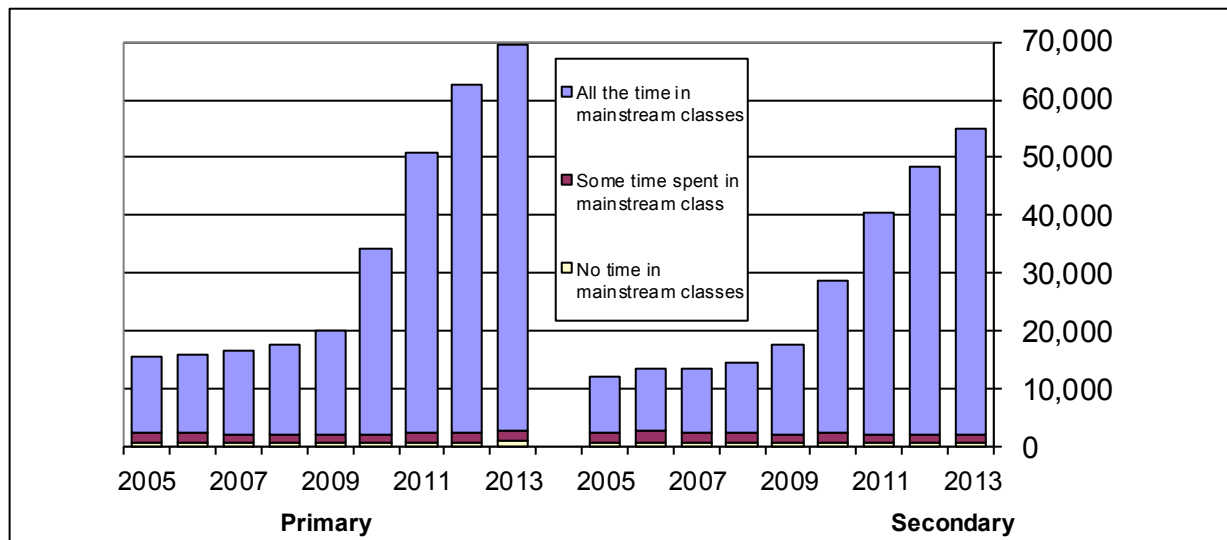
Source: [Scottish Government, 2013](#)

The proportion of children with additional support needs in mainstream and special schools in Scotland

On the basis of the number and proportion of children in mainstream and special settings, there is little evidence of a major shift of children with additional support needs from special to mainstream, despite the anxieties sometimes expressed by teachers' unions. About 1% of children continue to be placed in special schools, and key informants all concurred with the presumption of mainstreaming articulated in the legislation of 2000. As well as showing little change in the use of special schools, Scottish Government data show a steady increase in pupils recorded as having additional support needs in mainstream schools. In 2004, children with additional support needs (those with an Individual Educational Programme and/or a Co-ordinated Support Plan) made up

only 4.5% of the total pupil population, whereas in 2012, this proportion had risen to just under 18%. The increase appears to be most marked in primary schools, and the vast majority of children are recorded as spending all of their time in mainstream classes (Figure 2).

Figure 2: Proportion of time spent in mainstream classrooms by pupils with additional support, 2005 – 2013



Source: [Scottish Government, 2013](#)

What accounts for the rapid increase in the number and proportion of children with additional support needs?

It is clearly important to examine the underlying reasons for the apparent increase in the number and proportion of children identified as having additional support needs, and being educated in mainstream classes. Examination of data collection criteria and procedures suggest that most of the change may be attributed to the expanded definition of additional support needs, rather than changes in incidence or educational placement patterns. Scottish Government data are derived from the annual school census which takes place in September of each academic year. Each school is required to complete a statistical return, and the reliability of the data is entirely dependent on the accuracy and consistency of the figures which are entered. The task is often delegated to the school administrator, and there does not appear to be any moderation or checking of data, so those completing the form may interpret questions and categories differently.

In 2004, when the additional support for learning legislation was enacted, just over 4% of children were identified as having additional support needs. At this point, Scottish Government guidance to those making census returns was to only include children with CSPs, RoNs and Individualised Educational Programmes (IEPs). A number of local authorities, including the larger ones of

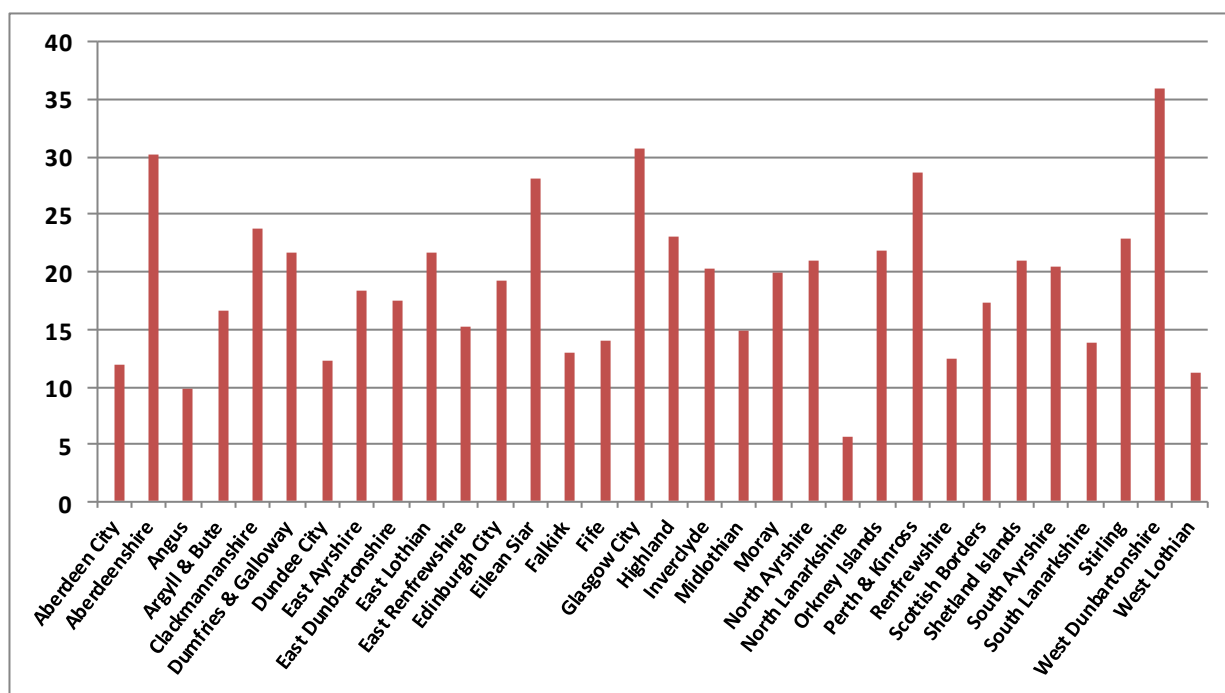
Edinburgh and Glasgow, decided to institute their own local plans, known as Additional Support Plans and Multi-Agency Support Plans, which meant that children with these plans, who were undoubtedly receiving additional support, did not appear in the official statistics. In 2009 and 2010, there appeared to be increases in the number of pupils with additional support needs. Scottish Government sources indicate that these hikes reflect improved recording practices in the largest Scottish local authority, reflected in its census returns. The significant increases in the number and proportion of children with additional support needs in 2010 and 2011 (see Figure 2) reflects local authority responses to the 2009 legislative changes, which required the counting of all children receiving some form of additional support, irrespective of their support plan. The new category entitled 'Other types of support needs' includes '*Child Plans, short term or temporary support and support that is not covered in the CSP or IEP*' ([Scottish Government, 2011a](#)). It is likely that these changes fed through gradually which is why there is a significant increase in both years.

Key informants were asked for their explanation of the expansion of the additional support needs population. The Scottish Government interviewee emphasised improvements in recording practice as a result of the 2009 legislative amendment requiring local authorities to include all children receiving support in the annual census, which forms the basis of the official statistics. The increases in the number of children recorded in 2010 and 2011 supports this view. This respondent assumed that an increase in the number of children identified as having additional support needs meant that better support was being delivered to these children, and was therefore to be welcomed. Other respondents took a more sceptical stance, believing that recording additional numbers did not necessarily lead to better provision. One local authority interviewee noted that 37% of children in West Dunbartonshire were recorded as having additional support needs, suggesting that it might be necessary to review what was being provided as 'normal' school provision and why it was failing to meet the needs of such a large group of children.

Geographical variation

It should also be noted that there are major differences between local authorities in the proportion of children identified as having additional support needs, indicating wide differences in identification and recording practices (see Figure 3). The percentage of the pupil population identified as having additional support needs varies from 35% in West Dunbartonshire to 5.4% in North Lanarkshire. Such major variation is an artefact of who gets counted, rather than differences in the occurrence of educational and social difficulties.

Figure 3: Percentage of ASN in each authority as a proportion of the total pupil population, mainstream only, 2013



Source: [Scottish Government, 2013 \(supplementary data set\)](#)

What changes have there been in relation to categories of difficulty?

Until 2006, data were recorded in relation to a pupil’s principal learning difficulty (this is still the basis on which statistics are gathered by the Department for Education in England). In 2006, the practice in Scotland changed, so that schools were asked to record all difficulties of each pupil with additional support needs, rather than identifying the pupil’s principal difficulty only. From 2006 onwards, pupils with multiple support needs have been included in *all* categories for which they require support. For example, a pupil with a visual impairment and a learning disability will be recorded in both of these categories. This has led to an increase in some categories, especially those which are non-normative and likely to occur alongside others, particularly social, emotional and behavioural difficulties. Table 2 shows the number of children in particular categories in 2008, 2011 and 2013. Whilst over this period the proportion of children with ASN has apparently trebled, some categories have increased more rapidly than others. As shown in Figure 4, in 2008, learning disability was the largest category, however, by 2011 social, emotional and behavioural difficulties had become the largest, more than doubling over a three year period and it increased further by 2013.

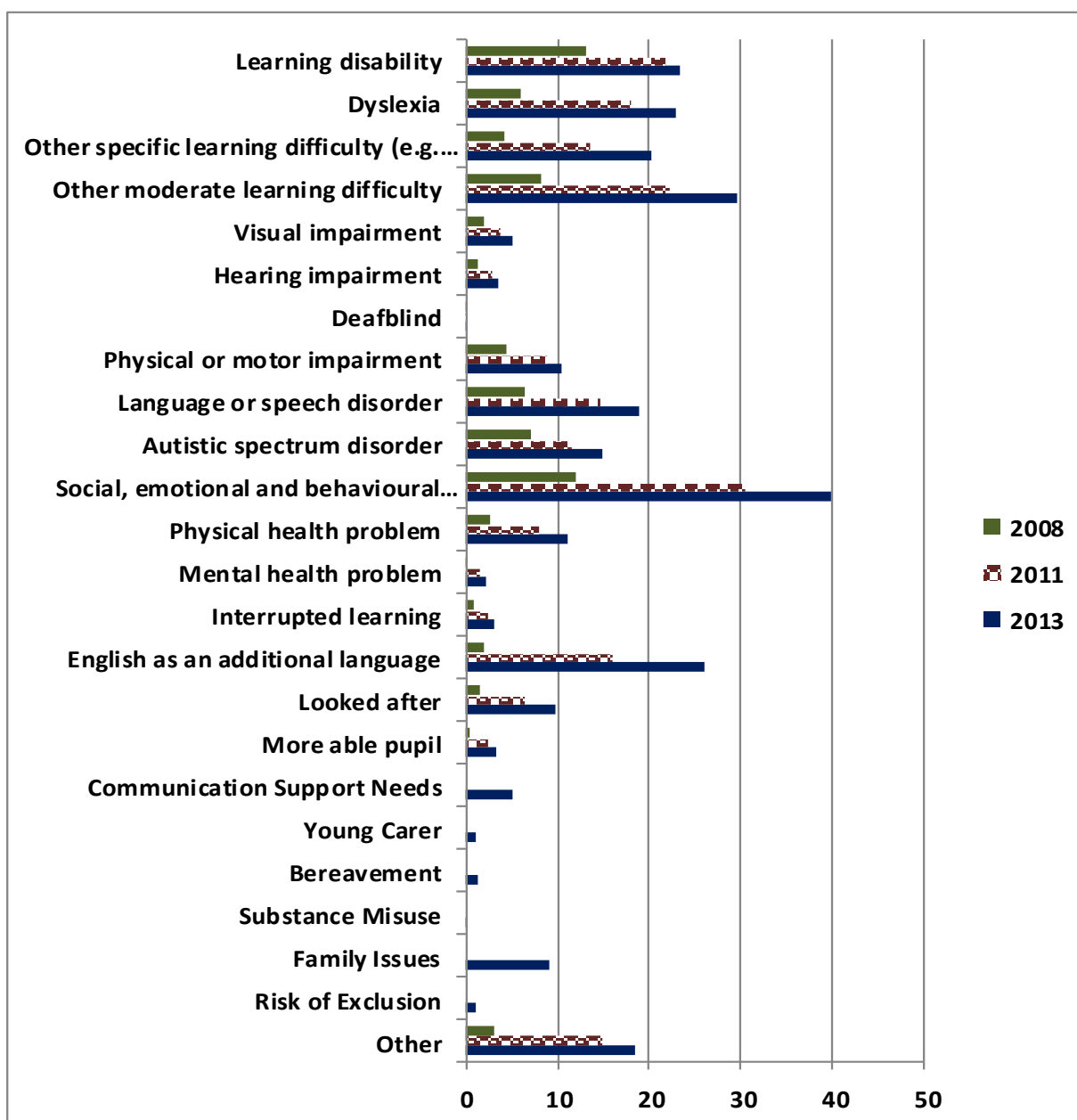
Table 2: Reason for support for pupils with Additional Support Needs, by gender, 2008, 2011 and 2013, Rate per 1,000 pupils

	2008			2011			2013		
	Females	Males	Total	Females	Males	Total	Females	Males	Total
Pupils for whom reason for support is recorded	34.0	76.4	55.5	107.6	183.8	146.4	151.0	237.9	195.3
Learning disability	9.2	17.0	13.2	15.8	27.7	21.9	16.7	29.6	23.3
Dyslexia	3.3	8.9	6.1	12.3	23.5	18.0	16.5	28.9	22.8
Other specific difficulty	2.9	5.6	4.3	10.00	17.0	13.6	15.6	24.9	20.3
Other moderate learning difficulty	5.9	10.6	8.3	17.2	27.3	22.3	23.0	35.7	29.5
Visual impairment	1.6	2.1	1.9	3.3	4.4	3.9	4.3	5.7	5.0
Hearing impairment	1.2	1.6	1.4	2.7	3.2	3.0	3.3	3.9	3.6
Deafblind	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Physical or motor impairment	3.6	5.2	4.4	6.3	11.5	9.0	7.3	13.5	10.4
Language or speech disorder	4.0	8.9	6.5	9.1	19.9	14.6	11.7	25.8	18.9
Autistic spectrum disorder	1.9	12.4	7.2	3.5	19.5	11.6	4.7	24.5	14.8
Social, emotional and behavioural difficulties	5.0	18.9	12.0	16.4	44.0	30.5	22.2	56.5	39.7
Physical health problem	2.2	3.1	2.7	7.0	9.0	8.0	10.0	11.9	11.0
Mental health problem	0.3	0.4	0.3	1.2	2.1	1.6	1.7	2.8	2.3
Interrupted learning	0.6	0.9	0.8	2.1	2.8	2.4	2.5	3.6	3.1
English as an additional language	1.8	2.3	2.0	15.3	16.5	15.9	25.3	26.8	26.1
Looked after	1.4	1.8	1.6	6.0	6.8	6.4	9.4	10.1	9.8
More able pupil	0.4	0.4	0.4	2.5	2.6	2.5	3.2	3.5	3.3
Communication Support Needs							3.0	7.0	5.0
Young Carer							1.4	1.1	1.2
Bereavement							1.3	1.4	1.3
Substance Misuse							0.2	0.3	0.3
Family Issues							8.5	9.5	9.0
Risk of Exclusion							0.4	2.0	1.2
Other	2.2	4.3	3.2	11.5	18.3	15.0	14.3	22.5	18.5

Source: Scottish Government, [2009](#), [2011c](#), [2013](#)

Note: pupils with more than one reason for support will appear in each row

Figure 4: Reason for support for pupils with Additional Support Needs, 2008, 2011 and 2013, Rate per 1,000 pupils



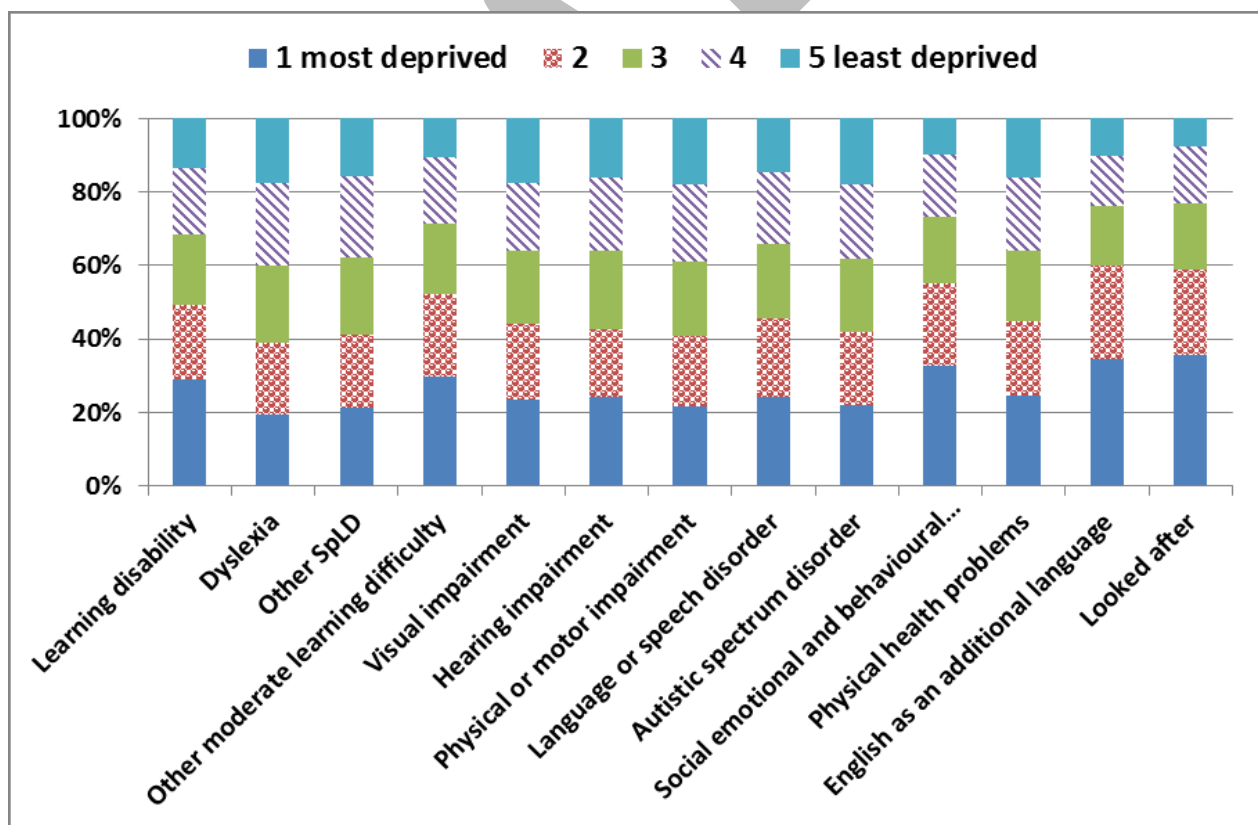
Source: Scottish Government, [2009](#), [2011c](#) and [2013](#)

The expansion of the use of the category of social, emotional and behavioural difficulties is particularly significant, given its close association with social deprivation compared with other categories (see below). This shows that all types of difficulty are more likely to be identified in the most deprived compared with the least deprived areas in Scotland. However, whereas normative difficulties such as physical and hearing impairment are only slightly more likely to be identified in poorer areas, social, emotional and behavioural difficulties are five times more likely to be identified in poorer neighbourhoods. Noting this association, one local authority interviewee explained that a ‘weighted model’ of resource distribution had been established, so that a small

school in an area of high deprivation would get the same number of support staff as a large school in an affluent area. However, the negative effect of social deprivation appeared to be so significant that it had been necessary to significantly increase the multiplier. The authority had a deliberate policy of closing small schools in rural areas which were very expensive to run, and amalgamating schools in some areas to ensure that school choice did not lead to skewed social intakes. Whilst this respondent believed strongly that local authority interventions could mitigate some of the effects of deprivation, the Scottish Government respondent had a more strongly socially deterministic view:

The Parliamentary Committee on looked after children and young people ultimately said there's not an awful lot that education can do that can change educational outcomes. We can do bits and pieces... But actually where does your ambition come from? Where does your motivation to learn come from? What do your parents think? How engaged are your parents? And those are not educational issues'. (Interviewee, Scottish Government)

Figure 5: Reason for support by SIMD 2009 quintiles¹, as proportion of those with the same ASN, 2011



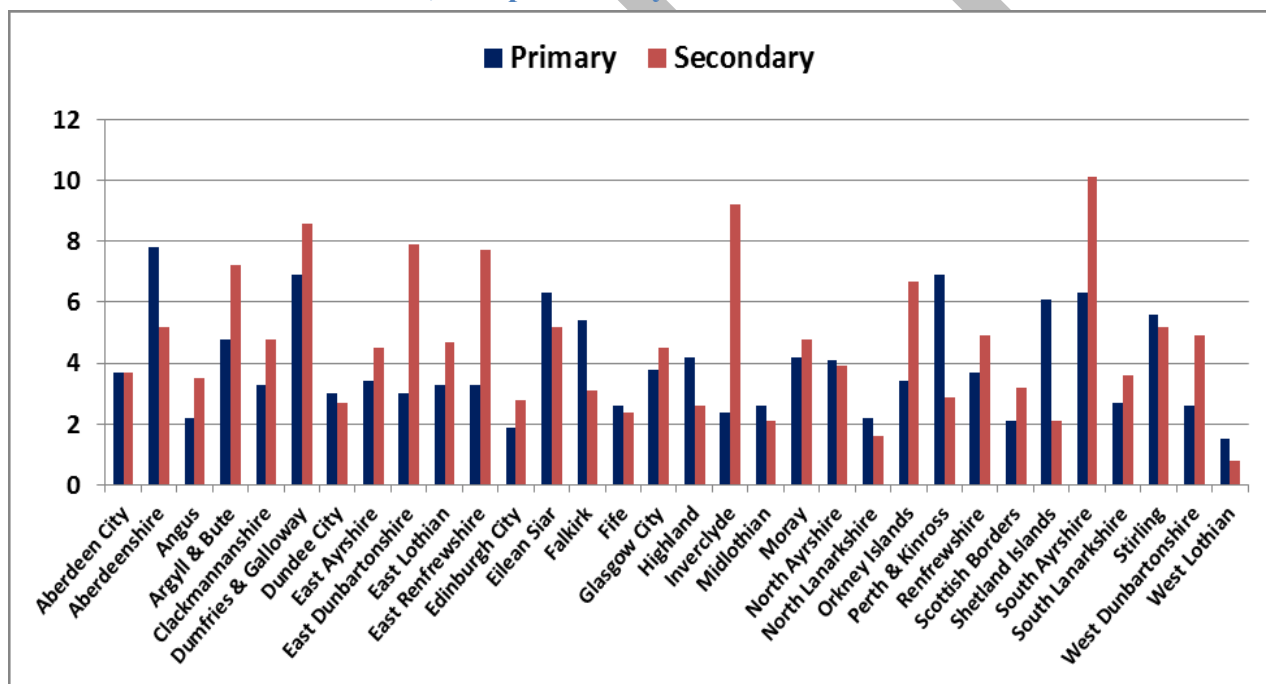
Scottish Government, data supplied by government statistics department, Feb. 2012

¹ Scottish Index of Multiple Deprivation (SIMD) is the official measure of area deprivation used by the Scottish Government, see <http://www.scotland.gov.uk/Topics/Statistics/SIMD>

Variations in the identification of types of support need by local authority

The element of subjectivity in the identification of children’s difficulties is evident in the major variation by local authority in relation to the proportion of children identified as having particular types of difficulty. Even within normative categories such as visual impairment, where one would expect similar incidence and a fairly high degree of commonality in identification, there are significant differences, with Aberdeenshire recording 8 primary aged pupils per 1,000, whilst Edinburgh records only 2 per 1,000 (see Figure 6). This suggests a much higher threshold for the identification of visual impairment in Edinburgh or a greater number of non-mainstream placements of primary pupils with visual impairment. The variation is greater at secondary level as South Ayrshire has 10 per 1000 compared to West Lothian with 1 per 1000.

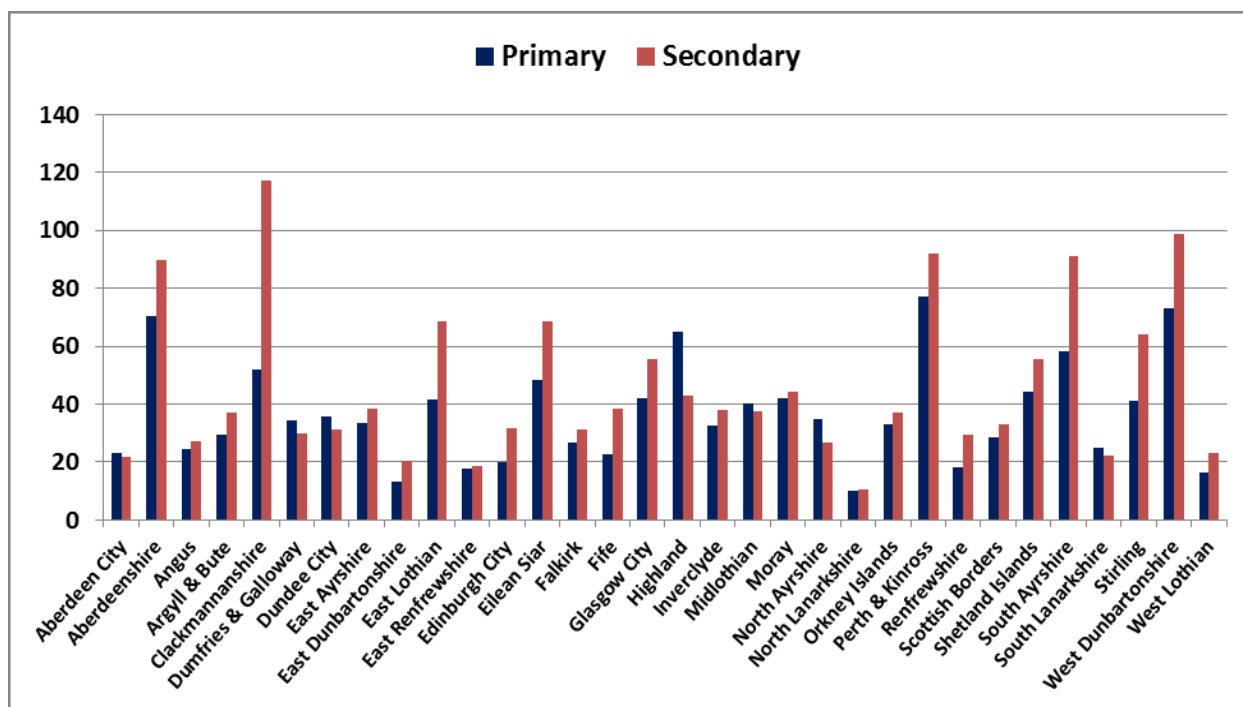
Figure 6: Proportion of pupils known to each local authority with a visual impairment in mainstream schools, rate per 1000 by sector¹



1. <http://www.scotland.gov.uk/Resource/0038/00387066.xls> (supplementary data 2011)

In relation to non-normative categories, such as social, emotional and behavioural difficulties (SEBD), there is even wider variation across local authorities as can be seen in Figure 7. Note that the scales differ in these two figures (Figure 6 and Figure 7) due to the considerable differences in incidence.

Figure 7: Proportion of pupils known to each local authority with social, emotional and behavioural difficulties in mainstream schools, rate per 1000 by sector¹, 2013



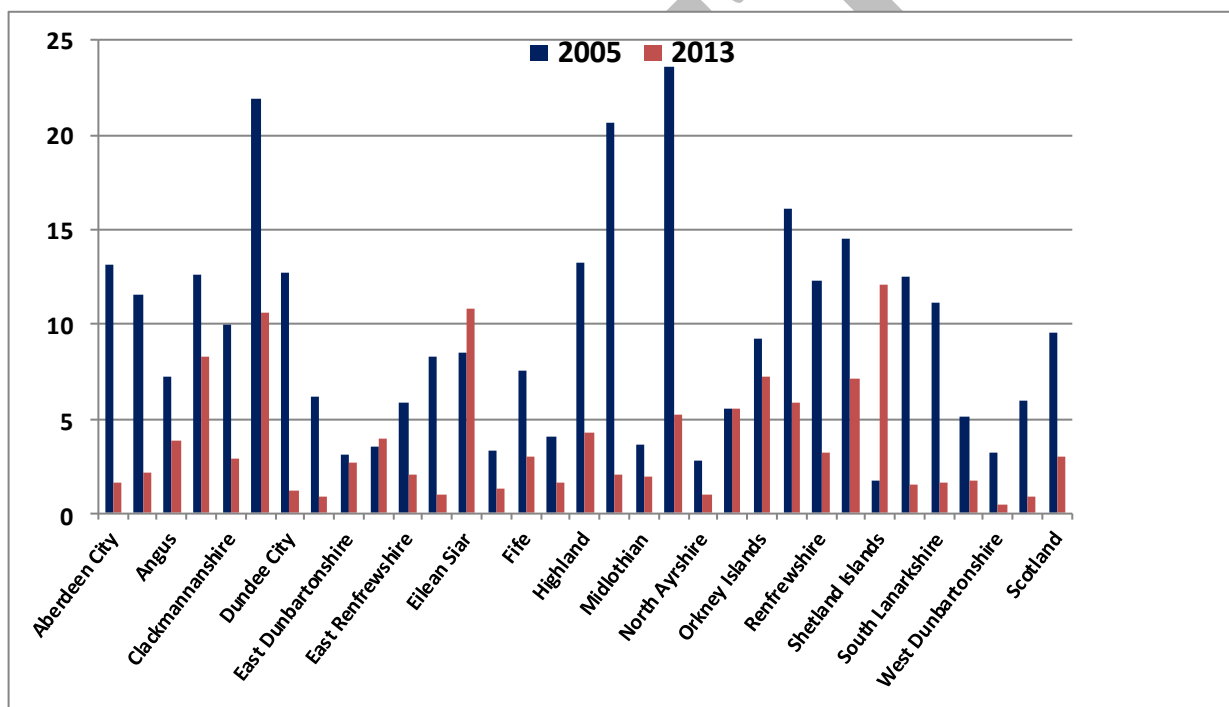
Source: [Scottish Government, 2013](#)

The declining use of statutory support plans

As discussed elsewhere ([Riddell and Weedon, 2010](#)), local authorities were extremely worried in the run-up to the implementation of the additional support for learning legislation because they feared that they would be compelled to assess and make expensive provision for a much wider group of children. They lobbied the Scottish Government to abolish the Record of Needs (RoN) (the statutory document recording the child's difficulties and the measures proposed to meet their needs) on the grounds that it was impossible for the local authority to commit resources to individual children. Bowing to pressure from parents, the Scottish Government at a belated point in the consultation proposed that a new statutory document, the Co-ordinated Support Plan, should replace the RoN. This document was intended to summarise the child's additional support needs and the measures proposed by education, health and social work. As noted above, parents or young people could seek redress through the tribunal or independent adjudication if they felt that the specified needs were not being met, although references to these bodies could only address educational provision. Since the passage of the legislation, although there has been an increase in the number of children identified as having additional support needs, there has been a decrease in the number and proportion of children with statutory plans (CSPs) compared with the number of children who, prior to the passage of the Additional Support for Learning legislation, had RoNs. In

2002, approximately 2% of the total pupil population had a RoN. At the time of writing, the proportion of pupils with a CSP was less than 0.5% of the total pupil population. This is half the percentage that the government estimated when the legislation was introduced, and about one thirtieth of COSLA's estimate (the Convention of Scottish Local Authorities). The two local authority respondents both believed that whilst the Scottish Government was not minded to repeal the ASfL legislation because of a possible public outcry, the emphasis on the Child's Plan as the principal document was likely to make CSPs redundant. The interviewee from a large local authority stated clearly that she could see no need for both a Child's Plan and a CSP.

Figure 8: A comparison between RoNs in 2005 and CSPs in 2013 by local authority, rate per 1000 pupil population within authority



Sources: [Scottish Executive, 2006](#); [Scottish Government, 2013](#), supplementary tables

As reported earlier, one of the problems with the RoN system reported by both local authorities and parents was the extent of local variation in their use, ranging from 3 per 1000 to 24 per 1000 of the pupil population. However, as illustrated by Figure 8, the degree of variation between local authorities in relation to CSPs is much greater, ranging from 0.5 per 1000 of the pupil population in West Dunbartonshire to 12 per 1000 in Shetland. It has to be noted that Shetland has a small pupil population and a small fluctuation in the number of pupils with CSPs will affect the percentage to a greater extent than in larger authorities. However, it is worth noting that in Shetland the proportion of pupils with CSPs in 2013 is greater than those with RoNs in 2005 and in Eilean Siar the proportion has increased slightly. This in contrast to Inverclyde and Moray and a number of other

authorities, where there has been a considerable change with far fewer CSPs than RoNs. Overall, there has been a decrease in the use of statutory plans and there appears to have been an increase in local authority variation with regard to the use of CSPs.

The decline in the use of statutory plans since the passage of the additional support for learning legislation is important, since in order to open one of these plans it is obligatory to conduct a formal assessment which is likely to be multi-disciplinary and to record the additional support to be provided by health, education and social work. Given the ongoing reductions in local authority funding, it is unsurprising that fewer firm resource commitments to individual children are being made. Whilst there has been a major increase in the proportion of children labelled as having additional support needs, we do not know anything about the nature of the support which these children are receiving, nor its effectiveness.

Accountability mechanisms and the rights of children and parents

Strengthening the rights of children with additional support needs and those of their parents was one of the principal objectives of the ASfL legislation, and children's rights are also emphasised within the Children and Young People Act. However, there appeared to be a danger that some of the accountability measures in the former body of legislation might be weakened. The President of the tribunal stated that, whilst there continued to be a need for the Tribunal, his goal was to promote mediated settlements in line with government policy of supporting proportionate dispute resolution. There was a significant reduction in the number of references being made to the Tribunal (only 25 in 2011/12), and only a small proportion of these reached an oral hearing. The ASN Tribunal would become part of the Scottish first tier tribunal in 2015, and was likely to become less visible. The Law Centre respondent also expressed the view that adjudication might be a more effective route than a more formal and stressful tribunal hearing. It is interesting to note that Scotland established its tribunal system ten years after the foundation of the tribunal system in England, and established very strict access criteria so that references can only be made if a child has significant additional support needs which require input from services outwith education. Whilst popular with parents of children with additional support needs who were in dispute with their local authority, the Scottish tribunal was very unpopular with local authority staff, who believed that it did not fit well with the collectivist and consensual education system in Scotland ([Riddell et al., 2011](#)). It appears that the tribunal system is becoming less rather than more widely used over time, despite dealing with disability discrimination cases since 2010. This fits with government aspirations to promote

negotiated settlements, but may mean that local authority decisions are less likely to be challenged in the future.

Has the policy of inclusion led to a reduction in exclusions?

In Scotland, pupils may be temporarily excluded from school or, in less than 1% of cases, removed from the register. Figures on school exclusions document a trend towards a reduction in rates of exclusion since 2006 ([Scottish Government, 2013](#)).

Table 3: Cases of exclusion and rate per 1,000 pupils by type of exclusion, 2004/05 to 2012/13

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2012-13
Exclusions in total	41,974	42,900	44,794	39,717	33,917	30,211	26,844	21,936
Of which:								
Temporary exclusions	41,703	42,726	44,546	39,553	33,830	30,144	26,784	21,918
Removed from register	271	264	248	164	87	67	60	18
Exclusion rate per 1,000 pupils	58.1	60.4	63.9	57.5	49.9	44.7	40.0	32.7
Of which:								
Temporary exclusions	57.8	60.0	63.5	57.3	49.7	44.6	39.9	32.7
Removed from register	0.4	0.4	0.4	0.2	0.1	0.1	0.1	0

Sources: [Scottish Government, 2008](#); [Scottish Government, 2013](#)

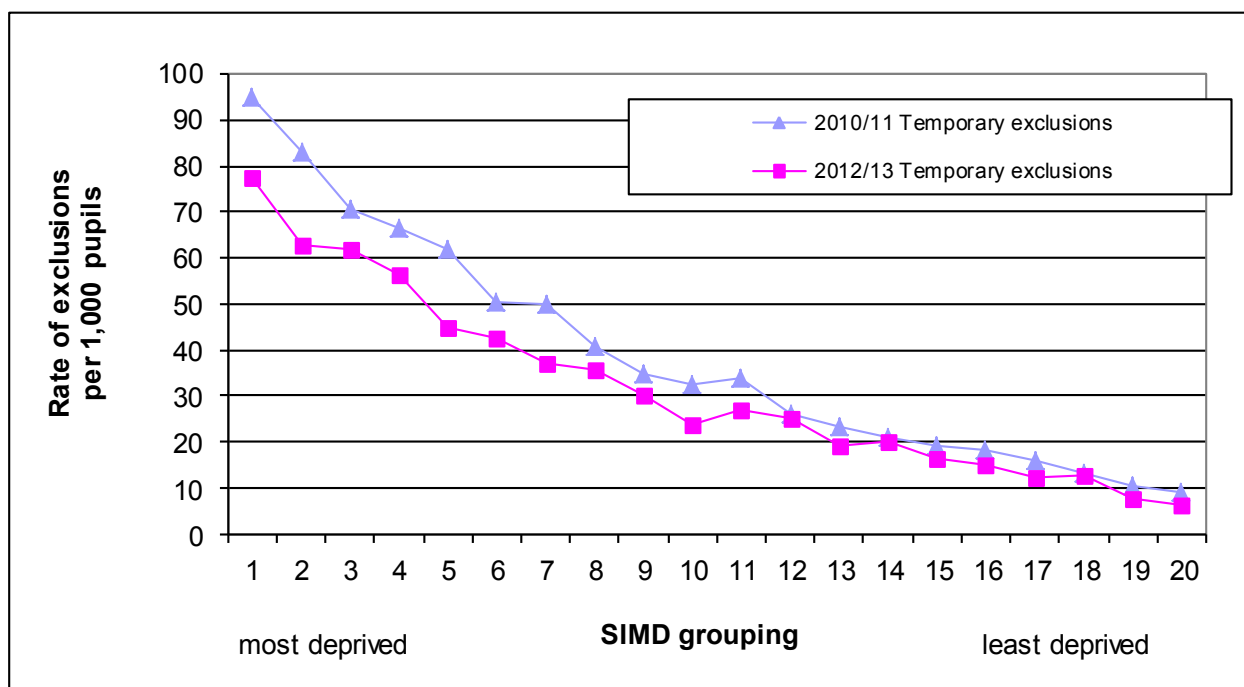
Government data indicate a strong association between school exclusion, disability, additional support needs, being looked after by the local authority and deprivation (Table 4 and Figure 9).

Table 4: Cases of exclusion and rate per 1,000 pupils by looked after status, disability, additional support needs and Scottish Index of Multiple Deprivation (SIMD 2009), by sector, 2009-2010, 2012-13

	2009-10		2012-13	
	Cases of exclusions	Rate per 1,000 pupils	Cases of exclusions	Rate per 1,000 pupils
Assessed or declared disabled	798	70	N/A	N/A
Not assessed or declared disabled	29,114	44	N/A	N/A
Looked after by local authorities	3,875	355	N/A	N/A
Not looked after by local authorities	26,336	40	N/A	N/A
Pupils with Additional Support Needs	7,651	174	10,534	89
Pupils with no Additional Support Needs	22,261	35	11,252	20
Lowest 20% of SIMD (Most deprived)	13,076	91	9,294	65
Highest 20% of SIMD (Least deprived)	1,614	12	1,270	10

Source: [Scottish Government 2011b](#), [Scottish Government, 2013](#)

Figure 9: Rate of temporary exclusion per 1000 pupils by Scottish Index of Multiple Deprivation, 2010-11; 2012-13



Source: [Scottish Government, 2013](#)

In its statistical bulletin on pupils in Scotland of 2011, the Scottish Government attributes this trend to ‘the adoption of a wide range of approaches to manage behaviour and a range of provision beyond the classroom where needed for children with social, emotional and behavioural needs. Identification of behaviour issues and intervention at an early stage prevents the need for exclusions in many cases’ ([Scottish Government, 2011c](#)). However, there may be other reasons for this decrease. Dips in exclusions in 2002/03 and 2007/08 coincided with the publication of Scottish Government guidance on exclusion, strongly advising that it should be used as a very last resort. Additional requirements were placed on schools to document the processes which led up to exclusion and to institute meetings between the school and parents.

Recent reports from England ([Children’s Commissioner, 2012](#)) and from Wales ([Butler, 2011](#)) document the existence of informal or illegal exclusion from school. Recent research conducted by Harris and Riddell ([2011](#)) on dispute resolution in England and Scotland also documented the use of illegal exclusions of children with additional support needs, with parents being phoned up at work or home and requested to remove the child from school. Whilst illegal exclusions is, by its nature, under the radar, it is impossible to know to what extent the apparent drop in exclusion reflects the situation on the ground or is indicative of a growing trend towards unlawful exclusion.

The impact of austerity

Since the establishment of the Scottish Parliament in 1997, there has been considerable continuity between Labour and SNP policies in promoting the principles of inclusion, achieving a broader understanding of needs of children requiring additional support to benefit from education and promoting cross-agency working to achieve these goals. However, the achievement of these goals has been limited by the worsening economic climate. In Scotland, approximately 25% of local authority funds are raised by the council tax, a local property tax which has been frozen since 2008. As costs have risen, this freeze has forced local authorities to cut services and borrow more funds to meet their existing commitments. In return for agreeing to a council tax freeze, the Scottish Government struck an agreement with local authorities to abolish the hypothecation of funds, so that money earmarked for additional educational support was no longer ring-fenced for this purpose, and could, if the local authority chose, be spent instead on maintaining roads. A major reduction in the block grant from Westminster to the Scottish Government has also led to squeezed local authority funding, which is likely to continue for the foreseeable future. As noted by our interviewees, in some local authorities, this has led to classroom assistants being made redundant, although the Scottish Government respondent noted that data available in 2013 did not suggest an overall drop in the number of teachers or classroom assistants. Although there is a duty on local authorities to report expenditure on additional support needs, in practice the data are very difficult to disaggregate and therefore it is not possible to monitor expenditure in this area with any degree of accuracy.

Conclusion

Scottish education has generally been shaped by ideas rooted in meritocracy and universalism, with some focus on redistribution. Over the past decade and a half, there has been an increasing focus on the inclusion of children with additional support needs, with this principle enshrined in legislation passed in 2000. Official statistics have been used to demonstrate that children with additional support needs are increasingly being included in mainstream classes, and that fewer children are being excluded from school. There is little evidence, however, to suggest that there has been a major transfer of children from special settings to mainstream, since the proportion in special schools and settings has remained constant for a long period of time, and indeed may be slightly increasing.

Since the passage of the additional support for learning legislation, official statistics suggest there has been a quadrupling of children identified as having additional support needs. However, this has

been achieved by widening the definition of which children are counted, so that now children with any type of plan are included. It is important to note that at the same time as the proportion of pupils with additional support needs has expanded, the proportion of those with a statutory support plan has diminished. This is significant, because a statutory support plan is perceived as providing some guarantee of additional resources and stronger rights of redress. So whilst there has been a major expansion of the additional support needs population, the extent to which these children are actually receiving additional resources is uncertain. Stone (1984) argued that at times of economic austerity, the state was likely to attempt to shrink the category of disability, since this is an area of expenditure which attracts public sympathy and appears to warrant the allocation of resources on the basis of need rather than work. In the area of additional support needs, the reduction of those entitled to a co-ordinated support plan appears to support Stone's argument that shrinking certain categories is a useful means of curtailing entitlement. At the same time, the downplaying of the role of the Tribunal makes it more difficult for parents to challenge local authority decisions.

Tomlinson suggested that, in the 1980s the expansion of the category of special educational needs was used to obscure underlying economic problems contributing to a collapse in the youth labour market (1985). The identification of growing numbers of children with learning deficits, particularly clustered into the non-normative and highly stigmatised category of social, emotional and behavioural difficulties, may be used as an explanation and justification of their lack of employment. This may be a useful deflection of attention from the main source of the problem, which is the collapse of the youth labour market across Europe in the wake of the on-going crisis of capitalism. In 1985, Tomlinson suggested that the concept of special needs may have become an ideological rationalisation which obfuscates the educational, political and economic needs actually served by the expansion. The same argument might be used in relation to the current expansion of the additional support needs population in Scotland.

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