



The Scottish Parliament
Pàrlamaid na h-Alba

EDUCATION AND SKILLS COMMITTEE

AGENDA

7th Meeting, 2019 (Session 5)

Wednesday 27 February 2019

The Committee will meet at 10.00 am in the Robert Burns Room (CR1).

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private. The Committee will also decide whether to take the consideration of evidence on Additional Support Needs in private at its next meeting.
2. **Additional Support Needs:** The Committee will take evidence from—
May Dunsmuir, President, Health and Education Chamber, First-tier Tribunal for Scotland;

Nick Hobbs, Head of Advice and Investigations, Children and Young People's Commissioner Scotland; and

Professor Sheila Riddell, Director of the Centre for Research in Education, Inclusion and Diversity, University of Edinburgh.
3. **Review of evidence:** The Committee will consider the evidence it heard earlier.

Roz Thomson
Clerk to the Education and Skills Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 85222
Email: Roz.Thomson@parliament.scot

The papers for this meeting are as follows—

Agenda item 2

SPICe briefing paper	ES/S5/19/7/1
Submissions pack	ES/S5/19/7/2
SPICe summary of Local Authority submissions	ES/S5/19/7/3
Focus group notes	ES/S5/19/7/4

Education and Skills Committee Additional Support for Learning Wednesday 27 February 2019

INTRODUCTION

The Committee agreed to take evidence on people's views and experiences of provision for pupils with additional support needs ("ASN"). The Committee undertook a short inquiry into ASN in 2017 and has agreed to follow up on that work.

The recommendations and a recent update from the Scottish Government on the recommendations of the Committee's report in 2017 is included in Annexe A. A short description of key developments since the publication of the Committee's report can be found in Annexe B and a summary of the legislative framework for ASN is set out in Annexe C.

The Panel

The Committee is planning to hold two evidence sessions on ASN. This week the Committee shall hear from—

- Professor Sheila Riddell, Moray House School of Education;
- May Dunsmuir, Health and Education Chamber of the First-tier Tribunal for Scotland; and
- Nick Hobbs, Head of Advice and Investigations, Children and Young People's Commissioner Scotland.

Professor Riddell is Director of the Centre for Research in Education Inclusion and Diversity at the Moray House School of Education, University of Edinburgh. Her research interests are in the broad field of equality and social inclusion, with particular reference to gender, social class and disability in the fields of education, training, employment and social care. Professor Riddell provided evidence to the Committee during its work on ASN in 2017.

May Dunsmuir is the President of the Health and Education Chamber of the First-tier Tribunal for Scotland (the Health and Education Chamber). Mrs Dunsmuir was appointed as President of the Additional Support Needs Tribunals (ASNTS) on 12 May 2014, and became the President of the Health and Education Chamber on 12 January 2018, at which time the ASNTS transferred into the Chamber.

Nick Hobbs is the Head of Advice and Investigations in the office of the Children and Young People's Commissioner Scotland. Mr Hobbs started in this role in summer 2017 after the investigatory powers of the Commissioner were extended through the Children and Young People (Scotland) Act 2014.

The remainder of the paper sets out themes that the Committee may wish to explore with the panel.

THEME 1: PARENTS', CHILDREN'S AND YOUNG PEOPLES' RIGHTS

A brief overview of the legal framework covering ASL is included in Annexe C to this paper.

The Education (Scotland) Act 1980 provides for a duty on education authorities to secure "adequate and efficient provision of school education" (s1). The Standards in Scotland's Schools etc. Act 2000 ("the 2000 Act") made an important legislative change in the delivery of education in Scotland, providing for children to have a right to school education and that education should be "directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential".

The Education (Additional Support for Learning) (Scotland) Act 2004 ("the 2004 Act") provides for a number of rights for parents and children and young people, as well as placing duties on education authorities. Local authorities have duties to identify and meet additional support needs and to monitor and provide information on this support. The 2004 Act does not require local authorities to "do anything ... that would result in unreasonable public expenditure being incurred." (s.4)

Parents, young people and, in some cases, children, have significant rights under the 2004 Act. These are set out concisely in the [statutory Code of Practice](#) (p14-15). The rights are to do with: asking for the local authority to assess the needs of their child; asking for a local authority to establish whether a co-ordinated support plan is required or needs to be updated; being kept informed of the process and their rights; receiving advice and support in dispute resolutions.

Parents and eligible children also have the right to refer to the Tribunal on "specified matters relating to co-ordinated support plans, appeals against the refusal of placing requests to special schools and failures by an education authority in relation to their duties regarding school to postschool transitions (an eligible child does not have this right)." (Code of Practice p15)

Professor Riddell's submission set out the rights conferred on eligible children by amendments made by the Education (Scotland) Act 2016 ("the 2016 Act") to the 2004 Act.

Right to ask local authority to: <ul style="list-style-type: none">- find out if they have additional support needs- request a specific assessment- find out if they need a CSP- ask for a CSP to be reviewed	Rights to get information or for information to be shared: <ul style="list-style-type: none">- about their ASN- receive a copy of their CSP- be told about decisions about their rights- be asked if they are happy for info to be shared when leaving school
Rights to support to have their views heard: <ul style="list-style-type: none">- Be involved in decisions about their support- access to support and advocacy to have their views heard (My Rights, My Say)	Right to be involved in resolving disagreements: <ul style="list-style-type: none">- ask for independent adjudication- make a reference to ASNT- asked for their views during mediation
Not included: Mediation, placing requests, children without ASN	

Awareness of rights

One of the Committee's recommendations in 2017 stated—

“Given the emphasis in evidence on the importance of the parent pushing for support for their child, the Committee is concerned that this issue will disproportionately impact upon disadvantaged families and potentially have an adverse effect, namely widening the attainment gap between children with ASN in deprived and more affluent families.” (para 12)

A number of submissions to the Committee in advance of this evidence session state that knowledge of parental rights is often lacking. A parent, Lynn Murray stated—

“In our experience, many parents don't seem to know their rights, nor are they made aware of the benefits of [mainstream] school. Even when they do know their rights, they can still face a fight to ensure their child gets the optimum support and welcome.”

The Scottish Government noted in its update to the Committee on the 2017 recommendations, that it funds Enquire and other services to provide information to parents and children. Another parent, Francis Reid stated—

“Until recently, my family were not aware of many of the rights we had. However, since contacting 'Enquire' we are now better informed.”

Professor Riddell argued that local authorities have not provided training or sufficient information on the extension of rights to children in 2018, under the amended 2004 Act. She said—

“The majority of parents and children are also unaware of their rights, and most local authorities have not as yet produced a child-friendly section of their web-site. The My Rights My Say service, funded by the Scottish Government, has made great efforts to reach out to children and young people through the provision of advice and information, advocacy and legal support. However, tellingly, during 2018 only one reference has been made to the ASN tribunal by a child.”

Bill Colley, the former head of the New School at Butterstone stated—

“The more able and articulate can advocate for themselves or seek additional support. There is clear discrimination in how needs are assessed and met, with those from more 'deprived backgrounds' disenfranchised because of a lack of appropriate support.”

Remedies and dispute resolutions

There are a number of processes outlined in the 2004 Act to remedy failings and to support dispute resolution. These are—

- Right to have a 'supporter' present in discussions or an 'advocacy worker' make representations to the local authority, but the local authority do not have to pay for this. (s.14)
- Right to an advocacy services, free of charge, for those taking cases to the Additional Support Needs Tribunal (s.14A)

- Independent mediation, free of charge (s.15)
- Independent adjudication, free of charge (regulations under s.16)
- A Tribunal for certain issues involving Co-ordinated Support Plans, placing requests and disability discrimination cases under the Equality Act 2010. (s.17). The full list of grounds for references to the Tribunal are given in s.18 of the 2004 Act.

The submission from the Additional Support Needs Tribunal noted that it is a relatively low volume tribunal, albeit the number of cases is growing. The majority of its cases are in relation to placing requests.

Plans

Professor Riddell's submission noted that the use of Co-ordinated Support Plans (CSPs) is decreasing. At the same time, the use of the non-statutory Child's Plan is increasing.

The 2004 act states that a child requires a CSP where the individual has additional support needs: arising from one or more complex factors or multiple factors; those needs are likely to continue for more than a year; those needs require significant additional support to be provided by the educational authority in the exercise of any of its other functions (e.g. social work) as well as in the exercise of its functions relating to education (or along with other agencies). (S.2)

Professor Riddell stated that CSPs are the only type of educational plan for children with legal force. She said—

“The format of the CSP is clearly specified and, unlike other plans, does not vary by local authority. The plan must contain a clear statement of the child's educational needs and the measures proposed by the local authority to meet these needs. It also ensures a multi-disciplinary assessment, with clear statements by other agencies such as health and social work as to what they will do to help education meet the child's needs. The document guarantees that regular reviews will take place and, importantly, allows children and young people to make reference to the tribunal, or request independent adjudication, in order to resolve disagreements about provision. Thus within the Scottish context, CSPs are an essential means of ensuring the children's rights are realised. Official statistics suggest that the number and proportion of children identified as having ASN has rapidly increased, but CSPs appear to be in terminal decline.”

A Child's Plan is recommended under the GIRFEC approach. Its purpose is to address wellbeing needs of the child. Children may also have an Individualised Educational Programme, which is a written document which outlines the steps to be taken to help children and young people who have ASN to achieve specified learning outcomes. The ASNT's submission reported that—

“The Child's Plan is not an education document and is not intended to replace the CSP. Some education authorities are citing the existence of a Child's Plan as a reason to refuse a request for a CSP.”

Below is a table showing the number of pupils on certain support plans for children with ASN in 2018.

Plans	Number	% of children identified as having ASN
CSP (Co-ordinated Support Plan)	1,986	1%
IEP (Individualised Education Programme)	35,566	18%
Child Plans	39,436	20%
All pupils with ASN	199,065	100%

Source: Summary statistics for schools in Scotland no. 9: 2018 edition

Restraint and Seclusion

The Children and Young People's Commissioner laid his report [*No Safe Place: Restraint and Seclusion in Scotland's Schools*](#) before the Scottish Parliament in December 2018. This is the first report following the use of the Commissioner's new investigatory powers. In his foreword to the report, the Commissioner stated—

"The decision to make Restraint and Seclusion in Scotland's Schools the first topic for investigation was relatively straightforward. It is based on careful consideration of the rights issues at stake and the implications of those rights being breached, the vulnerability of the children and young people involved, and the extent to which concerns have been raised with me and my staff through the office's advice function.

"My office has received dozens of enquiries, calls and emails from parents and carers of children with disabilities and other Additional Support Needs, as well as professionals who work with them. They told us of their concerns about the treatment of children in schools across Scotland, and in particular about the use of restraint and seclusion techniques as a method of behaviour management. We heard that children can be restrained and/or secluded in response to challenging behaviour, without any consideration of what may lie behind that behaviour or the individual child's rights and needs."

The report made 22 recommendations, which are set out in [the executive summary of the report](#). The Commissioner sought responses to his report from the Scottish Government, national agencies and local government by the end of January 2019. The recommendations included: seeking rights-based guidance and policies on the practice at local and national levels; better recording of incidents; better planning in collaboration with parents on how to avoid the need for restraint and how it might be used.

The use of restraint is also a topic of a live petition by Beth Morrison, [PE1548: National Guidance on Restraint and Seclusion in Schools](#). [Petition PE1709: Install CCTV cameras and provide full time social work support in all additional support needs schools](#) by Claire Mooney is also concerned about the use of restraint and seclusion in ASN schools.

The Committee may wish to explore with the panel:

- **The extent to which rights of parents and young people in relation to ASN are understood by schools, education authorities, parents and young people themselves.**
- **Whether families from more deprived backgrounds are disadvantaged in relation to understanding and exercising these rights and if so, how best to ensure more equitable access to support.**
- **The effectiveness of the available remedies and dispute resolutions. What remedies are available in relation to support to children whose additional support needs fall short of requiring a Co-ordinated Support Plan (CSP).**
- **The panel's views of the declining use of CSPs and increasing use of Child's Plans.**
- **The panels views on seclusion and restraint and the remedies available for parents and carers should they have concerns over its use.**
- **An update from Mr Hobbs on responses to the Commissioner's report on restraint and seclusion.**

THEME 2: INCLUSION AND MAINSTREAMING

Section 15 of the 2000 Act provides for a presumption that children will be educated in mainstream schools unless mainstream provision:

- would not be suited to the ability or aptitude of the child;
- would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
- would result in unreasonable public expenditure being incurred which would not ordinarily be incurred,

and it shall be presumed that those circumstances arise only exceptionally.

The 2017 pupil census records that 93% of pupils with additional support needs spend all their time in mainstream classes. Those with the most complex needs have Co-ordinated Support Plans, and around half of these pupils spend all their time in mainstream education. (Scottish Government pupil census 2017, table 1.6)

The Committee made a number of recommendations in relation to mainstreaming in its 2017 report. The Committee highlighted that its evidence suggested that some children were in mainstream education when their needs would be better served in specialist educational establishments.¹ The Committee recommended that the Scottish Government undertake work on how mainstreaming is working in practice.² The Committee also noted that a number of parents reported positive experiences of their children with additional

¹ Paragraph 3

² Paragraph 8

needs being educated in mainstream schools.³ The Committee also noted that there are resource pressures – this is addressed in the next section of this paper.

In November 2017, the Scottish Government consulted on [new guidance on the presumption of mainstreaming](#). The draft guidance was intended to—

“Bridge the gap between legislation, policy and day-to-day experience of decisions around placement, to ensure that local authorities have the guidance required to help their decision making in applying the presumption of mainstreaming. It is intended to provide guidance on applying the presumption and looks to encourage a child centred approach to making decisions around placement. As the implementation of the presumption of mainstreaming requires a commitment to inclusive practice and approaches to be effective, the guidance clearly links inclusive practice with the presumption throughout and includes key features of inclusion and guidance on how to improve inclusive practice in schools.”

The guidance included high-level principles, as well as guidance on how decisions on mainstreaming should be taken. The Consultation closed on 9 February 2018.

An [analysis of responses to the Consultation was published on 27 June 2018](#). The analysis of responses noted that “there was strong support for the vision and principles underpinning the document and practice as envisaged in the draft guidance.” The concerns raised were commonly around how mainstreaming works in practice, the analysis of consultation responses stated—

“The concerns raised in the consultation were not, in the main about the vision and principles or the practice as envisaged in the draft guidance, but that current practice did not meet those aspirations and that if the guidance was to be implemented effectively, practice would have to be strengthened and supports put in place to achieve this. The most common concern reported was resources and this included having sufficient numbers of teachers and support staff, access to specialist supports, specialist provision within local areas and the physical environment of schools. The attitudes and ethos of practitioners was seen as crucial and that there had to be more training put in place to support teachers and support staff.”

The NASUWT’s submission to the Committee echoed these comments. Its submission stated—

“The ambition for all children to be educated in mainstream schools is one the NASUWT supports in principle, but the setting must be appropriate and the placement properly resourced to meet the needs of each child. Without this, the needs of the child will not be met and their educational progress will suffer.”

Some the recent submissions to the Committee from parents expressed dissatisfaction with the support provided in mainstream schools, with a few choosing to home-school their children as a consequence. UNISON Scotland’s submission stated that—

“Increasing numbers of children with additional support needs attend mainstream schools but many are far from being mainstreamed into school life ... some children

³ Paragraph 5

are being forced to fit in rather than being schooled in more suitable physical environments”

[Scottish Executive Guidance on the 2002 Act](#) set out the aim of the policy on mainstreaming—

“The intention behind the new duty is to establish the right of all children and young persons to be educated alongside their peers in mainstream schools unless there are good reasons for not doing so. It is based on the premise that there is benefit to all children when the inclusion of pupils with special educational needs with their peers is properly prepared, well-supported and takes place in mainstream schools within a positive ethos. Such inclusion helps schools to develop an ethos to the benefit of all children, and of society generally. It also helps meet the wishes of many parents that their children should be educated alongside their friends in a school as close to home as possible.”

NASUWT reported that one of its members stated that—

“Often, groups of children needing support are put in the same class and one extra person is given to support them all. The impact of this is high numbers of ASN in a class, meaning those pupils, and pupils without ASN, are not getting enough one-on-one time to progress their learning.”

The Scottish Government has commissioned research on the experiences of children and young people with additional support needs. The Cabinet Secretary stated that he is considering the responses to consultation on the guidance on the presumption of mainstreaming and the results of the research in the light of the conclusions of the Not Included, Not Engaged, Not Involved report (see below). Both are due to be published this year.

Not Included, Not Engaged, Not Involved

Children in Scotland, the National Autistic Society Scotland, and Scottish Autism jointly undertook a survey on the experiences of autistic children missing school. [Not Included, Not Engaged, Not Involved](#) was published in September 2018. The report was based on a survey of 1,417 parents and its main findings were—

- 13% of those asked had experience of their autistic child being formally excluded from school in the previous two years.
- 28% of those asked had experience of their autistic child being placed on a part-time timetable in the previous two years.
- 85% of those asked said their autistic child did not receive support to catch up on work they had missed.
- 72% of those asked felt that school staff having a better understanding of how their child’s autism affects them, including their communication needs, could have helped their child.

Members may wish to note that the percentages quoted are of those chose to answer the particular question, rather than the full survey responses (1,417). In other words, the percentages presented exclude those that did not answer the question or in some cases

when the question was not applicable. The percentages quoted in the bullets above were based on large numbers of respondents, however care should be taken when using percentages from the report. The report noted—

“Results are of a self-selecting sample, and those parents that took part chose to do so, knowing that the survey was asking for experiences of children who had missed time from school. **We are not claiming that the results are representative of the experiences of all autistic children in Scotland.**” (p.14 Original emphasis)

The report also includes a range of qualitative data on parents’ experiences. It made nine recommendations—

1. Stop the use of unlawful exclusions and inappropriate use of part-time timetables.
2. Reduce the number of formal exclusions of children with additional support needs
3. Improve the availability of specialist teachers
4. Review of the availability of appropriate placements for autistic children
5. Enhance programmes of initial teacher training and Continual Professional Development to improve understanding of autism
6. Reinstate a minimum number of hours of education for children out of school
7. Improve access to online learning
8. Use of whole school approaches to raise awareness and understanding of pupils with additional support needs, including autism
9. Awareness raising of children’s rights to additional support for learning with children, young people and families

Part-time time-tables and exclusions were also issues raised in recent submissions to the Committee.

The Committee may wish to explore with the panel:

- **Whether the outcome of the policy of mainstreaming matches the goals at the outset.**
- **The extent to which children are being educated in mainstream education inappropriately and if this is reflective of a lack of capacity in mainstream schools to provide support or a lack of places in special schools.**
- **The panel’s views on exclusion and part-time timetables, especially for children with Autism.**
- **Whether the expected benefits to all children of mainstreaming have been realised.**

THEME 3: RESOURCES, TRAINING AND SUPPORT

Resource issues are closely linked to the discussions around mainstreaming, inclusion and difficulties with accessing support. As noted above, the duty on education authorities to provide of support for children with ASN is qualified and education authorities are not required to take actions that “would result in unreasonable public expenditure being incurred”.

The Committee’s 2017 report highlighted resources as being an important consideration—

“The Committee received lots of evidence suggesting that, due to a lack of resources, some children feel more excluded in a mainstream school setting than they may have done in a special school. In other words the policy to include is having the opposite effect in some circumstances due to a lack of resources.” (para 3)

The Committee also stated that processes of: identifying support needs; providing support; and being placed in the correct setting could each be impacted by resource considerations. The Committee recommended that the Scottish Government review of the guidance on mainstreaming and assess the extent to which resources are impacting on each of these processes. The Committee stated that—

“Resource limitations that are impacting on these processes include:

- the number of trained ASN teachers and ASN assistants,
- the availability of specialists including mental health specialists and educational psychologists,
- the level of resources supporting the ASN Tribunal process and other appeal processes, and
- the availability of spaces in special schools”
(Para 11)

The consultation on the proposed guidance on mainstreaming also found that respondents had concerns about a lack of resources. The [analysis of responses noted](#) that, in response to a question on the broad vision for inclusion in Scotland—

“Of those that raised concerns about implementation the main issue raised was lack of resources. This included staff resources, both teachers and pupil support assistants, and resources to ensure that there was enough provision to cover a wide range of needs both within both mainstream and special schools. Training and support for teachers and pupil support assistants was also highlighted as an issue.”

UNISON Scotland which represents classroom assistants, argued that in a system with finite resource additional support can have wider implications, it said—

“If a parent manages to successfully get extra support for their child then this is not accompanied by extra funding. Resources are just redirected impacting on others in the school. When support needs are not met pupils’ behaviour can become disruptive. This impacts on others in the class and often leads to their exclusion from the classroom. This typically leads to a child working alone in another classroom with a support worker not a teacher or specialist. Time-out rooms are

also used to de-escalate tense situations often caused when lack of support in the classroom leads children to disruptive responses. Again, it is usually the lowest paid staff in the school expected to manage the pupil once removed from the classroom.

“These staff are the ones who receive the least training (and pay) the whole point of identifying additional support is to identify specialist help. That requires employing and training specialists.”

UNISON Scotland also highlighted a lack of training for staff supporting children with ASN; it noted however, that Glasgow City Council is planning to introduce an accredited two-year induction training course for all new support staff. In response to the Convener’s letter to all Directors of Education in December 2018, nine local authorities outlined the training available to classroom support staff (summarised in Paper 3). Lorna Walker, a former headteacher and school’s inspector, stated in her recent submission to the Committee—

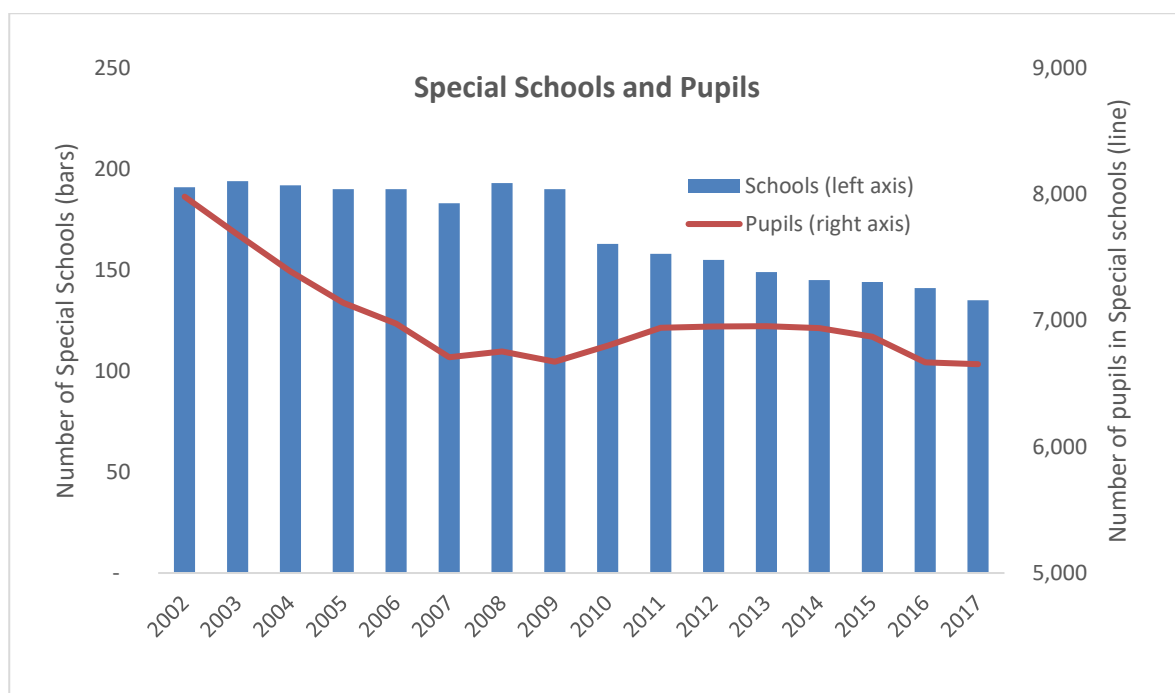
“The issue is not simply about 'enough resource'. The most important consideration is the **quality of support** provided. This requires an investment in a wide range of training in how to support the diverse needs of young people. Our flagship services in the 90's and noughties was in no small part due to chosen practitioners undertaking a range of professional development including up to one-year secondment in special educational needs and in guidance. There was no statutory guidance promoting this but it was possible because of ring fenced Government monies that ceased.” (original emphasis)

Gillian Tosh, a parent argued that more can be achieved through better working practices. She said in her submission—

“If you have a good head teacher that cares about each individual pupil and doing what is best for them makes the biggest difference. It isn't all about money but attitude.”

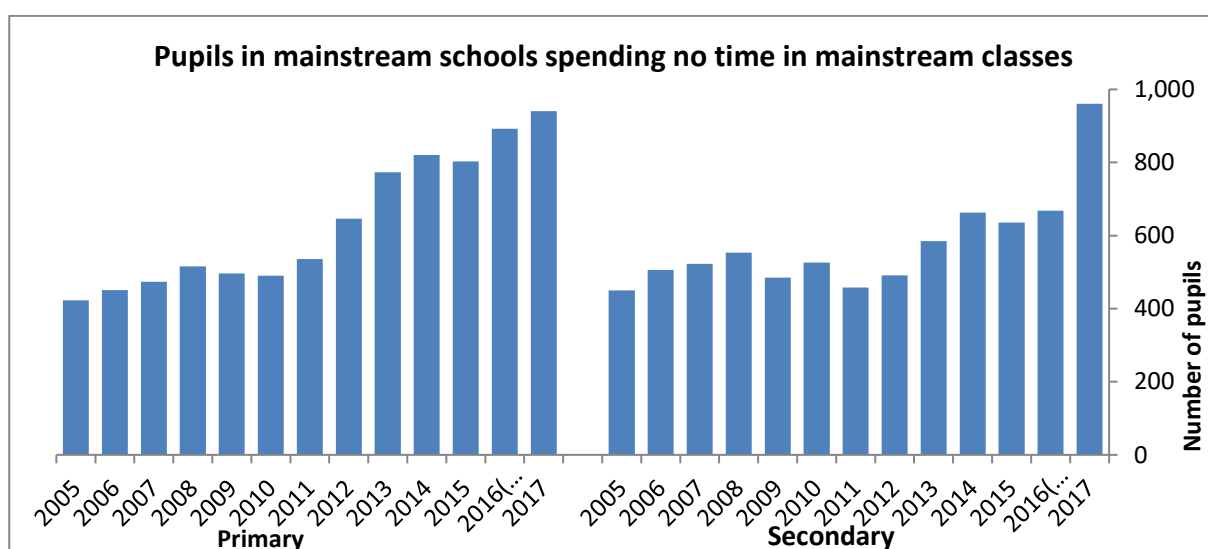
In terms of educational psychologists, the Scottish Government is seeking to encourage more educational psychologists to train and work in Scotland. The Government announced in [May 2018 that it would provide £90m to support training fees and living costs to encourage more specialists to train and work in Scotland](#). These post-graduate training places are at the University of Dundee and the first cohort began in September 2018.

The number of special schools was stable between 2002 (191) to 2009 (190). Since then there has been a steady decline and in 2017, there were 135 special schools. The Chart below shows both the number of special schools (bars, reading from the left axis) and the number of pupils in special schools (line, reading from the right axis).



Source: Pupil Census 2017, Table 1.1

The Chart Below show the number of pupils in mainstream schools who are reported as not spending any time in mainstream classes (e.g. in specialist units) since 2005.



Source: Pupil Census, Chart 2 (adapted)

The Committee may wish to explore with the panel:

- **The extent to which resources are driving decisions on where pupils with complex needs are educated. Whether this is compatible to a rights-based approach and how the rights of different individuals with different needs can be balanced.**
- **How the availability of resources impacts of different aspects of supporting children with ASN and their families (e.g. identification, support and placing). Whether there are any trends in gaps in provision.**
- **To what extent provision might be improved by through better training for existing staff and supporting needs through universal provision.**

- **Whether there is a lack of specialist places and the extent to which like-for-like places which had previously been in special schools have been replaced by supported places in mainstream school buildings.**

THEME 4: DEFINITIONS AND RECORDING OF ADDITIONAL SUPPORT NEEDS

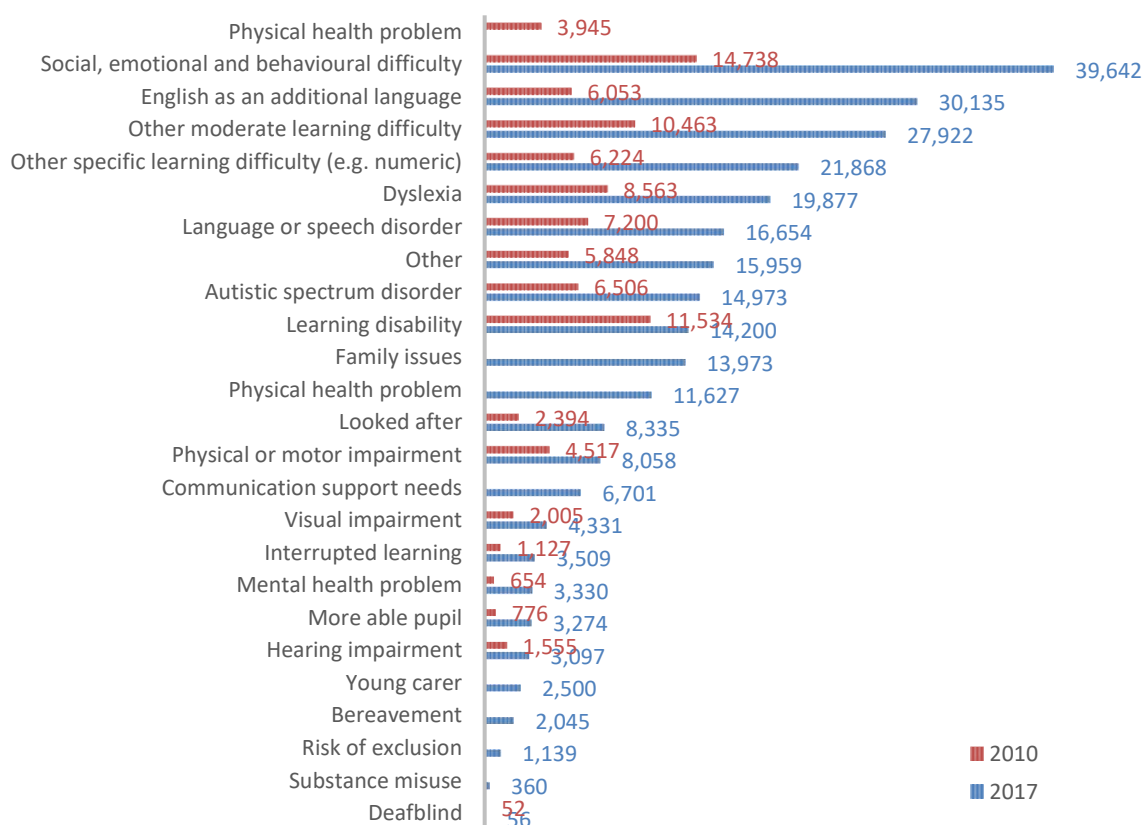
The 2004 Act does not list specific conditions, with the exception that looked after children are presumed to have additional support needs unless shown otherwise. The 2004 Act states—

“A child or young person has additional support needs for the purposes of this Act where, for whatever reason, the child or young person is, or is likely to be, unable without the provision of additional support to benefit from school education provided or to be provided for the child or young person.” (s.1(1))

In 2017, the Committee stated—

“The number of pupils recorded with additional support needs has more than doubled over the last few years (153% increase since 2010 (SPICe)). This is likely to be due in large part to better recognition and changes in recording practice. In 2010 102.2 pupils per 1,000 were recorded as having additional support needs. In 2016 this had increased to 248.7 per 1,000.”

The very wide range of additional support needs can be seen the variety of need recorded in the pupil census and the categories recorded for national statistical collections has grown since 2010. The chart below shows the numbers of children with an identified need and the categories under which they were recorded in 2010 compared to 2017. Where there is no figure quoted, the category was not used in that year.



Source: Pupil census 2010 & 2017. Pupils with more than one reason for support will appear multiple times.

The Committee noted that there is a wide variation in the numbers of children identified with ASN across different local authorities. The table below shows the percentages of children identified with ASN in the primary and secondary sectors by local authority in 2017.

Percentage of pupils with identified additional support need, 2017, primary and secondary sectors

Local Authority	Primary (%)	Secondary (%)	Local Authority	Primary (%)	Secondary (%)
Aberdeen City	29.5	30.9	Highland	37.2	40.6
Aberdeenshire	41.3	37.6	Inverclyde	21.6	30.6
Angus	10.0	18.5	Midlothian	22.0	28.9
Argyll & Bute	16.9	30.4	Moray	33.0	33.5
Clackmannanshire	28.2	29.8	North Ayrshire	23.0	31.3
Dumfries & Galloway	31.2	32.9	North Lanarkshire	13.6	16.9
Dundee City	16.9	22.7	Orkney Islands	28.2	34.4
East Ayrshire	23.6	26.6	Perth & Kinross	32.6	35.2
East Dunbartonshire	16.9	22.0	Renfrewshire	12.8	20.4
East Lothian	19.1	28.4	Scottish Borders	29.3	31.0
East Renfrewshire	16.8	25.2	Shetland Islands	32.6	24.3
Edinburgh City	22.2	29.3	South Ayrshire	21.4	22.3
Na h-Eileanan Siar	26.3	37.5	South Lanarkshire	23.1	23.5
Falkirk	22.7	27.0	Stirling	23.8	30.2
Fife	16.6	29.8	West Dunbartonshire	32.7	40.2
Glasgow City	24.0	39.2	West Lothian	23.0	29.6
All local authorities	23.5	29.6			

Source: Pupil census 2017, tables 6.10 & 7.5

In relation to the diversity of levels of identified additional support needs a letter from [COSLA to the Committee in March 2017](#) stated—

“We note that the Committee identified a variation in the number of children and young people with ASN across local authority areas. Teachers and Head Teachers may use a variety of approaches to support the children in their schools and both COSLA and ADES are clear that a variation in approach does not mean a variation in the standard which children and families can expect from these committed professionals. Instead, it is instead a reflection of the different ways in which support can best be achieved according to local situation and circumstance.”

In response to the Convener’s letter to all Directors of Education in December 2018, City of Edinburgh Council noted that from their perspective: “there are concerns about the validity and reliability of data relating to Additional Support Needs when used for comparison across authorities. It is my understanding that this view is shared in other education authorities.” The authority went on to say: “the data that are available for inter-authority comparisons and national monitoring have not been purpose designed and reflect the impact of multiple factors that distort the picture.” However, the Highland Council stated that an “issue for local authorities is the lack of consistency in reporting the numbers of pupils with ASN and the levels of need experienced by these children and young people in each area. The inconsistency across local authorities and the growing number of pupils

recorded as having ASN would indicate that local authorities are using different benchmarks internally, with some reporting all ASN as defined by the Education (Scotland) Act (ASL) 2004 ... Guidance on recording and reporting on SEEMIS would be helpful in ensuring greater consistency and having clarity about the real need across Scotland.”

The Committee was interested in the number of specialist ASN teachers. The table below totals a number of categories of teacher whose main specialism is to provide additional support.

Teachers for whose main subject is in relation to additional support

FTE	2010	2011	2012	2013	2014	2015	2016	2017
Primary (1)	845	792	735	694	625	617	588	529
Secondary (2)	1,604	1,492	1,421	1,384	1,249	1,237	1,215	1,221
Centrally employed (3)	341	421	529	537	556	544	568	533
Special school (4)	1,913	1,973	2,026	2,020	1,974	1,911	1,869	1,836
Total	4,703	4,678	4,711	4,635	4,404	4,309	4,240	4,119

(1) Learning Support and ASN teachers (Table 2.8). (2) ESL, Learning support, ASN, Hearing and Visual impairment teachers. (Table 3.9) (3) Learning support, ASN, Hearing and Visual impairment and ESL teachers. (Tables 5.2 & 10.2) (4) all teachers (Table 4.1). Source: Teacher Census 2017 and previous releases for Centrally employed staff.

There has been a fall in additional support teachers (in a broad sense) since 2010. The fall in primary and secondary additional support teachers between 2010 and 2013 was off-set somewhat by a rise in teachers recorded as being employed centrally by the local authority. Since 2013 the numbers of specialist primary school teachers have continued to fall, as have the number of additional support teachers in secondary schools to a lesser degree. Numbers of centrally employed additional support staff has remained fairly stable since 2013, the numbers of special school teachers has fallen. Overall there has been an 12% fall in these categories cross all employment sectors since 2010.

An objection to presenting only additional support teacher numbers is that all teaching staff will support children with additional support needs. In response to the Committee’s 2017 report COSLA stated that it was concerned at assumptions that “ASN specialists should be the main contributor in a child or young person’s education, when the class teacher is responsible with any specialists providing advice, and often not in the classroom.”

The Committee explored the data available on the numbers of specialist ASL classroom assistants in an evidence session with Scottish Government officials on [28 November 2018](#). The presentation of the staff census changed in 2018 (i.e. the 2017 data) and a number of categories were merged. Following the evidence session, the Chief Statistician of the Scottish Government wrote to the Committee. He said—

“The changes made to the presentation of data on support staff in schools were made in order to better reflect practice in schools and local authorities. Officials explained to the Committee that the change to the presentation of the Additional Support Needs Auxiliary or Care Assistant category has no impact on the information available on the number of support staff working to support children with additional support needs. This specific role does not exist in all local authorities as this type of support is provided through other means and roles. The assignment of staff to this category in census returns was found in some instances to be entirely arbitrary.”

As noted above, the Committee also wrote to all local authorities seeking their perspective on: the information they collect and hold on the numbers of school support staff supporting children with an ASN; the training is provided for staff; and guidance they have in place on the naming of job roles. The responses suggest that there has been a varied approach to how local authorities provide classroom support. A summary of responses has been prepared and is included Paper 3.

In terms of outcomes for children with ASN, the Scottish Government collects statistics on positive destinations. The most recent statistics are for 2016/17 and have been reproduced in Annexe D.

The Committee may wish to explore with the panel:

- **The extent to which ASN can or should be considered as a single policy or practice issue, given the breadth of definitions of ASN.**
- **The extent to which the rise in numbers of pupils identified with ASN is due to a broader definition and better identification. The implications of this on resource planning at a local authority or national level.**
- **Whether a learning need met in a classroom by a classroom teacher is considered additional and if the interpretation of ASN differs.**
- **Whether there is evidence that the difference in levels of reporting ASN in different local authorities impacts on children's outcomes.**

Ned Sharratt
SPICe Research
22 February 2019

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Committee recommendations and the Scottish Government response and actions.

The Committee published [How is Additional Support for Learning Working in Practice?](#) was published on 15 May 2017.

The Committee has taken an ongoing interest in additional support for learning and it has been the subject of regular correspondence between the Committee and the Scottish Government since. Links to all of the Correspondence can be found on the [Committee's website](#).

The Committee periodically asks for updates from the Scottish Government on recommendations from previous Committee reports. The most recent response came from the Cabinet Secretary on 15 February 2019.

The Scottish Government's update in relation to the Committee's report on ASN is reproduced below.

Committee Recommendation	Scottish Government update, February 2019
<p>The context for the Committee's analysis of education for children with additional support needs in this report is the "exponential" increase in the recorded incidence of children with additional support needs in Scotland in recent years, to a level beyond many people's expectations (153% increase since 2010). The Scottish Parliament passed the legislation that brought in the mainstreaming policy and the Parliament continues to support the inclusive ethos behind it. However, the success of mainstreaming, and more broadly the policy of inclusion, is dependent on how it is implemented. The Committee received lots of evidence suggesting that, due to a lack of resources, some children feel more excluded</p>	<p>Children and young people should learn in the environment which best suits their needs, whether that is mainstream or special school. The Additional Support for Learning Act places duties on education authorities to identify, provide for and review the additional support needs of their pupils. There is already a range of support and provision in place in Scotland to meet children's needs. However, we have listened to the experiences of children and families about getting that support and will take action to secure more positive experiences for those receiving support. This will include improving consistency of support across Scotland, through improved guidance; building further capacity to deliver effective additional support; improving career pathways and professional development, including new free training resources for school staff on inclusive practices.</p>

<p>in a mainstream school setting than they may have done in a special school. In other words the policy to include is having the opposite effect in some circumstances due to a lack of resources. An analysis of the evidence, taking available resources to support Additional Support for Learning (ASL) in mainstream schools into account, suggests that more children than are actually best served by mainstream education are currently in mainstream primary and secondary schools.</p>	
<p>Looking more broadly at additional support for learning, the evidence points at a number of ways in which resources are not currently sufficient to support those with additional support needs in mainstream schools. The most notable factors are the reduction in the number of specialist staff in classrooms, the reduction in specialist support services and the reduction in special school places.</p>	<p>97% of children with additional support needs are educated in mainstream schools, all teachers provide support to pupils not just specialist teachers, such as, 'support for learning' teachers. To single out specialist teachers, such as, support for learning teachers is inaccurate. We remain committed to maintaining teacher numbers nationally. We are committed to ensuring we have the right number of teachers, with the right skills, in the right places to educate our young people. Published data on teacher numbers (teacher census 2018) shows that numbers have increased since last year to 51,959 (from 51,513 in 2017). In 2017, there were 13,763 support staff supporting pupils with additional support needs in schools (12,891 in 2016). Statistics show there are more than 13,000 pupil support assistants in Scotland in 2017. While this figure is not comparable with the total for last year of around 12,000, we are determined that all children and young people get the support they need to reach their full potential. There has been no change to the data collected in relation to support staff in schools.</p> <p>The change to the presentation of the data provides a better, more reliable picture of support staff in schools and is more consistent with practice adopted by Local Authorities.</p> <p>Local Government Financial Statistics for 2016-17 showed that local authorities spent £5.07 billion on education in Scotland. This has gone up from £4.95 billion in 2015-16 - a 0.3% increase in real terms (2.5% in cash terms). Of that, £610 million</p>

	was on additional support for learning – increased from £584 million in 2015-16 a 2.3% increase in real terms (4.5% in cash terms)
Nevertheless, the Committee is encouraged by the figures provided by the Cabinet Secretary on positive outcomes for those with additional support needs (ASN). It is also encouraged to have heard from a number of parents what a massive difference effective support from a particular person, school or education authority, in mainstream education, has made to the lives of their children. These achievements are particularly welcome when set against a backdrop of limited resources and a massive increase in the recorded incidence of additional support needs.	<p>Children and young people with additional support needs continue to achieve:</p> <ul style="list-style-type: none"> • 87.1% of 2016/17 school leavers with additional support needs had a positive follow-up destination. A 5.1 percentage point increase since 2011/12 • 69.1% of 2016/17 school leavers with ASN left school with 1 or more qualification at SCQF level 5 or better. An increase of 13.8 percentage points since 2011/12. • 90.4% of 2016/17 school leavers with ASN left school with 1 or more qualification at SCQF level 4 or better. An increase of 4.8 percentage points since 2011/12. <p>As the Committee are aware in 2010, to improve accuracy, the Scottish Government changed the way in which Additional Support Needs statistics were recorded. Instead of collecting information on formal plans and settings [special schools, individualised educational programmes and co-ordinated support plans] it was extended to record any additional support provided to pupils. Consequently, the numbers of pupils with recorded additional support needs did increase significantly in 2011. Importantly, these pupils have always been in the system receiving support – stats simply now recognise this. We have reviewed and published refreshed guidance to support the pupil census national statistical collection. This includes guidance on the different planning mechanisms, this will support improved recording of the additional support that pupils receive.</p>
The Committee acknowledges that it only heard from those who wanted to respond to its call for views, and so naturally comments centred around what needs to improve. However, the Committee places real value on the amount of evidence it received, the depth of the detail, and the consistency of the issues raised with the implementation of the mainstreaming legislation,	<p>The Scottish Government committed to a review of ASL experience in mainstream and special schools and consultation on mainstreaming guidance. Consultation (2 Nov – 9 Feb 18) and research (Dec – June 2018) were launched as part of Mainstreaming debate 2 Nov 17. The consultation analysis was published on Wednesday 27 June 18.</p> <p>The Deputy First Minister (DFM) is currently reflecting on the revised guidance on the presumption to mainstream education, in light of the Not Included, Not Engaged,</p>

and more generally the insufficient resources for additional support for learning in mainstream education. More has to be done to establish the extent to which the experiences conveyed in evidence are happening across Scotland.	Not Involved report. As the Committee asked that the research was taken account of in the publication of guidance these two pieces of work are linked, and it is therefore DFM's preference to publish the research at the same time as the revised guidance document in 2019.
The Scottish Government must assess the extent to which the policy to mainstream and the associated communications to education authorities are leading to mainstreaming in practice. The Scottish Government must also assess the extent to which a lack of resources is impacting on mainstreaming in practice and more generally on the provision of additional support for learning in mainstream education.	We have listened to the experiences of children and families about getting that support and are and will be taking action to secure more positive experiences for those receiving support. This will include improving consistency of support across Scotland, through improved guidance; building further capacity to deliver effective additional support; improving career pathways and professional development, including new free training resources for school staff on inclusive practices.
The Committee recommends that the Scottish Government should undertake a quality assurance review of the implementation of the presumption to mainstream policy, and more broadly of the availability of additional support for learning in mainstream schools. This review should place emphasis on the direct experiences of parents (and by extension the children themselves), teachers and support staff in schools. The evidence received by this Committee should be context for the Government's work. Having children in mainstream education who would benefit from it is the starting point, but insight into the real experiences of children with additional support needs in mainstream education is vital to the success of inclusion, including mainstreaming.	<p>The Scottish Government (SG) committed to a review of ASL experience in mainstream and special schools and consultation on mainstreaming guidance. Consultation (2 Nov – 9 Feb 18) and research (Dec – June 2018) were launched as part of Mainstreaming debate 2 Nov 17. The consultation analysis was published on Wednesday 27 June 18.</p> <p>The Deputy First Minister (DFM) is currently reflecting on the revised guidance on the presumption to mainstream education, in light of the Not Included, Not Engaged, Not Involved report. As the Committee asked that the research was taken account of in the publication of guidance these two pieces of work are linked, and it is therefore DFM's preference to publish the research at the same time as the revised guidance document in 2019.</p>

<p>The Committee recommends that this quality assurance review should feed into the terms of the revised guidance planned by the Government. The revised guidance must ensure the impact of a lack of resources is reflected in the form the additional support for learning policy takes in the future.</p>	<p>See above.</p>
<p>Given the evidence received, and the fact that the mainstreaming policy is a "cornerstone" of inclusivity in mainstream schools, the Committee considers that parliamentary oversight of the progress of the implementation of mainstreaming, and more broadly additional support for learning, is required. The Committee recommends that the Scottish Government, having established a process of quality assurance as part of the review recommended above, reports to Parliament on an annual basis providing qualitative as well as quantitative evidence on additional support for learning in mainstream education.</p>	<p>Consultation on draft guidance on the presumption of mainstreaming ended on 9 Feb 2018. A total of 362 written responses were received. Independent research has been undertaken on experiences of ASL in mainstream and special schools. Children, parents and those providing support included. Mainstreaming guidance will take account of research findings and consultation responses. The new guidance will be published in 2019. The Scottish Government will also report on implementation of ASL, including financial reporting. The report will be provided to Committee and Parliament during 2019.</p>
<p>The Committee welcomes the Scottish Government's review of the guidance on mainstreaming and recommends that the review includes a systematic assessment of the processes outlined in paragraphs 69 to 88, including an assessment of the extent to which resources are impacting on each process. Resource limitations that are impacting on these processes include:</p>	<p>As above the independent research and mainstreaming guidance will be published in 2019. The report to parliament on implementation of ASL will be published and Ministers will continue to monitor the information provided in the report, which includes staffing. Through our PfG commitment in school counselling, we will develop clear pathways for support which will ensure that children's needs for assessment and support related to neuro-diversity such as autism will be met more efficiently. This commitment will create around 350 counsellors, ensuring that every secondary school has access to counselling services, whilst also improving the ability of local primary and special schools to access counselling. It is part of a £60 million package of measures to ensure that children and young people get the support that they need. In May 2018 the Scottish Government reached agreement with COSLA for a new partnership funding package for trainee educational</p>

<ul style="list-style-type: none"> • the number of trained ASN teachers and ASN assistants, • the availability of specialists including mental health specialists and educational psychologists, • the level of resources supporting the ASN Tribunal process and other appeal processes, and • the availability of spaces in special schools. 	<p>psychologists. The University of Dundee started 29 new trainees in September 2018, under the new arrangements. The number of children learning in special schools has remained static. Whilst the number of special schools has reduced the number of children learning within special school as broadly remained the same.</p>
<p>Since approaching 1 in 4 children have a recognised additional support need, the successful provision of additional support for learning is integral to the success of Getting it Right for Every Child (GIRFEC). The Committee is concerned that parents from areas of deprivation may have lower chances at present to receive advice and support to ensure additional support needs of their children are recognised and the necessary support for learning provided. Given the emphasis in evidence on the importance of the parent pushing for support for their child, the Committee is concerned that this issue will disproportionately impact upon disadvantaged families and potentially have an adverse effect, namely widening the attainment gap between children with ASN in deprived and more affluent families.</p>	<p>The Scottish Government already raise awareness of children's rights to ASL with children, young people and families in a number of ways.</p> <ul style="list-style-type: none"> • We do this by funding Enquire who raise awareness of children and young people's rights to additional support. Enquire also provide advice and support to parents to help them to work with schools to ensure that the appropriate support is in place to support their children and young people in their learning. • Education authorities have duties to publish information on their additional support for learning policies. This should ensure that parents, young people and children are fully informed of their rights under the Act. • We also fund a number of services to ensure that parents, carers, young people and children have access to advice, support and representation. • We fund Let's Talk ASN Scotland to provide advocacy and legal representation to young people and parents and carers of children with additional support needs in relation to a dispute or potential dispute with an education authority. • We also fund My Rights, My Say to raise awareness of children's rights in relation to the support they receive at school.

	<ul style="list-style-type: none"> • In addition, the service supports eligible children to help them secure the use of their own rights under the Act, allowing children to access the advice and support that they need to be fully involved in decisions about their education.
The Committee welcomes the undertaking from the Cabinet Secretary to set out the criteria that the attainment gap will be assessed against by "the middle of this year [2017]". As supporting children with ASN is integral to closing the attainment gap, the Committee recommends that the Scottish Government analyses the extent to which a process that relies largely on parental involvement to have their child's ASN recognised and supported, could potentially widen the gap.	See above.
The Committee also recommends that the Scottish Government increases the provision of advocacy services and looks at how these could be best targeted at raising awareness and supporting parents from areas of deprivation.	The Additional Support for Learning Act includes provisions on the need for advice and information, support for young people, parents and carers, advocacy and legal representation. These are separate functions under the Act. There are specific requirements within the legislation which are related to the provision of information and advice, and these are bolstered by the work of Enquire. Education authorities are also required to publish the contact information of a person within the authority who is responsible for additional support for learning and from whom young people, parents and carers can receive information and advice. For ease of use, this information is also drawn together by Enquire and presented within one place in their website. The Act also makes clear that young people, parents and carers are entitled to a supporter in any meetings and discussions with education authorities, unless that is unreasonable. This may include a representative from an advocacy organisation. Scottish Ministers are also required to provide an advocacy and representation service for those who are considering making a reference to the Additional Support Needs Tribunals for Scotland. This service is currently delivered by Let's Talk ASN. We also fund My Rights, My Say to raise awareness of children's rights in relation to the support they receive at school. In addition, the service supports eligible children to help them secure the use of their own rights under the

	Act, allowing children to access the advice and support that they need to be fully involved in decisions about their education.
The Committee welcomes the undertaking from the Cabinet Secretary and recommends that the Scottish Government establishes whether there are deep-seated factors that are influencing the variation in these figures. Specifically, the Committee is concerned that additional support needs are going unrecognised in some education authorities more than others and that, in addition to parental involvement and resource limitations, the culture of the education authority, and some particular schools within authorities, is also a factor.	There has been some consideration of changing from an input based data collection model to one that focuses on outcomes. The purpose of that approach is to understand better, not only the picture of additional support for learning in Scotland but also the outcomes that children and young people with additional support needs achieve, and where further work needs to be done to further support implementation of this policy and legislation. The Advisory Group for Additional Support for Learning is in the process of considering this work. As previously reminded the Committee received a letter from ADES and CoSLA of 6 March 2017 which addressed the issue of variation in statistical data between authorities and other issues. The letter stated "We note that the Committee identified a variation in the number of children and young people with ASN across local authority areas. Teachers and Head Teachers may use a variety of approaches to support the children in their schools and both COSLA and ADES are clear that a variation in approach does not mean a variation in the standard which children and families can expect from these committed professionals. Instead, it is instead a reflection of the different ways in which support can best be achieved according to local situation and circumstance."
The Committee recommends that, once the raw data has been improved as a result of the Scottish Government working group's efforts, anomalies in these figures should be used as a basis to explore with individual authorities the basis for any inexplicably low percentages of ASN in their area. Information from the quality assurance review recommended above could also be analysed on an education authority by education authority basis to establish whether the patterns in parent, child and school staff experiences in these areas, specifically on cultural barriers to recognition, support the figures. The Committee would ask that, when the Scottish Government has established which	As above.

<p>education authorities are cause for concern, that the Government shares this information with the Committee so that the Committee can also seek to hold these authorities to account.</p>	
<p>The Committee also recommends that the Scottish Government should undertake a financial review to ascertain the extent to which education authorities are spending in line with the level of need in their area, and identify any education authorities that have spends lower than their recognition rates might require. The Committee recommends that the Scottish Government undertakes this review in collaboration with education authorities as the Committee appreciates that authorities will have some valid explanations in relation to the disparities in recognition rates and in levels of spend per pupil with ASN. The financial review should be the starting point for Scottish Government discussions with education authorities on their funding allocations.</p>	<p>Local Government Financial Statistics for 2016-17 showed that local authorities spent £5.07 billion on education in Scotland. This has gone up from £4.95 billion in 2015-16 - a 0.3% increase in real terms (2.5% in cash terms). Of that, £610 million was on additional support for learning – increased from £584 million in 2015-16 a 2.3% increase in real terms (4.5% in cash terms). Although the money provided by the Scottish Government to local authorities is allocated using a needs-based formula there is no measurement of how much a local authority should spend on individual services, such as education. The vast majority of the funding provided is in the form of a block grant. It is then the responsibility of each local authority to allocate the total financial resources available to it, including funding for education, on the basis of local needs and priorities having first fulfilled its statutory obligations and the jointly agreed set of national and local priorities including the Scottish Government's key strategic objectives and manifesto commitments. Scotland's local authorities are independent corporate bodies and they are responsible for determining how they deliver local services and as democratically elected bodies they are accountable to their electorates, not Scottish Ministers, for their decisions. In view of this even if a suitable measurement of spend was available it would not be appropriate for Scottish Ministers to interfere in the spending decisions of the local authorities. The Scottish Government will report on implementation of ASL, including financial reporting. The report will be provided to Committee and Parliament during 2019.</p>
<p>Inclusive education for those with additional support needs is "based on the premise that there is benefit to all children when the inclusion of pupils with special educational needs is properly prepared, well supported and takes place in mainstream schools within a positive ethos". The Committee would therefore welcome further analysis from the Scottish</p>	<p>Children and young people should learn in the environment which best suits their needs, whether that is mainstream or special school. The Additional Support for Learning Act places duties on education authorities to identify, provide for and review the additional support needs of their pupils. There is already a range of support and provision in place in Scotland to meet children's needs. However, we have listened to the experiences of children and families about getting that support and will take action to secure more positive experiences for those receiving support. This will include improving consistency of support across Scotland, through</p>

<p>Government on how the education and ultimately the attainment of pupils in general is being impacted upon by insufficient resources being provided to support children with additional support needs. This should include any correlation between the reduction in specialist ASN staff in certain education authorities and overall attainment.</p>	<p>improved guidance; building further capacity to deliver effective additional support; improving career pathways and professional development, including new free training resources for school staff on inclusive practices. 97% of children with additional support needs are educated in mainstream schools, all teachers provide support to pupils not just specialist teachers, such as, 'support for learning' teachers. To single out specialist teachers, such as, support for learning teachers is inaccurate. We remain committed to maintaining teacher numbers nationally. We are committed to ensuring we have the right number of teachers, with the right skills, in the right places to educate our young people. Local Government Financial Statistics for 2016-17 showed that local authorities spent £5.07 billion on education in Scotland. This has gone up from £4.95 billion in 2015-16 - a 0.3% increase in real terms (2.5% in cash terms). Of that, £610 million was on additional support for learning – increased from £584 million in 2015-16 a 2.3% increase in real terms (4.5% in cash terms). Despite challenging circumstances, children and young people continue to achieve:</p> <ul style="list-style-type: none"> • 87.1% of 2016/17 school leavers with additional support needs had a positive follow-up destination. A 5.1 percentage point increase since 2011/12 • 69.1% of 2016/17 school leavers with ASN left school with 1 or more qualification at SCQF level 5 or better. An increase of 13.8 percentage points since 2011/12. • 90.4% of 2016/17 school leavers with ASN left school with 1 or more qualification at SCQF level 4 or better. An increase of 4.8 percentage points since 2011/12. <p>Mainstreaming guidance will take account of research findings and consultation responses. The new guidance will be published in 2019. The Scottish Government will also report on implementation of ASL, including financial reporting. The report will be provided to Committee and Parliament shortly.</p>
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<p>The Committee recommends that education authorities seek to collaborate more, including in respect of designing and delivering training in order to remove duplication of effort. The Committee will seek a response from Cosla and SLGP on this and other relevant recommendations, and will also highlight this report to all education authorities.</p>	<p>The Committee has sought a response from COSLA⁴ and SLGP – no comment from the Scottish Government required.</p>
<p>In relation to initial teacher training, the Committee welcomes the undertaking from the Cabinet Secretary to highlight to the GTCS the Committee's concerns that combining post-graduate training with the probationary year, which is one proposal for change, will limit further the time available for trainee teachers to train in additional support needs. The Committee recommends that the GTCS takes this into account when assessing proposals from the colleges of education, produced in line with the Government's intention to "encourage more teachers to come into the classroom and get them there quicker".</p>	<p>During initial teacher education, student teachers will gain sufficient knowledge of the most common additional support needs for them to be able to support a child themselves, or to seek specialised information and support if necessary.</p> <p>Teachers career-long contractual requirement to undertake continuing professional development provides further opportunities for them to augment what they have learnt during initial teacher education. It is therefore not necessary, nor appropriate, for mandatory training in additional support needs, including autism, to be put in place in Scotland.</p> <p>We have committed to reviewing and building on current education resources, such as the Autism Toolbox, to ensure teachers and support staff have access to resources designed to help them better support autistic children. Work is already underway to review and refresh the Autism Toolbox with a view to having the refreshed Toolbox available for teachers and support staff in Autumn 2019. Education Scotland have also developed an online module to support all school staff in their understanding of inclusive practice. This has been developed with Open University and will be recognised as part of professional update for teachers. Practitioners can already access this module and a further module is in development in collaboration with Education Scotland and Edinburgh City Council and will be ready in early 2019.</p>

⁴ COSLA's response can be found here: https://www.parliament.scot/S5_Education/Inquiries/20170921ES.COSLA_ASN.pdf

Developments and Publications since May 2017

Since the Committee published its report in May 2017, there have been a number of developments and publications, some of which are noted in the Scottish Government's update in Annexe A. The Committee has also kept a watching brief on additional support for learning.

This Annexe will set out and briefly describe these developments. This is not intended to be an exhaustive account.

Scottish Government

As noted above, in November 2017, the Scottish Government consulted on [new guidance on the presumption of mainstreaming](#). The guidance included high-level principles, as well as guidance on how decisions on mainstreaming should be taken. The Consultation closed on 9 February 2018 and an [analysis of responses to the Consultation was published on 27 June 2018](#).

The Scottish Government has commissioned research on the experiences of children and young people with additional support needs.

The Cabinet Secretary stated that he is considering the responses to consultation on the guidance on the presumption of mainstreaming and the results of the research in the light of the conclusions of the Not Included, Not Engaged, Not Involved report. Both are due to be published this year.

An [updated statutory Code of Practice was published in December 2017](#). It is the third edition of the Code of Practice which supports the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004. The updated code takes account of the amendments in the 2016 Act which extended certain rights to children aged 12 and over.

Not Included, Not Engaged, Not Involved

Children in Scotland, the National Autistic Society Scotland, and Scottish Autism jointly undertook a survey on the experiences of autistic children missing school. [Not Included, Not Engaged, Not Involved](#) was published in September 2018.

No Safe Place: Restraint and Seclusion in Scotland's Schools

The Children and Young People's Commissioner laid his report [No Safe Place: Restraint and Seclusion in Scotland's Schools](#) before the Scottish Parliament in December 2018. The report made 22 recommendations, which are set out in [the executive summary of the report](#). The Commissioner sought responses to his report from the Scottish Government, national agencies and local government by the end of January 2019.

Committee work

The Committee has kept a watching brief on additional support for learning since the publication of its report into ASN in May 2017.

Much of this work has been in the form of correspondence with the Scottish Government with regard to the Government's work outlined earlier in this Annexe.

In addition, the Committee sought an update on the Scottish Government's work following the recommendations of the Session 4 Education and Culture Committee's report on the attainment of pupils with a sensory impairment. The Cabinet Secretary [responded on 28 March 2018](#). The Committee considered submissions from [Royal Blind](#) and the [National Deaf Children's Society](#). Members of the Committee visited specialist schools in December 2018. A note of these visits is included in Members' papers.

The Committee also undertook a [one-off evidence session in November 2018](#) from Scottish Government statisticians on the availability of information on school support staff collected as part of a school census.

The Committee held a focus group with teachers, parents and young people on Wednesday 20 February 2019.

Legislative Framework

The main legislation setting out local authority duties and parents' rights in this area is the Education (Additional Support for Learning) (Scotland) Act 2004 (the 2004 Act). In addition, s.15 of the Standards in Scotland's Schools etc Act 2000 introduced a legal presumption in favour of children being educated in mainstream schools. For some children with additional support needs (ASN), disability legislation will also be relevant.

Education (Additional Support for Learning) (Scotland) Act 2004

The 2004 Act set out the main rights of parents and young people and the duties of local authorities.

What are 'additional support needs'

A person has 'additional support needs' if *for whatever reason*, they are unlikely to be able to benefit from school education without additional support. This is a very broad definition and includes, for example, very able children and those who may need temporary additional support due to family circumstances such as bereavement. The legislation does not list any particular conditions or type of need, except that there is a presumption that 'looked after' children have additional support needs.

The number of pupils recorded with additional support needs has been increasing. This may be due to better recognition and changes in recording practice. In 2010 102.2 pupils per 1,000 were recorded as having additional support needs. In 2017 this had increased to 266.0 per 1,000.

The breadth of need for support needs to be borne in mind when considering how the school system responds.

Duty to identify and meet additional support needs

Local authorities must "make adequate and efficient provision" for the additional support required by every child for whose school education it is responsible. However, they do not have to do anything that would require unreasonable expenditure.

The local authority must identify those who have ASN and also those who need a Co-ordinated Support Plan.

In addition, if the needs of a disabled child aged under 3 are brought to the attention of the local authority, then the local authority must provide "such additional support as is appropriate" (s.5).

There are requirements to seek and take account of information in order to aid smooth transition when starting school, moving to secondary school and leaving school. (s.12 and s.13)

Local authorities must make available certain dispute resolution procedures, they must publish certain information and must have regard to the [statutory Code of Practice](#) that Ministers are required to publish under the Act.

Parents and Young People's Rights⁵

Where the local authority is responsible for the child's education, parents have a number of rights under the legislation. These include:

- A local authority must comply with a parent's reasonable request to establish whether their child has additional support needs (s.6)
- A local authority must comply with reasonable requests for an assessment, and take the findings into account. However, such assessment is to be carried out by a person the local authority considers appropriate (s.8, s8A).
- Rights in relation to Co-ordinated Support Plans. These include requirements relating to timescales, reviews and content of the plan.

Where the local authority is not responsible, for example where the parents have decided to home educate a child or send the child to an independent school, then the local authority has powers rather than duties to provide support.

Certain children with complex needs are entitled to a statutory Co-ordinated Support Plan, which brings with it rights of appeal to the Additional Support Needs Tribunal. Only around 1% of pupils with ASN have Co-ordinated Support Plans.

Dispute resolution

The 2004 Act includes a range of dispute resolution procedures. These are:

- Right to have a 'supporter' present in discussions or an 'advocacy worker' make representations to the local authority, but the local authority do not have to pay for this. (s.14)
- Right to an advocacy services, free of charge, for those taking cases to the Additional Support Needs Tribunal (s.14A)
- Independent mediation, free of charge (s.15)
- Independent adjudication, free of charge (regulations under s.16)
- A Tribunal for certain issues involving CSPs, placing requests and disability discrimination cases under the Equality Act 2010. (s.17). The full list of grounds for references to the Tribunal are given in s.18 of the 2004 Act.

The Scottish Government reports the use of the various dispute resolution procedures. Their [report](#) in March 2016 noted that:

- There were 156 mediation related enquiries made. The use of independent mediation has more than doubled in the last 5 years.
- There were 4 referrals to independent adjudication from November 2014 to November 2015.
- There were 2 s.70 references (see below)
- There were 70 references to the ASNTS. The report noted that the majority settle before a hearing is fixed. "Let's Talk" ASN provide advocacy for those taking a case

⁵ The Education (Scotland) Act 2016 extended many of these rights to children aged 12 or over who are assessed as having capacity. These provisions were commenced in 2018.

to the ASNT. There were 75 new referrals for advocacy from December 2014 to November 2015.

Outwith these statutory dispute resolution procedures, there is advice and information provided by voluntary organisations. For example, the 'Enquire' helpline⁶, which fields calls mostly in connection with provision of support to children with autism.

In previous years, s.70 Education (Scotland) Act 1980 has been used as a route for redress in relation to some ASN matters. S.70 provides for referral to Ministers if an education authority failed to undertake a statutory duty in relation to the provision of education. The Education (Scotland) Act 2016 removed the right to refer matters to Ministers under s.70 if they are within the remit of the Tribunal.

Publication of information

Every local authority must publish its ASN policy and provide certain information to parents of children with ASN. This includes information about their rights under the legislation and the provision available from the local authority.

In addition, Ministers have a duty to collect certain information from local authorities, and between 2009 and 2016 had a duty to lay an annual report in the Scottish Parliament on ASN.

Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

This Act requires local authorities to prepare "accessibility strategies" for improving access to the curriculum for pupils with disabilities. It includes improving the physical environment of the school as well as improving communication with pupils with a disability.

Equality Act 2010

The Equality Act includes provision in relation to disability discrimination in school education. The Equality and Human Rights Commission have issued [technical guidance](#) for Scottish schools on complying with the legislation. This sets out the Act's requirements for all 'protected characteristics' under the 2010 Act. In addition to the protections afforded all those with protected characteristics, in relation to disability there are additional requirements to make reasonable adjustments and protection against discrimination arising from a disability.

Standards in Scotland's Schools etc Act 2000

Section 15 of this Act provides a legal presumption that children will be educated in mainstream schools unless mainstream provision:

- would not be suited to the ability or aptitude of the child;
- would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
- would result in unreasonable public expenditure being incurred which would not ordinarily be incurred,

⁶ run by Children in Scotland and funded by the Scottish Government.

and it shall be presumed that those circumstances arise only exceptionally.

The Scottish Executive issued [guidance](#) on this in 2002. The guidance explained the broader intention of the policy:

“It is based on the premise that there is benefit to all children when the inclusion of pupils with special educational needs with their peers is properly prepared, well-supported and takes place in mainstream schools within a positive ethos. Such inclusion helps schools to develop an ethos to the benefit of all children, and of society generally. It also helps meet the wishes of many parents that their children should be educated alongside their friends in a school as close to home as possible.”

Additional Support Needs Positive Destination data

Table L1.5. Percentage of school leavers from publicly funded secondary schools in Scotland by follow-up destination category and Additional Support Need¹, 2016/17²

Reason for support	Positive Destinations	HE	FE	Training	Employment	Voluntary Work	Activity Agreement ³	Unemployed Seeking	Unemployed Not Seeking	Unknown	Number of Leavers
No Additional Support need	94.9	44.5	19.4	1.1	28.9	0.5	0.6	3.3	1.2	0.6	37,958
Any Additional Support need	87.1	20.4	33.5	3.4	26.7	0.6	2.3	7.7	4.1	1.2	13,214
<i>of which:</i>											
Learning disability	81.1	6.5	44.1	4.9	21.6	0.7	3.4	8.6	9.3	1.0	862
Dyslexia	91.6	20.4	32.0	2.6	34.3	0.7	1.6	5.0	2.6	0.8	2,685
Other specific learning difficulty (e.g.numeric)	88.7	15.8	35.2	3.9	30.6	0.8	2.4	6.4	3.4	1.4	1,569
Other moderate learning difficulty	86.0	7.1	44.3	4.0	26.9	0.5	3.2	9.6	3.1	1.3	1,486
Visual impairment	88.8	27.6	32.2	5.6	20.4	*	*	6.3	*	*	304
Hearing impairment	87.5	27.2	35.8	*	21.1	*	*	6.9	*	*	232
Deafblind	*	*	*	*	*	*	*	*	*	*	*
Physical or motor impairment	87.4	21.4	42.1	2.6	17.9	1.3	2.1	*	8.3	*	468
Language or speech disorder	87.0	10.0	46.8	5.2	19.7	1.3	4.1	5.0	8.0	-	462
Autistic spectrum disorder	86.2	20.6	46.8	4.3	10.7	1.0	2.8	5.3	7.9	0.6	926
Social emotional and behavioural difficulty	78.8	9.1	31.7	5.4	27.6	0.6	4.4	12.7	6.8	1.8	3,194
Physical health problem	87.4	24.6	32.8	3.3	22.5	1.3	3.0	5.2	6.6	0.8	908
Mental health problem	81.0	20.8	28.1	3.6	25.9	1.0	1.5	7.1	10.5	1.4	590
Interrupted learning	68.8	5.6	28.2	4.6	24.3	*	*	17.4	11.3	2.5	432
English as an additional language	94.6	41.6	36.9	1.0	14.3	*	*	3.3	1.3	0.8	1,339
More able pupil	93.2	59.4	10.9	-	20.8	*	*	4.2	2.6	-	192
Not disclosed/declared	*	-	*	*	*	*	*	*	*	-	*
Other	85.1	17.0	33.5	4.8	26.3	0.5	3.0	9.6	4.1	1.2	1,150

1. Leavers are identified as having ASN if they have any type of additional support need recorded. If they are recorded having an additional support need but no reasons specified, they are treated as having "Other or unknown" support need. Individuals may have more than one additional support need - figures will not add up to the total.

2. Percentages may not total 100 per cent due to rounding.

3. In April 2011 the Scottish Government rolled out the use of Activity Agreements.

<https://www2.gov.scot/Topics/Statistics/Browse/School-Education/leavedestla/follleavedestat/AttainmentLeavers1617>

Education and Skills Committee

7th Meeting, 2019 (Session 5), Wednesday, 27 February 2019

Additional Support Needs – submissions pack

Witness Submission links (also accessible through the contents table below)

- [May Dunsmuir, Health and Education Chamber, First-tier Tribunal for Scotland](#)
- [Professor Sheila Riddell, Centre for Research in Education, Inclusion and Diversity, University of Edinburgh](#)
- [Nick Hobbs, Head of Advice and Investigations, Children and Young People's Commissioner Scotland- Executive summary of Restraint and Seclusion in Scotland's schools](#)

Call for views responses

The Committee agreed to issue a call for views, asking specific questions targeted at those that made submissions to its inquiry in 2017. The purpose of a number of the questions is to ascertain what has changed, from their perspective, in terms of the provision of additional support for learning and the application of the presumption of mainstreaming policy since the Committee reported on these issues in 2017.

The 2017 submissions were issued in two packs and are available [here](#) and [here](#). (the packs are hundreds of pages long so are for reference only, please do not print). These submissions informed the report [How is Additional Support for Learning working in practice?](#) All background on the Committee's work since these submissions were received, is available on the [Committee's ASN webpage](#).

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Witness submissions

May Dunsmuir, Health and Education Chamber, First-tier Tribunal for Scotland

Introduction

The *Tribunals (Scotland) Act 2014* creates two new tribunals - the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland. The Additional Support Needs Tribunals for Scotland (ASNTS) transferred into the Health and Education Chamber of the First-tier Tribunal for Scotland in January 2018, and became the Additional Support Needs jurisdiction (ASNT for short) within the Chamber.

A reference to the ASNT under the 2004 Act

The ASNT hears *references* from parents and young people¹ against decisions of education authorities regarding the provision of educational support, under the *Education (Additional Support for Learning) (Scotland) Act 2004*. From 11 January 2018, children aged between 12 and 15 years who have capacity to make a reference and where their wellbeing will not be adversely affected by doing so, have been able to make two types of references:

1. A reference in relation to a co-ordinated support plan (CSP).
2. A reference appealing the education authority's assessment of the child's capacity or wellbeing (which is undertaken when the child seeks to exercise one of the rights available under the 2004 Act).

A claim to the ASNT under the 2010 Act

Since 2010, the ASNTS/ASNT has had the jurisdiction to hear *claims* from parents, children and young people² against responsible bodies³ regarding disability discrimination in school education, under the *Equality Act 2010*.

Capacity and Wellbeing

There is no presumption of capacity in the 2004 Act. There are two statutory tests relating to the child's capacity and wellbeing, which the child must overcome before she or he can exercise a right under the 2004 Act. President's guidance sets out how an ASNT tribunal will approach these tests⁴. There is provision within the ASNT Rules⁵ for a legal member to hear an appeal against the decision of the education authority on its assessment of the child's capacity or wellbeing, which provides for the efficient hearing of the reference. There is also provision for the reference to be decided on the written evidence. When assessing capacity, a tribunal or a legal member will assess the child's level of maturity and current understanding in relation to the specific right the child seeks to exercise. Sufficient maturity and understanding is not age specific and capacity is not a static concept. A child may lack capacity to exercise certain rights, but have capacity to exercise others. Capacity will be measured in relation to the particular child and the exercise of the particular right at the particular time. There is no single formulation to assess a child's capacity against the range of rights available within the 2004 Act.

¹ Young people are those aged 16 years and above, who remain within school education - the upper age limit (previously 17 years), was removed by the *Education (Scotland) Act 2016*.

² Where the child or young person has the capacity to make the claim. There are no comparable 'capacity and wellbeing' tests in the 2010 Act

³ This includes a school managed by an education authority, an independent school and a grant-aided school

⁴ President's Guidance 02/2018: Capacity and Wellbeing

⁵ The First-tier Tribunal for Scotland Health and Education Chamber Rules of Procedure 2018 (schedule to SSI 2017/366)

Since the new rights were introduced in January 2018, **2 CSP references** involving a child aged 12 to 15 years, have been made to the ASNT.

Volume and Type

The ASNT has seen a rise in references and claims in the past two years; however, it remains a low volume jurisdiction, despite the rise in numbers of children recorded as having additional support needs in Scotland⁶. Tribunal volume in Scotland is similar to that of comparative tribunals in Northern Ireland and Wales but significantly out of step with England, where there continues to be a year on year rise in volume, despite a reduction in the number of children recorded there with special educational needs⁷. It would appear that the ASNT is not well known and more could be done in schools and with parent groups, to improve knowledge and understanding of the jurisdiction.

The figure below illustrates ASNTS/ASNT volume over a 3 year period.

	2016/17	2017/18	2018/19*
Placing Request	53	74	64
CSP	11	13	17
Transition	0	2	3
Claim	9	11	18
Total	73	100	102

*1 April 2018 to 19 February 2019

Co-ordinated Support Plan (CSP)

The CSP is a statutory education plan⁸, which specifies the child's additional support needs, their educational objectives and how, when and who will provide the additional support in order to meet those objectives. The statutory provisions are complex and there appears to be a lack of clarity and understanding around these. Some education authorities use local non-statutory plans in preference to CSPs; however, where the statutory tests are met, an education authority has an obligation to provide a CSP. Failure to provide an adequate CSP could amount to a failure to make reasonable adjustments in respect of a child's education, which amounts to discrimination on the grounds of disability⁹.

Child's Plan

The Child's Plan is not an education document and is not intended to replace the CSP. Some education authorities are citing the existence of a Child's Plan as a reason to refuse a request for a CSP. A CSP exists as a free-standing document and should be imported into the Child's Plan. It is not necessary that the whole of the Child's Plan be lodged with the ASNT in a CSP reference and it may be inappropriate to do so, where the Plan includes matters of sensitivity, which are of no relevance to the matter to be decided by the tribunal.

Placing requests

The overwhelming majority of placing request references relate to special schools. A placing request can be made for a school in the current or another education authority. This can have significant implications for education authorities where one is closing special schools and the

⁶ There are 24 different categories of additional support needs in Scotland and 13 categories of special educational needs in England.

⁷ In England, the term 'special educational needs', is used, which is defined in section 20(1) of the *Children and Families Act 2014*.

⁸ Section 2, 2004 Act

⁹ *City of Edinburgh v R* [2018] CSIH 20

other is maintaining or growing such provision. On occasion, a placing request has been consolidated with a disability discrimination claim, for example, where it is alleged that the education authority's policy on mainstreaming amounts to discrimination.

Access to Justice – the tribunal experience

There have been considerable tribunal developments over the past 14 years. We have discovered new ways to hear the voice of the child and we are re-defining how hearings should be conducted, so that they are as inclusive an experience for children as possible, rather than a barrier to participation. We are listening to those who have engaged in tribunal processes: children, young people, parents, schools and education authorities, and we are developing our practices to deliver improvements. We have introduced a number of innovations to support children, who themselves may be a party in our proceedings to voice their views, give their evidence and participate in their hearings. Our new '*needs to learn*' website section, for children aged 12 to 15 years, was launched in February 2018 to coincide with the extension of rights introduced by the *Education (Scotland) Act 2016*. With this come new child friendly forms and guidance.

Listening to children

The President engaged in direct consultation with children during 2017 and 2018. This identified two key points - firstly, children *wanted* to attend their hearing; secondly, they wanted *parity* with the adults in the room. They wanted tables to remain, but these should be round¹⁰, with the same style and size of chairs for everyone, at the same height. Children wanted access to fresh drinking water and snacks (particularly important for those children with autism). They wanted drinking straws. They shared their experiences of what works and what doesn't. They wanted choices about how they can participate¹¹. Their model of an inclusive hearing room has been brought to life in the Glasgow Tribunals Centre (GTC).

The hearing experience

The GTC opened in March 2018. Within this there are 3 dedicated rooms for hearings involving children. These have been designed by children, for children and are the first of their kind. The GTC hearing rooms have three distinct areas:

1. An area with a round table and equal height chairs which look the same, where the tribunal members, parties and their representatives, the child and the witness will sit while evidence is being heard.
2. An area with two small sofas, a rug and a small coffee table, where the child and the tribunal members and any appropriate others can sit, if the child would prefer to give their views or evidence there.
3. A break out area, with a screen, a beanbag and small fridge, where the child can take a break from the hearing, but still remain in the room.

¹⁰ One child commented that the table should be round, 'like King Arthur's'.

¹¹ Some children wanted to be in the room to listen to what was being said, but not to talk or participate otherwise.

Children welcomed the idea of a 1:1 evidence room where a child could give her/his evidence to one person, who would have an agreed list of questions. During this, the questioner and convener (the legal member) would have a live hearing link. One of the hearing rooms in the GTC has this facility. The hearing and waiting rooms and the reception areas have autism¹² friendly colours (subdued rather than primary colours) and there are no fixed wall images, which reduce the potential for distraction. The hearing room has a sensory wall, which the child can personalise with an image or colour of their own. There is also a separate sensory room, where a child could go to de-stress.

Child Advocacy

Children can bring their independent advocate to their hearing or, if they prefer, their advocate can attend in their place to express their views and to provide feedback to the child. President's guidance is available on this¹³.

Looked after children

A child or young person has additional support needs if the child or young person is looked after by a local authority¹⁴; however, few references or claims are made by, or in respect of, looked after children or young people. The President introduced recording of looked after statistics in 2015 and continues to engage with care experienced children, schools, education authorities and organisations who represent or support care experienced children, to raise the profile and improve understanding of the ASNT.

The ASNTS/ASNT received 100 references and claims between 1 April 2017 to 31 March 2018; 1 of which involved a looked after child. In the current period, 1 April 2018 to 19 February 2019, 5 cases involved a looked after child.

Corporate parents

It is the duty of every corporate parent to be alert to matters which, or which might, adversely affect the wellbeing of children and young people who are, or who have been, looked after, to assess the needs of those children and young people for services and support it provides and to promote the interests of those children and young people¹⁵. Local authorities are included in the list of those who are corporate parents. No reference or claim has been made to the ASNTS/ASNT by a corporate parent since the commencement of these provisions.

¹² The majority of appeals made to the ASNT involve children or young people with autism.

¹³ President's Guidance 03/2018: Independent Advocacy

¹⁴ Section 1(A), 2004 Act

¹⁵ The majority of appeals made to the ASNT involve children or young people with autism.

¹⁵ President's Guidance 03/2018: Independent Advocacy

¹⁵ Section 1(A), 2004 Act

¹⁵ Section 58(1), *Children and Young People (Scotland) Act 2014*

Background

The Scottish Government has expressed a commitment to incorporating the broad principles of the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation. As a starting point, it is clearly of paramount importance to ensure that education legislation and policy reflect the broad principles of the UNCRC, since education is the main universal service received by all children and young people. To ensure that children with ASN have rights of redress equivalent to those of their parents, it was recommended by a UN rapporteur that ASN legislation be amended to achieve this goal. In 2016, the Scottish Government duly amended the Additional Support for Learning (Scotland) Act 2004 with a view to extending the rights of children with ASN. Figure 1 summarises key changes which were introduced.

Figure 1: How the 2016 legislation extends the rights of children with ASN

Right to ask local authority to: <ul style="list-style-type: none"> - find out if they have additional support needs - request a specific assessment - find out if they need a CSP - ask for a CSP to be reviewed 	Rights to get information or for information to be shared: <ul style="list-style-type: none"> - about their ASN - receive a copy of their CSP - be told about decisions about their rights - be asked if they are happy for info to be shared when leaving school
Rights to support to have their views heard: <ul style="list-style-type: none"> - Be involved in decisions about their support - access to support and advocacy to have their views heard (My Rights, My Say) 	Right to be involved in resolving disagreements: <ul style="list-style-type: none"> - ask for independent adjudication - make a reference to ASNT - asked for their views during mediation
Not included: Mediation, placing requests, children without ASN	

The Research

This paper draws on findings of an ESRC funded project entitled *Autonomy, Rights and Children with Special Educational Needs: A New Paradigm?*

<https://www.ed.ac.uk/education/rke/centres-groups/creid/projects/autonomy-rights-sen-asn-children> As noted above, over the past few years in both Scotland and England legislation has established important new education rights for children and young people with additional support needs (special educational needs in England). This ESRC-funded Anglo-Scottish project represents the first significant attempt to ascertain whether the reforms truly represent a paradigm shift in the recognition and realisation of these rights. Until the

legislative changes, which have been phased in, the overwhelming emphasis within the law in this area has been on the rights of parents, integral to a policy of promoting ‘partnership’ between parents and education authorities. In Scotland, the Education (Scotland) Act 2016 has conferred, on those judged to have capacity, independent rights equivalent to those held by parents – ostensibly a more substantial extension of children’s status as rights holders than in England.

The research uses a range of methods, including analysis of government statistics, surveys of all local authorities in England and Scotland, key informant interviews and case studies of children and young people in school. Here we focus on findings from our analysis of administrative data and case studies of children and young people.

The declining use of statutory support plans in Scotland

As is evident from Figure 1, many of the new rights accorded to children with ASN in Scotland concern the CSP, which is the only educational planning document with legal force. The

Figure 2: Proportion of the school population with ASN in Scotland, 2010-2018

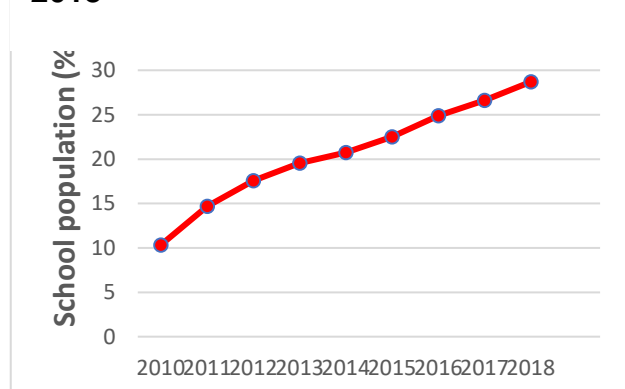
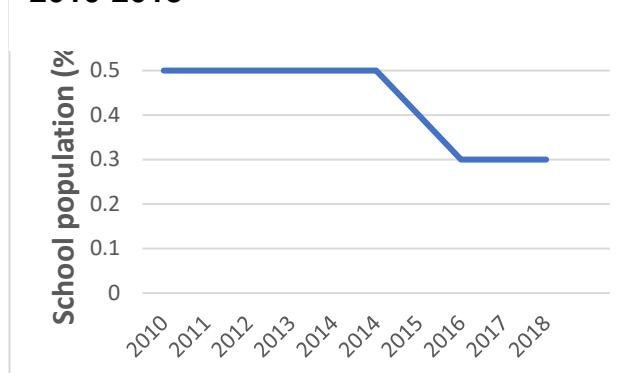


Figure 3: Proportion of the school population with CSPs in Scotland, 2010-2018



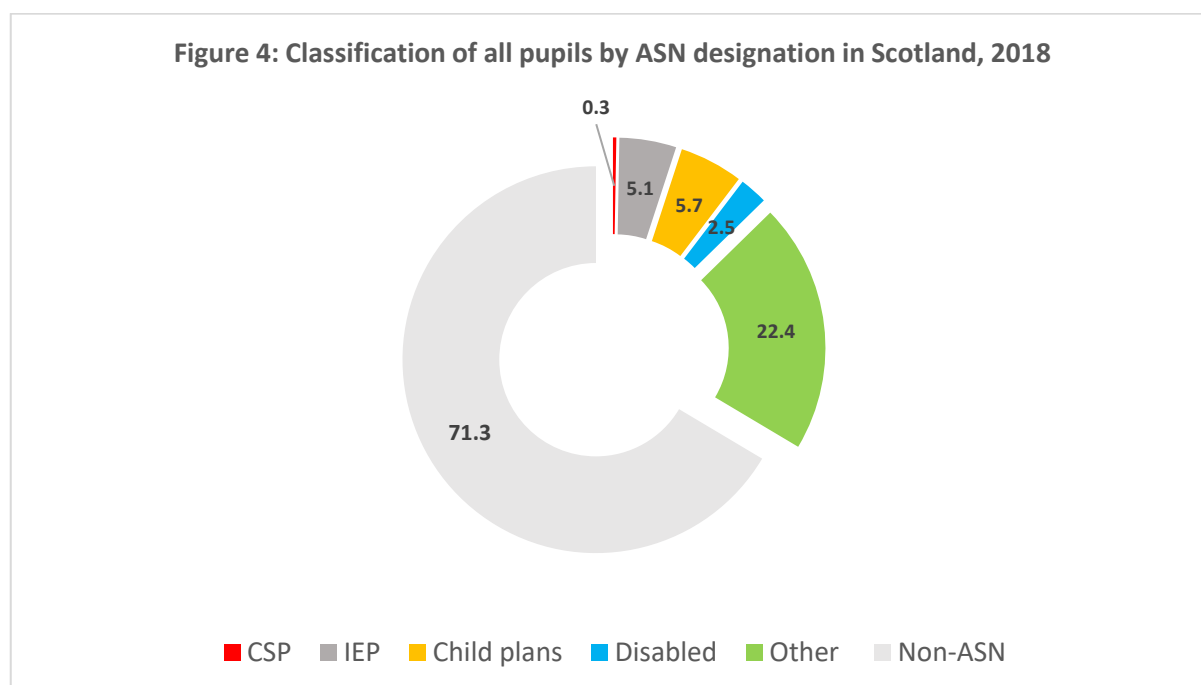
format of the CSP is clearly specified and, unlike other plans, does not vary by local authority. The plan must contain a clear statement of the child’s educational needs and the measures proposed by the local authority to meet these needs. It also ensures a multi-disciplinary assessment, with clear statements by other agencies such as health and social work as to what they will do to help education meet the child’s needs. The document guarantees that regular reviews will take place and, importantly, allows children and young people to make reference to the tribunal, or request independent adjudication, in order to resolve disagreements about provision. Thus within the Scottish context, CSPs are an essential means of ensuring the children’s rights are realised. Official statistics suggest that the number and proportion of children identified as having ASN has rapidly increased, but CSPs appear to be in terminal decline.

According to the Annual School Census published by the Scottish Government in December 2018, the number of Scottish school pupils with additional support needs (ASN) has risen from 118,034 in 2012 to 199,065 in 2018, an increase of 68.7 per cent. Pupils identified as having some sort of ASN now make up more than 27% of the total pupil population. This expansion is probably largely explained by the increase in ASN categories used and the type of plans which are counted, and there is no evidence that children identified with ASN are actually getting additional support, nor on the effectiveness of any additional support that is provided.

Over the same period, the number of pupils with a Co-ordinated Support Plan (CSP) has decreased from 3,448 to 1,986, a drop from 2.9 per cent to 1.0 per cent of those with ASN, about 0.3% of the school population. Prior to the passage of the Additional Support for Learning Act in 2004, about 2 per cent of pupils in Scotland had a statutory support plan. When the CSP replaced the RoN in 2004, the Scottish Government promised that there would be no decline in the proportion of children receiving a statutory support plan. This has clearly not been the case – since 2011, there has been a year-on-year reduction in the number of CSPs opened, and if this trend continues they may virtually disappear. In England, by way of contrast, the use of Education, Health and Care Plans (CSP equivalents) has increased, and now just under 3% of the school population has an EHCP.

Why is there decreasing use of statutory support plans in Scotland? Evidence from interviews and case studies of children and young people in school

Our research with local authorities, schools and families conducted over the past thirty years, suggests ongoing tensions between local authority and parental views of CSPs. Local authorities are largely unconcerned about the decline in the use of CSPs, regarding them as cumbersome and time consuming. A number of local authorities question parental (and, since 2018, children's) rights to mount legal challenges through the Additional Support Needs Tribunals for Scotland and are unhappy about the allocation of resources to individual children. Local authorities argue that they prefer to use other types of plan such as Child's Plans, despite the fact that these are not specifically education documents and have no directly enforceable rights associated with them. There is also a decline in the use of Individual Educational Plans, and a proliferation of other local authority specific plans with various names (grouped in Figure 4 as other). Within this planning maze, many parents are confused but in general recognise that properly managed statutory support plans are important to ensure that children's needs are properly assessed, recorded and reviewed.



There are mixed messages from the Scottish Government on the importance of CSPs. On the one hand, the ambit of the legislation has been extended: in 2009 new duties were placed on local authorities to provide CSPs for looked after children and in 2018 a range of new rights were given to children aged 12-15 including the right to request a CSP and to request particular

types of assessment. At the same time, the Government has failed to ensure that local authorities are fulfilling their existing duties, effectively ignoring the declining use of CSPs and the implications for particularly disadvantaged groups, such as care experienced children. In 2018, only 2.9% of care experienced children had a CSP, despite a statutory duty to assess.

Our research suggests that there is widespread grassroots confusion around the ASfL legislation. The law states that a child requires a CSP if they need support due to complex or multiple factors that adversely and significantly affect their school education; have needs that are likely to last for more than a year; and need significant additional support from the local authority and another department of the local authority (such as social work services), or another agency (such as health boards, career services, colleges or universities), or both, to reach their educational goals. These criteria have led to disputes about what counts as significant additional support and have distracted attention from the child and their needs. Many local authorities tell us that they are now using Child's Plans, despite the fact that these are not specifically educational documents and do not carry any legal force. They are very much based on professionals' assessments of children's needs, rather than foregrounding children's rights and there are no opportunities for legal challenge.

Despite the fact that the 2016 legislation was implemented in 2018, most local authorities have failed to provide information and training sessions for practitioners, parents and children and young people. As a result, although schools are making great efforts to listen to children's voices, they are generally unaware of the new legislation and its implications. The majority of parents and children are also unaware of their rights, and most local authorities have not as yet produced a child-friendly section of their web-site. The *My Rights My Say* service, funded by the Scottish Government, has made great efforts to reach out to children and young people through the provision of advice and information, advocacy and legal support. However, tellingly, during 2018 only one reference has been made to the ASN tribunal by a child.

What further changes are needed?

Overall, at a time when local authority budgets are being squeezed, greater efforts are needed to ensure that children's rights are realised in practice. First, the qualification criteria for a CSP should be simplified, so that a child should be entitled to a statutory plan if they require support that is not normally available in school, ending fruitless arguments about what counts as significant support from other agencies. Secondly, there should be ongoing awareness raising sessions for local authority and school staff, parents and children and young people, so that there is better understanding of the ASfL system in general, including statutory entitlements. Finally, the delegation to schools of responsibility for drawing up and reviewing CSPs has clearly not worked. It is now expected that CSPs will be administered in school, but with no training for school staff as to how this should be done, supported by additional resources. In most large secondary schools, there will probably only be one or two children with CSPs, so that the necessary knowledge and experience on the ground does not exist. As is the case in England, within each Scottish local authority there needs to be a team with clear responsibility for the administration of CSPs, ensuring equity in their use across different areas and social class groups. Prior to the 2004 legislation, this work was generally undertaken by educational psychologists, with the knowledge, experience and assessment skills required, and a return to this system would probably improve matters for children and their families. Far from being obsolete, in the present social and economic context statutory support plans are more important than ever as a means of supporting the rights of children and young people with ASN and their families.

Executive Summary

No Safe Place:

Restraint and Seclusion in Scotland's Schools



Executive Summary



On 30 March 2018, the Children and Young People's Commissioner Scotland began a formal investigation into 'Restraint and Seclusion in Scotland's Schools'. This issue was identified as a priority for the office's first investigation based on careful consideration of the rights issues at stake, the implications of those rights being breached, the vulnerability of the children and young people involved, and the extent to which concerns have been raised through the office's advice function.

We chose to focus the investigation on two main elements;

- The existence and adequacy of policies and guidance which reflect the law and the obligations of the State under international human rights instruments. These are an essential pre-requisite to accountability and redress.
- The extent to which incidents are recorded and reported at local authority level. Recording of incidents of restraint and seclusion is recognised internationally as a critical means of ensuring that practice is appropriately monitored and scrutinised, as well as fully rights-compliant.

Context

International human rights law states that children are entitled to higher standards of protection to take account of their vulnerability and the inherent imbalance of power between them and adults.

Children's human rights are set out in a number of international instruments including the European Convention on Human Rights (ECHR), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Convention on the Rights of the Child (UNCRC).

They make clear that all children have the right to feel safe, just as they have rights to have decisions made in their best interests, to make their views known and have those views taken into account when decisions are made that affect them. Children should not be discriminated against. They have a right to education, to dignity, to bodily integrity, and to be protected from cruel, inhuman or degrading treatment. They have the right not to be deprived of their liberty.

The investigation

We required all 32 local authorities to provide us with copies of their policy documents and recording forms governing restraint and seclusion. They were also required to complete an online evidence gathering form.



Key Findings



Policies

Four out of thirty two local authorities had no policies or guidance in place to govern the safe and lawful use of restraint and seclusion.

Even where policies did exist, children and young people were rarely, if ever, directly involved in the development of these documents.

Children's rights are referenced in many policies but not given meaningful expression in terms of how they should impact on practice.

The Scottish Government has not produced a national policy to ensure consistent and lawful practice.

This means that in some local authorities, children may be subject to restraint and seclusion without any policy or guidance in place to support lawful and rights-compliant practice. Even where policies do exist, they create the potential for significant variations in practice across local authorities.

Recording

Only 18 local authorities record all incidents of restraint and seclusion within their area. Four local authorities do not record any incidents at all. Those that did record and report data, identified 2,674 incidents relating to 386 children across the school year 2017-18.

Children's views are not routinely recorded by most local authorities following an incident where restraint and/or seclusion is used.

Only 12 local authorities were able to provide full or partial data on the number of children with disabilities or other additional support needs who had been the subject of restraint or seclusion in the previous year.

Scottish Government does not record data on restraint and seclusion, despite calls from the United Nations for it to do so.

This means that we do not know with any degree of certainty how many incidents of restraint and seclusion take place in Scotland each year, which children are most affected, how frequently and how seriously. The Scottish Government has not provided clear direction to local authorities in order to ensure consistent policies and mechanisms for recording across the country.

Restraint

Restraint may be a violation of children's rights to respect for their bodily integrity under Article 8 of the ECHR.

Restraint is inconsistently defined across local authorities, with some referring to the *use of force*, while others define it more broadly.

Only 18 of the 32 local authorities state clearly that restraint should be used a last resort when the child or another person is at immediate risk of harm.

Some local authorities permit the use of restraint to prevent damage to property.

This means that practice is inconsistent and may risk breaching children's human rights.

Seclusion

Seclusion may constitute deprivation of liberty, which is a breach of children's rights under Article 5 of the ECHR.

Local authority guidance on seclusion generally does not reflect the legal tests to ensure compliance with the ECHR. This creates significant risks for local authorities and for children. For example, only one local authority recognised that deprivation of liberty is only lawful if authorised by a court or tribunal.

This means that staff are not provided with a clear explanation of when (if ever) seclusion might be lawful and when it might become deprivation of liberty. In the absence of clear policies and guidance that support lawful decision making, local authorities run the risk of significant breaches of the law and of children's rights.

List of Recommendations



1. Local authorities should, as a matter of urgency, ensure that no restraint or seclusion takes place in the absence of clear consistent policies and procedures at local authority level to govern its use.
2. The Scottish Government should publish a rights-based national policy and guidance on restraint and seclusion in schools. Children and young people should be involved at all stages of this process to inform its development. The policy and guidance should be accompanied by promotion and awareness raising.
3. Local authorities should record all incidents of restraint and seclusion in schools on a standardised national form. Anonymised statistical data should be reported to the Scottish Government's Children and Families Directorate.
4. The Scottish Government should analyse and publish this data as part of its official statistics.
5. Local authorities should ensure that all recording forms at school level include sections for de-escalation techniques considered and attempted, the child's and parents' and carers' views. They should be incorporated into the assessment and planning processes in place under Additional Support for Learning legislation and Staged Intervention processes, as well as the GIRFEC National Practice Model and SEEMiS data management system.
6. In the interim, all local authorities should ensure that they are recording all incidents of restraint and seclusion.
7. The Scottish Government should ensure that national policy and guidance is clearly set within a human rights framework, including specific reference to the relevant articles of the European Convention on Human Rights, the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities, and other relevant international human rights instruments.
8. The Scottish Government should ensure that the practical impact of respect for rights on practice is explained through the use of examples and case studies in national policy and guidance.
9. The Scottish Government should develop clear rights-based definitions of both restraint and seclusion as part of national policy and guidance.
10. The Scottish Government should ensure that the national policy and guidance sets out clear criteria on the use of restraint and seclusion, linked to the rights framework to ensure that children's rights are not

breached, using examples to help staff understand appropriate and lawful use of these techniques.

11. The Scottish Government should ensure that the national policy and guidance on the use of seclusion in schools draws a clear, well understood and well-communicated distinction between the use of a supervised, separate space as a planned response to a child's individual needs and placing a child in a room on their own where they are unable to indicate and receive an immediate response to discomfort or distress.
12. Local authorities should amend their policies where necessary to make clear that damage to property should only be a justification for the use of restraint or seclusion when it presents an immediate risk of harm to the child or another individual. The same principle should be reflected in national policy and guidance.
13. Scottish Government and local authorities should ensure that all policies, whether at national or local level, make clear that restraint and seclusion are measures of last resort.
14. Local authorities should ensure that the child's plan includes de-escalation techniques and a risk assessment.
15. Local authorities should ensure that all children considered to potentially require physical intervention have a plan agreed in advance with the child and their parent(s) and/ or carer(s).
16. Local authorities should ensure that the child's plan is reviewed on a regular basis, as well as following any incident of restraint or seclusion.
17. Local authorities should ensure that parents and carers are informed as soon as reasonably practicable in every instance when restraint or seclusion is used on their child and offered the chance to take part in a post-incident review.
18. Local authorities should ensure that the views of the child are sought, recorded and reflected in all planning, risk assessment and post-incident reviews.
19. Education Scotland and the Care Inspectorate should further scrutinise the use of restraint and seclusion in schools as part of their inspection regimes. The organisations should involve children and young people in developing ways of doing this that enable the voices of children with disabilities or Additional Support Needs to be heard.
20. Local authorities should ensure that restraint and seclusion is only carried out by staff members who are trained to do so.
21. Local authorities should provide training to staff on a proportionate basis, with only those who have been assessed as needing training receiving it.
22. This training should be rights based and in line with the Council of Europe recommendations set out in Recommendation 2004(10) and with the principles in the Common Core.

All those who are subject to recommendations will be required to respond to the Commissioner in writing by 31 January 2019.

For further information contact:

Advice and Investigations Team
Children and Young People's Commissioner Scotland,

Teaching staff

Lorna Walker

Additional Support Needs - Views Form

Background

My response is based on a lifetime experience working in mainstream and special schools as teacher, headteacher, as a local authority manager, as one of Her Majesty's Inspector of Education and currently as a consultant in Education and Care. My specific expertise lies in Support for Learning and Additional Support Needs. As one of Her Majesty's Inspector of Education until 2007, I inspected the range of schools across Scotland, in the main focusing on Support for Learning and Additional Support Needs. This included inspections in residential special schools and secure care accommodation. Since 2007 I have worked with local authorities, school care/secure care accommodation services and other relevant agencies, including the Scottish Sensory Service, based in Edinburgh University. During 2010 to 2016, 14 local authorities made extensive use of my online guidance known as the Support Manual that was personalised to meet their local circumstances.

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

The question might suggest that 'mainstreaming' is a recent initiative. The concept of the **presumption** of mainstreaming was introduced in the Standards in Scotland School Act in 2000 – **19 years ago**. The term 'mainstreaming' as a standalone term is unhelpful since it focuses on location.

Meeting the range of needs within an **inclusive educational environment** – surely our aim - is a much broader concept that requires a range of skills and appropriate and flexible curriculum pathways, a big challenge for schools unless the necessary **additional skilled support** is in situ.

It is impossible to judge how the mainstreaming policy has worked for *all* young people with ASN. **This is not a homogeneous group**. Young people require additional support for the widest range of needs, including very able learners – who are our potential future leaders. What works for some young people requiring support is inappropriate or unnecessary for others. Approaches to Support for Learning are as complex and varied as the needs of the young people requiring support.

It is the case that there are positive 'mainstreaming' experiences where class teachers, support staff and promoted staff have worked incredibly hard along with other agencies and parents to meet needs. However, it is realistic to state the challenges presented by some significant and complex needs are too great for some mainstream schools despite best efforts. The population in residential schools are testament to failed placements in mainstream and special schools with many of

these young people having had 6 or more education placements, often following lengthy exclusions from school and having suffered bad educational experiences.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

What is the hoped-for outcome of the Additional Support for Learning policy? Surely it is to ensure that the needs of *all* children including those requiring additional support would have their **holistic needs** met so that they can reach their individual potential in learning and in social and emotional development. The Code of Practice that takes account of the amendments in the 2016 Act, is written from a legal and procedural perspective and does not recognise the practicalities and skills required to meet learning needs. There is an assumption that if the processes of the Code of Practice and GIRFEC are followed, any teacher can assess and make sense of the range of needs in their class and that any support teacher or support assistant can provide additional support.

The Cabinet Secretary, having considered all of the evidence received by the Committee, highlighted the improvements in the overall percentage of children with ASN experiencing positive outcomes such as exam qualifications. However, his statement that 'A rising proportion of pupils with additional support needs is leaving school with one or more qualifications at Scottish credit and qualifications framework level 5 or better' is unhelpful as you cannot average out the attainment of a group as diverse as these young people who require additional support. And surely this figure cannot be seen as aspirational since within this group are cognitively able young people (who require additional support for sensory, physical or health and other needs such as Asperger's syndrome and dyslexia) and who are perfectly capable of university entrance qualifications. Also crucial is the need to evaluate the impact of additional support on the development of the social and emotional skills of this cohort of young people.

When we think back to the 90's and early noughties when almost all Scotland's Support for Learning services understood the necessary **5 roles of support** undertaken by **highly trained** SfL teachers our quality of inclusive education was leading edge. (I make this statement on the basis of several study visits across Europe during the nineties when we were the envy of other countries). **Policies, including the Additional Support for Learning policy, do not in themselves improve practice.**

Without a structured resourced support system in place within a school, the class teacher and young people will struggle. This includes expertise in schools on how to reduce anxiety (particularly in children on the ASD spectrum), knowing how to support mental health issues, and developing whole school approaches that boost the confidence of children who have barriers to learning and struggle with emotional and social situations. Without an Authority-wide continuum of provision (shared placements, specialist provisions within mainstream schools, peripatetic specialists), 'mainstreaming' or special school are the stark choices for parents and their children.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Given the increased numbers of young people requiring support¹⁶, it seems bizarre that the number of teachers working within Learning Support and ASN in both the primary and secondary sectors has decreased by around 26%. (SSTA submission). There is little reference to the reduction in and changing remits of guidance staff which has also impacted on the ability to provide additional health and wellbeing support. The anecdotal reports of reduction in the very valuable support provided by SfL assistants exacerbates this situation. Scotland's admired integrated system of learning and personal, social and emotional support has been dismantled or reduced in many Authorities.

The issue is not simply about 'enough resource'. The most important consideration is the **quality of support** provided. This requires an investment in a wide range of training in how to support the diverse needs of young people. Our flagship services in the 90's and noughties was in no small part due to chosen practitioners undertaking a range of professional development including up to one-year secondment in special educational needs and in guidance. There was no statutory guidance promoting this but it was possible because of ring fenced Government monies that ceased. However, even with the only statutory guidance in place in respect of training for teachers of children with sensory impairment¹⁷, not all Local Authorities have fully qualified Teachers of the Deaf and Teachers of Children and Young People with Visual Impairment.

Following the intensive training in special education needs or guidance – the year long length of training which included assessed teaching placements, indicating recognition that this area of education is complex – the highly trained specialists returned to their authorities and schools as leaders in Support for Learning or Guidance. They up-skilled their departments or clusters and gained credibility with mainstream teachers. The needs of the range of young people were met and parents did not have to resort to ghastly legal battles and Tribunals. Many of these highly trained and experienced teachers subsequently progressed to manage at Authority level. Their understanding of challenges in classrooms ensured they could support schools at a strategic level through developing a continuum of flexible specialist resources, allocating staffing according to needs and developing and delivering

16 153% increase since 2010 (SPICe)

17 'where an education authority employs a teacher wholly or mainly to teach pupils who are hearing impaired, vision impaired or both hearing and vision impaired, then that teacher must possess an appropriate qualification to teach such pupils' (Requirements for Teachers (Scotland) Regulations 2005 (Scottish Statutory Instrument 2005/355))

comprehensive professional development. Their focus was proactive and practical and included collaboration with families and a range of agencies. Sadly, the majority of this generation of highly skilled practitioners has retired.

At a time when our understanding of different barriers to learning has improved significantly since 2000, our approach to high level and focused training to undertake specialist diagnostic assessment, training in the development of skills to plan to meet complex needs and the ability to deliver support collaboratively, has diminished significantly. We need to improve our working partnership with Health in terms of early diagnosis, ensure our valuable Support assistants have regular and specific training as well as acceptable and attractive terms and conditions of service, and our Educational Psychologists require to be proactive and solution focused providing staff at all levels with practical strategies. We need a coordinator in schools or clusters with high level skills and expertise to contribute to and oversee timely interventions, and monitor continuing support.

Inclusive education is expensive but properly resourced with time and expertise it prepares our young people to embrace diversity and helps to build a more tolerant society for the future.

This worrying situation cannot be remedied quickly as the diminution of intensive specialist professional development has occurred during the past 15 years. The assumption that we can 'mainstream' almost all of our young people into environments that lack sufficient specialist skills adds enormous pressure to hard pressed classroom teachers and does not ensure that the needs of *all* young people can be effectively met. Not only do we struggle to lessen attainment gaps of pupils who struggle for whatever reason, but the ability to challenge our most able young people is increasingly difficult and leads to cohorts of pupils who are unable to reach potential despite the best efforts of teachers. Differentiation in classrooms with significant diverse needs without relevant advice and practical support is extremely difficult.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

My experience is that articulate parents know how to exercise their rights. Despite that, many find the process difficult to navigate and talk about the stress incurred. What is crucial is that the headteacher/ other senior managers /SfL teacher, with the support of Local Authority personnel as needed, catch issues early and work closely with the family to find a solution in a non-confrontational way. Without support systems and sufficient and knowledgeable staff in place, it is a challenge to deliver solutions.

However, many parents living in poverty do not know how to exercise their rights or having had poor experiences at school themselves feel unable to challenge the establishment. In particular, many young people who experience social and emotional behavioural difficulties do not have the same sense of parental support or may not have the resulting quality of support. It is essential to state that there are schools who do their utmost to ensure *all* pupils are supported to the very best of their ability.

e. Does where you live make a difference?

Absolutely! Support and provision varies from Authority to Authority. However, support systems must be developed within the context of each Authority. Clearly rural Authorities have different issues to deal with such as geographical distances. Historically rural Authorities have had to be more inclusive than urban Authorities since access to special schools can mean round trips of up to 80 miles. Many rural schools have had specialist provisions within them where young people can access all or some of their learning. *Generally*, this has resulted in staff and Unions in rural Authorities being more amenable to supporting young people in mainstream classes on a full or part time basis. Having undertaken reviews of ASN provision in 3 Authorities, I am aware of very different support systems and allocation of spend. The role of the Authority Head of service with responsibility for ASN is crucial in upholding the rights of children and young people requiring additional support and determining strategic and flexible approaches to ensuring the needs of *all* young people are met.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

During reviews of ASN in several Authorities, 2010 – 2015, I was aware of unrecorded exclusions and in some situations many young people being out of education for very considerable periods of time. Other young people accessed only part time education. This included children in the early stages of primary school. There were also situations where schools had resorted to seclusion/isolation of highly challenging pupils, some of these in early primary stages. Residential special schools have current reliable evidence of young people at all stages having being out of education for long spells prior to placement in their provisions.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

I find the lack of reference in the recommendations for the need for high level training of *specialist teachers/SfL/ASN /Guidance teachers* a major weakness. The expectation that class teachers can assess or meet the range of additional support needs is unrealistic. The danger is that potentially *all* young people suffer and

Scottish Government's aim of closing the attainment gap – not simply of children living in poverty - cannot be met.

While there is currently a positive emphasis on the training of headteachers and middle leaders who are Leaders of Learning, there is no evidence that a similar emphasis has been placed on the need for professional development for specialist teachers. There is no concept of Leaders of Support. It is not the role of headteachers to know the practicalities of how to best to support each young person with additional support needs. The role of the headteacher is strategic and they ought to be able to rely on specialist teachers – Leaders of Support – whose expertise is the assessment and practical response to meeting the range of needs, in order to support their hard-pressed mainstream colleagues. Until we use the principles of the robust support systems that existed in many but not all Authorities 10 to 15 years ago, or find new but equally robust systems of support that recognise changing contexts, we cannot be confident that the needs of *all* our young people will be effectively met; in particular those who have barriers to learning and our most able young people.

Bill Colley

Educational Consultant and former Head Teacher of The New School, Butterstone – a specialist school for pupils with autism and anxious/phobic disorders.

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What do we want to know?

Please answer as many of the questions below as you wish.

Please let us know somewhere in your comments whether you speak for an organisation; or are a parent, young person, teacher or other school staff.

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

Mainstreaming works where certain factors coincide;

1. Senior management commitment and support
2. Clear purpose
3. Strategic planning
4. Adequate human resources
5. An appropriate range of learning environments
6. Good gate-keeping practices for each type of provision
7. Knowledge and skills at all levels
8. Strong relationships between home and school
9. Good learning and teaching, and a curriculum suited to pupil needs
10. Appropriate targets and objectives – and good quality systems for monitoring performance at authority level

There appear to be significant gaps in provision for pupils with anxious/phobic disorders (many of whom are on the autism spectrum) and these young people are often absent from school without alternative provision.

There is insufficient provision for this pupil group and a reluctance to establish new services, or to use existing independent schools (specialist).

Existing provisions which do not have clear capacity limits or gate-keeping policies are often at or beyond capacity with conflicting objectives and unsuitable pupil mixes.

The overall picture is of an increase in need and declining resources.

There are now significant difficulties in recruiting good staff, particularly as managers, and existing teachers feel under-supported by senior school managers and local authority officials.

a. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

Concerns have risen regarding the;

1. Low number of Coordinated Support Plans established for pupils with complex needs requiring multi-agency planning
2. The apparent management of need through non-provision (i.e. pupils not attending school, or placed on part-time timetables)
3. An increasing tendency to apportion blame to the parents if a child is unable to attend school due to high anxiety
4. The lack of robust data for assessing performance at authority level
5. Difficulties in securing support (i.e. assessment/diagnosis) from CAMHS, particularly at times of crisis
6. The lack of understanding at authority level of pupil needs in terms of individual pupil planning, and strategic provision
7. Potential conflicts of interest in the educational psychology workforce, where EPs are expected to adhere to council policy rather than professional judgement
8. An over-emphasis on process rather than relationships.

b. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

No. But it is not just about relationships. See answer to question 1.

c. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

Generally, no. The more able and articulate can advocate for themselves or seek additional support. There is clear discrimination in how needs are assessed and met, with those from more 'deprived backgrounds' disenfranchised because of a lack of appropriate support.

The majority of parents do not yet know that they can;

1. Request assessments for their child/YP
2. Make a placing request for an independent school if local provision cannot meet needs
3. Request continuing education at school beyond 16
- 4.

e. Does where you live make a difference?

There are significant differences in the policies and practices of local education authorities, and also their 'cultures'.

It is not clear what ASN actually means or how it should be recorded in the school's census, as evidenced by the current data.

There is very little clarity in what support should be provided for certain needs (e.g. dyslexia) and an increasing use of cost as a reason for not providing support.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Seclusion – I worked at the Head of a specialist school and we would **never** use seclusion as an appropriate response to challenging behaviour. If we were struggling to meet a pupil's needs, we would first determine what the underlying cause of difficulties was and then make adjustments in the environment and the demands placed on that pupil. This would be done in collaboration with the parent.

Restraint – physical intervention (CALM) was only used to protect pupils. There were very few recorded incidents during my time at the school (c. 5 in a year). Of those, there was only 1 intervention requiring 2 members of staff, and this was due to the size of the pupil and his level of dysregulation at the time. For a special school, these figures may be the lowest in the country, but we were not supporting pupils with high levels of learning disability or significant mental health problems.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

A significant omission appears to be any recommendation regarding data for non-attendance as a marker for performance as this would give some indication of how mainstreaming is working, or not working, for children and young people with autism, or who have high levels of anxiety/school phobia.

I am also clear that Parliament should be able to rely on reporting from the inspectorate but question the dual roles played by Education Scotland in being responsible for both school improvement and inspection.

Anonymous Teachers and Support Staff

Anonymous Teachers and Support Staff 1

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

As a teacher, my perspective is that children with ASN are given places in mainstream, sometimes they are supported with a 1-1 PSA and sometimes they are not, sometimes outside experience from 3rd sector organisations are made use of, sometimes they are not. Teachers are left to cope on their own and to look into training by themselves – most (if not all) teachers do their best in these situations. The children with ASN who are out of their comfort zone the most can be very distracting in classes and in lessons – the other children are very understanding which I would say is a positive, however overall there is an affect on the quality of teaching and learning that is taking place at times. Personally, I have moved to a new school in August 2018, been given a class that had many children with behavioural difficulties and for the first 2 terms, I felt that I was firefighting problems more than I was teaching. My school has recently opened a Nurture Room to support such children, but I don't feel that they are supporting them enough of a time to make much of a difference at the moment. And, the behaviour of my children has become worse since this has opened. However, I appreciate that any change will have an effect on these children and I hope that this is simply a phase that they need to move through before they will improve in their behaviour and thinking.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

I wasn't aware that there was a new Additional Support for Learning policy. However, I am aware that schools on the whole DO have at least one Support for Learning teacher based within their schools. And my school has now opened an Nurture Room.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Mainstream schools are doing their best to provide effective support, but this can fall down when a member of staff is off school for a day or more, as the extra teachers being used for either Support for Learning or Nurture are then used to cover classes rather than to sustain the role they were given. We need more teachers and a better system to be able to access Supply Teachers. I am aware of a Facebook page that has been set up to access Supply EYPs (Early Years Practitioners) – why can't this be done for Supply Teachers too?

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I'm not convinced that they do. I was a teacher, at another school a couple of years ago, where I had a child who was globally delayed. We felt as a nursery team that

mainstream was not right for her, the Educational Psychologist said there was no space for her in ASN, as there were not enough spaces and it was a fight to get your child into one, although she gave the parents details of where to get advice (which would possibly have persuaded them to go down the line of putting their child into a school/base for children with ASN, they didn't – because they believed that the school had the skills and resources to help their child – which we didn't but we couldn't tell them that.

e. Does where you live make a difference?

Possibly. Dependant on your child's needs. I know my authority will provide transport to ensure a child gets access to Special Needs education where it has been deemed appropriate.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

I had a child at my last school who was on a part time time-table when I took over his class mid-way through the year. He wasn't officially diagnosed, but it was believed that he was on the autistic spectrum. I'm not sure if this was considered an "unrecorded exclusion" or if the authority had given agreement to this happening. By term 4, we had worked closely with the parents and had him in school full-time, but initially, he was not in school full time every day – some days he went home after break time or lunch time, his father was expected to come in to school at lunchtimes to support his son in the playground as the school did not have a member of staff that they could assign to him 1-1. I think it was unfortunate that he was put into a class that was being run by 2 job-shares (from my knowledge of autistic children liking/needing routine) – however, as I say, this child did not have an official diagnosis, so perhaps the school was just treating him like a mainstream child when they allocated him to the class he was given.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

No.

Anonymous Teachers and Support Staff 2

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

I really cannot say that there has been much of a difference

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

Things have not changed if anything I would say things are pretty bad in schools.
Lack of funding lack of support staff.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

I personally feel we need more resources in the Education system.

We are not being able to support all the children that need the support.

One of the main reasons is funding we keep getting told not enough money for support staff.

Not enough money for resources

Not enough money for training

On a daily basis I see pupils that need to be supported but are not because not enough staff. It has got to the point that it is a crisis in the Education system.

We are letting these children down but not only that we are letting the parents down as well as ourselves.

I go in daily do my job which I love but I find myself questioning why

Have the schools no money why do they not have enough staff that are trained to work the children that need supported in classes

Why are the hours of the support staff that are in the schools being either threatened with more cuts or actually having cuts to their hours totally unacceptable?

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I am not convinced the parents fully understand the whole concept of the support in the schools. Unless they fight for the right to have their child supported in classes. It is just not right that we are letting these children and parents down. How can a child get the best education if they don't get the support? It may be emotional and social support as well as educational support they need but unless they come with a certain criterion then they do not get supported which in my eyes is a absolute disgrace. We need to fight to get these children supported in schools.

e. Does where you live make a difference?

I don't think it matters where you live throughout the whole of Scotland the same is happening Not enough support and what support there is it is not enough. Additional needs assistant are not the best paid staff yet we all do a great job and it can be very challenging and very rewarding but our views and concerns fall on deaf ears which is so sad.

We need to all be working together on getting the support for the children.

I have been working in the Education system for over twenty-five years from early years education to main stream education and I have seen many changes and some have resulted in the worse decisions the Education department have made.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

There are too much internal exclusions these days and not enough external exclusions.

For whatever reason it seems that children can verbally abuse staff and not have consequences for their actions.

We need to get back to basics in schools and have sanctions, rules, detentions. The pupils in my eyes are running the schools because the teachers the senior management team the headmaster, headmistress and support staff have to follow clear guidelines on discipline and to be very Frank it has gone to far now with no discipline in the schools the pupils know that if they behave in such away then there is nothing that can be done what happens you and up with a whole group of children that are running around the school doing what they want and saying what they want. I personally find it very alarming I was told to * off and I had to complain at the lack of discipline as this child was allowed to come back in to class and boast about the fact that it is ok to swear at people and nothing happens sorry on my eyes if some One verbally abuses anyone then they need to be disciplined correctly. How can you have a person that swears at staff represent the school playing sport I think that should not happen they should not be allowed to represent their school until they learn that it is unacceptable to swear at people. Are the internal exclusions getting recorded because if not then that needs to be happening?

g. Do you have any specific comments on any of the Committee's report recommendations?

What I will say I just hope the committee reads and takes on board what we are saying

We need more funding for support staff

We need more job security

We need to feel more valued

We need to be recognised for what we do

Our opinions should be listened too and not dismissed

We have a voice we have the experience we see what goes on in classrooms

We see what goes on throughout schools

We need better pay for support staff

We need more resources

We need more input in to the child's education

Overall, we need to be listened too. We are the ones that are in the classes to support pupils and teachers.

Anonymous Teachers and Support Staff 3

- a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

In the last few months there have been some improvements in the school I work in (as an ASN auxiliary). We now have a (part-time) ASN teacher again who is beginning to get an overview of some of our pupils who have greater needs and who is making a start on staff training. Also, one pupil has moved to a special school. We have also recruited another ASN auxiliary. While I feel this is movement in the right direction it still doesn't feel as if we are including all pupils with additional needs effectively.

- b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

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- c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Support could be of a much higher standard. In particular we still need more staff – support staff are always stretched and there is rarely time to plan/ communicate/ feedback to teachers. Training is rarely tailored to working with a particular pupil. Teachers too are already overloaded and having a number of pupils with ASNs in their class can further increase the workload – inevitably they are limited in the input they can make planning and preparing individualised work. More hours for ASN specialist teacher to co-ordinate and give tailored advice would also be a benefit.

- d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

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- e. Does where you live make a difference?

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- f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Sometimes pupils have to be restrained if they are a danger to themselves, other pupils or staff. In the past pupils have been secluded in a room while they calm down – this would usually be after a violent incident. I have not been aware of seclusion in the current school year.

- g. Do you have any specific comments on any of the Committee's report recommendations? -

Anonymous Teachers and Support staff 4**a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?**

I haven't noticed a great deal of difference in the primary sector. We are still experiencing a high number of children entering mainstream provision who find it difficult to cope and no practical additional support is given. Once in the mainstream system it takes a long time, usually years before they are offered a place in an alternative provision that is better suited to meeting their needs.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

I feel that we have an increasing number of children with additional support within the school but the biggest resource that they need to address their learning needs are small class/group settings which just isn't happening. There is a chronic shortage of teachers coupled with the cost cutting of the local authority.

Many parents/ young people are being seen by outside agencies quicker but these agencies don't always liaise with education and in many cases, have given a diagnosis without even consulting the school.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

No. What most children with AS require small class/group settings and a quiet spacious environment. In my school, set in an area of deprivation in Glasgow, apart from composites and P1 every class has over 29 children in it and most of these classes have 2 or 3 children who have sensory issues. They struggle to cope and often lash out, disrupting their learning and the learning of others. We have no break out spaces and every classroom/ conference room/ office space is utilised to its maximum.

I have taught many Autistic children and the rewards are great however there is now an unreal expectation on teachers that they can address the needs of 3 or 4 autistic children in a mainstream class alongside the needs of the other children. When I first entered the profession every child with ADHD or Autism etc had an assigned SEN support assistant which allowed the needs of the individual and the rest of the children to be addressed.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

We have a parent ASN support group and our DHT works closely with them in order to ensure the school is doing all they can to meet their child's needs whilst still meeting the needs of others however this is often extremely difficult to manage as their needs are so different and we don't have the staff to meet all the needs.

WE have lots of assemblies to address different learning needs within the school and to raise awareness and tolerance

e. Does where you live make a difference?

Yes, I believe so. Many of my friends work in less deprived areas and my school has a far greater number of children with ASN needs than their schools do and the support they are given therefore is less diluted.

We have supportive parents who want the best for their child but don't know how to fight the system (paperwork/ Ed psych language)to get them into a school that best meets their needs.

We also have a high number of parents who look for their child to be labelled in order to receive benefits and to then blame all of their child's actions on that label.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

In the past yes but not under new management. We have had children sent home for the day after wrecking classrooms or assaulting staff but they are back in class the following day.

Sometimes children have been restrained in order to prevent them from attacking other children or staff but for no other reason.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

It's not an increase in Advocacy services that are needed but an increase in teachers and places in alternative provision. Too many of our children are in 'fear' of their fellow classmates which often alienates ASN children further.

True inclusion would be specialist units within mainstream schools that way children can be integrated into mainstream classes that they, and the rest of the class, benefit from.

The attainment gap is widening as there are too many children with ASN in mainstream schools and we can't meet their needs. In a number of cases around p4/p5 stages we have secured provision in alternative places for ASN children and are delighted to hear that they flourish in alternative provision with smaller pupil to staff ratio. In most cases concerns have been raised in P1 and it takes years to secure a place but in the meantime the individual can often disrupt their own learning and the learning/ safety of others as they lash out. This has an obvious effect on attainment and engagement of children who have to endure these outbursts over a number of years, in many cases having to evacuate their classroom or lose teaching time while the teacher contains and addresses an individual child's needs.

On a separate note it was recently highlighted on the news about trying to restrict screen time for children. I think this is an area that should be looked into further as most of the ASN children I have taught will happily sit engrossed in front of a computer for hours if we'd allow them to yet many struggles to maintain focus for more than 10 minutes in the classroom.

Anonymous Teachers and Support staff 5**a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?**

There has been no change for the ASN children in my mainstream primary school. I am the only ASL teacher (0.8 per week) for a school of 350. At the moment we have only one child with complex ASN who has been allocated full time PSA hours but none of my time has been directed towards meeting his needs. We have many children in need of ASL time but due to staffing these children do not receive any.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

In my setting no change – probably worse.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Absolutely not. Staffing, resources and an understanding for ASL/ASN within senior management. More training for is vital too. Specific training for ASL is non-existent in my authority.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I don't think parents in my school are – they would be demanding more if so.

e. Does where you live make a difference?

Yes I think it does – particularly the dynamics of the community; level of education, socio-economics etc.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

No experience.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

We are not in any way getting it right for every child. It is scandalous that so many children who require additional support do not receive it or that children who have ASN are set up to fail by the lack of support or resources in mainstream. The lack of training for mainstream teachers in inclusion and ASL/ASN, and training for new ASL teachers is reprehensible. The fact that so many schools do not have ASL teachers or that ASL teachers are pulled to cover like supply teachers is shocking. It's time a clear message was sent by the government/Education Scotland on the importance of ASL/ASN and

that it is not a luxury. It is a necessity and local authorities need to hear that message and ensure their SMTs listen to it.

Parents

Abigail Walker

- a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

I am the parent of a severely dyslexic child. Mainstream education has not only completely failed him, but it seems to be actively stacked against him accessing learning. There are so many barriers to learning for a dyslexic child in the mainstream classroom.

- b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

It has not worked. The strategies and procedures available are delivered by teachers and support staff who have extremely little understanding of dyslexia. They do not know how to make long-term changes in the classroom, or how to deliver consistent, relevant support. They implement set mainstream strategies and don't understand why the child is not 'getting any better'.

- c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

There is not enough resource, but more importantly not enough understanding of how essential it is to provide the right support for dyslexia. These children are being left behind. Much better training is required, to ensure that staff in the classroom have the knowledge, understanding and awareness to enable them to support dyslexia.

- d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I feel the information is available for those who seek it.

- e. Does where you live make a difference?

Yes - but in terms of finding out-of-school resources / tutors.

- f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

I chose to remove my child from school, part-time initially, to replace the literacy lessons with a home tutor and dyslexia-specific structured literacy programme. Then I removed him completely and he is now in a specialist Dyslexia School.

- g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

I agree that it would be better to keep ASN pupils in mainstream education, in their local community, but ONLY if the staff are properly trained, and there are sufficient resources. Dyslexic children learn in a different way, this needs to be acknowledged and allowed. There is so much information and resource available, but the mainstream school system does not seem to make use of this.

Eileen Grant

I make the following submissions in response to your email.

I am a parent of a child with autism. I made earlier submissions (No. 91) in response to the consultation that led to the report published in May 2017. My child started primary school in August 2017 in an Autism Resource Base attached to a mainstream school. There is absolutely no doubt in my mind that this was and is the appropriate environment for him. My child although now verbally articulate in expressing what he wants has great difficulty processing language and therefore great difficulty in comprehending what is being said to him. This is not an unusual, but a common trait and disability of autism. Had he been placed in a mainstream classroom then he would have been completely and utterly lost and his development, mental health and self-worth would most certainly have suffered significantly.

I strongly remain of the view that each and every primary and secondary school should have an autism/additional support needs unit attached to it. My child has benefited from a quieter more relaxed environment where he has received the necessary support and nurturing needed to give him the best possible outcome. Having these resources available is key not just to the child who needs support, but also to prevent interruption in the mainstream classroom affecting other pupils ability to receive the Education that they should be entitled to.

We are very fortunate that my child's teacher has excellent teaching skills and the added bonus (as far as we are concerned as parents) a qualification in psychology. She has an insight into our children and that is reassuring. Our child has come along leaps and bounds under her tuition. She recognises that achieving the outcomes required to meet the standard laid down in the Curriculum for Excellence means understanding a child's specific and individual needs with an IEP tailored to target what needs to be done to better the child's development and comprehension. In other words, her teaching method is not to train a child to be able to learn parrot fashion just to tick the right boxes. She has also introduced 'cosmic yoga' to calm and relax the children in her class, something my child enjoys and will spontaneously do at home. We will be sad at the end of this year not to have this teacher in our child's school. There has been a high turnover of staff already in the Autism Unit. Teaching Assistants need to be better paid than the £12,000 per annum, the salary I understand is the rate, as commented on from a member of staff who left the Unit to take up employment elsewhere for a salary that earned her enough to be able to live on. Salaries as low as this will not attract the teaching or the support staff that are necessary to help our children with additional support needs. I also believe that teachers should be able train for a career in teaching Additional Support Needs from the outset without having to have four years teaching experience under their belt in a mainstream classroom.

The Unit has had other positive effects on my child who has benefited from an hour or two a week of integration into the mainstream setting. The children in the school are encouraged to learn about the Unit and to get involved with the children in it. This is a great ethos, and again having the benefit of both worlds allows our children to

function in an environment that is manageable for them and also suited to their needs.

I stand by my comments in my previous submissions concerning Early Intervention and the need for a National Program for children with Autism and Additional Needs that is centrally funded and not devolved to the Local Authorities to deliver. The best decisions are not being made by cash strapped Local Authorities relative to children with disabilities, such as Education - including Early Years Provision. It is short sighted of Scottish Government not to tackle this hugely current and relevant issue that needs to be addressed in a different way. Families also need to be better supported.

Finally, we are fortunate that our child is in a Specialist Provision and we are grateful to all those involved in Education and Health for their commitment and dedication. Without them our child would not be doing as well as he is today. The Unit has proved to be hugely successful in his development and mental well-being.

Lynn Murray

a. **How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?** Our experience as parents is that the local High School for our child seemed to think that their school was merely an option that wasn't suitable for her. Now that our daughter is in that MS school she is an integral member of the community.

b. **How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?** Our daughter has had a well-resourced successful placement at her mainstream school since she went there in 2013. Beforehand, it was a fight to assert her rights.

c. **Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?** We don't feel that we are in a position to properly comment on resource. We were certainly told that Rachel's school could not meet her needs 7 years ago. It seemed to us that this was an excuse which might have meant that we would make a different choice but we opted to push for a resourced place as we knew our daughter's rights and we thought that the MS placement was the optimum for her. Another resource limitation may be that class teachers haven't been trained to deal with ASN. Perhaps, ASN teachers could use debriefing sessions to impart their knowledge to class teachers. If pupils identified as having ASN are increasing then it will become a class teacher's remit to educate a more mixed group. Perhaps smaller class sizes would be a less expensive practise than that of maintaining special schools, and would mean that ASN skills would be more widely shared to the benefit of a greater amount of pupils.

d. **Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?** In our experience, many parents don't seem to know their rights, nor are they made aware of the benefits of MS school. Even when they do know their rights, they can still face a fight to ensure their child gets the optimum support and welcome.

e. **Does where you live make a difference?** Our observation is that it doesn't matter where you live, if your child has Down's syndrome there is often low expectations around MS placement.

f. **Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?** No

g. **Do you have any specific comments on any of the Committee's [report recommendations](#)?** Rec 11.19 Class teachers to be trained to support pupils with ASN, perhaps in smaller classes, removing the need for individual special schools perhaps utilising units for children with more complex needs. Rec 14 Perhaps raising awareness of disabled rights including a right to MS education and advocacy skills among head teachers, psychologists etc to enable them to advocate on behalf of pupils would be more economical than employing more resource to challenge the staff who may feel the need for more support to be more welcoming to pupils with ASN.

Jan Warren

- a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

I did not want my son to be educated in a mainstream environment but felt that this policy tried to push ALL pupils that way, even when it was not appropriate. A blanket policy is no use in either direction. Decisions and resources should be based as much as possible on an individual basis.

- b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

I have no experience in this area

- c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Not even close! They need more staff, many more staff, and they need to be specifically trained in additional support needs.

I also have a daughter (who has since gone on to further education and obtained a degree), who struggled in her primary years in particular, with dyslexia. Her primary education saw the specialist support gradually withdrawn until it was non-existent. Her learning suffered hugely which in turn had a dramatic effect on her self-confidence.

Quiet areas should also be available to allow ASN pupils some respite from the chaos of normal mainstream education but this would also allow the mainstream pupils to be without distraction if an ASN pupil with behavioural problems was having a bad day.

- d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I tried on a couple of occasions but eventually enlisted the help of an advocacy service. Having a third party involved was a masterstroke as it turned out and took much of pressure off us as parents. I also sought advice from specialist lawyers and charity groups on my rights.

- e. Does where you live make a difference?

Yes. Our social worker in our son's senior years at secondary school used to work in an adjacent council area and was appalled at the level of practical support on offer to us as a family.

- f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Yes. My son was regularly in seclusion. This extended from his last two years of primary school and throughout his secondary education. This was largely due to violent outbursts. He has severe autism, is non-verbal and has a learning difficulty.

He was also officially excluded from school on one occasion because he lost control while out walking. He assaulted two members of staff who were with him so it was deemed appropriate to send him home for several days where I was expected to cope with him alone and to take impromptu time off from my part time job. The legal basis for this was questionable because the reason for his violent outbursts were clearly down to his disability.

The school tried to terminate his education because they had ongoing difficulties coping with his behaviour but luckily for me social work stepped in and insisted that it continue until specialist care could be offered.

g. Do you have any specific comments on any of the Committee's report recommendations?

My comments are simple.... don't set out recommendations that are obviously unattainable with the current level of funding. If you pile more responsibility onto the current staff, you will lose them, either through sick leave, retirement or change of career.

I get fed up listening to or reading all this 'gold standard' stuff which is full of jargon and actually a mile away from the reality. Spend less time writing swanky reports and more time in the classroom, seeing first-hand what is required.

Frances Reid

- a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

Since my last submission to the Committee my grandson has had to be removed from school and is now being home-schooled so I am unable to comment on this.

- b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

Please see above statement.

- c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

In my experience they do not have enough resources and it is unfair to expect a schoolteacher to cope with a full class of pupils and also additional needs support. Over the years I have seen a number of budget cuts resulting in fewer classroom assistants which causes problems. Also, not enough teachers have an understanding of (in particular) autism and therefore find it difficult to work with individual children on the spectrum. In my grandson's primary school, I often heard it being said that 'he is not a typical autistic child'. This shows a distinct lack of understanding of Autistic Spectrum Disorder. We need more specifically designed autism units in every school and enough well-trained staff to work with children on a one to one basis if required. Each child on the spectrum must have a curriculum that is suited to his/her needs. An autistic child cannot always learn in the way a school teaches – so schools must learn to teach in the way he can learn.

- d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

Until recently, my family were not aware of many of the rights we had. However, since contacting 'Enquire' we are now better informed. As we are in the process of trying to get our grandson back into education I will reserve comment on whether or not we get to exercise these rights.

- e. Does where you live make a difference?

I believe it does. Within our council area there do not seem to be many schools that have autism units or support. We have been considering some schools with excellent reputations but these are all outside our area and would require a lot of travel time

- f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Not restraint – but definitely exclusion. In his Primary one year and again in his Primary 6 year my grandson had his education cut to mornings only. The school

claimed this was in his best interests but we feel it was really in their interest as they did not have the resources or knowledge and understanding of his autism. We are also a little disturbed to discover that he had been marked as 'attending' on the school register during this exclusion period and feel that this also was only for the school's benefit.

g. Do you have any specific comments on any of the Committee's report recommendations?

I agree that a quality assurance review of the presumption to mainstream policy, should be carried out and that it is important to review this regularly to ensure that positive changes are happening but I worry that this will become a 'paper exercise' rather than practical change. My grandson has already suffered from the lack of support in mainstream school and is now being home-schooled. In the Conclusions and Recommendations section of the report it states at Item 3 that many children suffer exclusion as the result of a lack of resources and (Item 4) that a lack of trained personnel adds to the problem. I am pleased that the committee recognises these issues but before we would attempt to put our grandson back into a school there has to be more than just 'recognition' of the problem. There has to be practical solutions put in place. At Item 5 it states that many children have benefited from having effective support from a particular person. In our experience this is very true. During his primary years, my grandson excelled in years 2 and 4 primarily because he had teachers who looked at his needs and addressed them. He also received support from a classroom assistant who took time to get to know him. Unfortunately, when he moved classes this was lost and both his education and his self-esteem suffered greatly. So yes, I am delighted to see these things highlighted and acknowledged but I desperately want to see them put in practice before we could even consider putting him back into the school system. He is now 12 years old and has been home schooled for 18 months and it worries me that not enough will be done in time to help him make the transition back into school.

Item 15 makes reference to the fact that not all authorities have the same level of support available and that many additional support needs are going unrecognised. I would agree with this. The lack of support, resources and understanding of his autism was a key factor in my grandson being moved from his Primary school at the end of Primary six and transferred to an autism unit in another school. We were told by his Primary school that they 'did not have the resources' to keep him in mainstream. This move caused him so much trauma he had to be removed from school altogether. It is vital that the committee ensures that every local authority has a support unit in every school – both primary and secondary levels. And yes (Item 16) local authorities who do not provide this support for additional needs should be held to account.

I understand that budgets are tight but education is not only vital it is the right of every child in Scotland. We talk about GIRFEC but unless we ensure that children with additional support needs are being given the same opportunities as other

children – we in Scotland cannot pat ourselves on the back and say we are getting it right for EVERY child.

Gillian Tosh

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

No. My child is still on a reduced timetable. After trauma from needs not met at primary and due to my child's needs being complex it is difficult to meet her needs with the stretch on staff. My child has asd with PDA traits and adhd. There is not enough training in these conditions

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

It hasn't worked well as my child should have a CSP. My child is in S2 and has very complex needs that meant various professionals were involved from the beginning of primary. Outside support was refused at primary which I think would have made a huge difference having professionals listening to myself as a parent instead of recommendations from primary. The inclusion team for additional needs made assumptions without meeting myself or my child. That was not in any way trying to GIRFEC or meeting SHANARRI. The transition from primary to academy was by a pupil support worker that ignored my views and took on-board ones of senior management. This once again resulted in aggressive behaviour which was main concern of senior management instead of why it had happened. Take a red scarf to a bull and see what happens seemed to be a new policy. Anyone with experience with PDA knows you do not address the triggers by telling them they are the problem. In fact I don't believe doing this with anyone that is in heightened anxiety and distress most of the time this would be good to create more knowing this is anything short of mental and emotional abuse

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

I think outside support from additional need focus groups are required. Support from autism specific (or for co morbid adhd groups) for outreach and again autism specific advocacy services. We also need more flexible learning pathways and flexi schooling being the legal right to an education if that style suits. We need more support led from independent educational psychologist and clinical psychologist or more referrals accepted from parents and not blocked by education to prevent early intervention

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

No, I don't believe we know enough and this suits many local authorities as we would be seen as bigger trouble makers than we are already

e. Does where you live make a difference?

No. If you have a good head teacher that cares about each individual pupil and doing what is best for them makes the biggest difference. It isn't all about money but attitude. We can do so much with a flexible approach from schools and parents working together. I believe we should have a legal obligation in a partnership with education, health and social workers. The barriers need lifted for us to work together. There is generally too much power of dictating from these 3 areas as one or overall in some cases

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Yes, my child was often secluded. They were subjected to restraint as strategies agreed were not followed. Seclusion team agreed that support was good. If support was good then restraint, being locked out of class and kept in rooms against their will would not have been needed. As far as I know there was no unrecorded exclusions but there have been unlawful ones with cooling off periods and exclusion due to disabilities

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

I think many issues have been highlighted but I have a huge issue with professionals lying and dismissing children's wellbeing and making it out to be a parenting issue. That has caused trauma for many. Also, I think holding children in cupboards and rooms is abuse and that is happening too much. Restraint must be a last resort not a way to punish a child that is not complying or obviously coping. If a child is not complying then it is the support that needs looked at for the child not punishment that is needed. There needs to be independent reviews and more feedback like this happening regularly to get real changes for the better.

Jane Carmichael

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

It has been terrible and has further deteriorated for my son. my son has been excluded from his local primary school and was sent to a special independent school in October 2017 this failed and after two weeks he was excluded on grounds of not being able to meet his needs. Then he was at home for 6 months and a new placement was found at Butterstones in April 2018. He attended only for two hours a day with me his mother string in the school. The school closed in November 2018 dues to politics land financial reasons. Since then my son has been at home again and has no education. the authority refuses to attach him to mainstream.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

It has not worked at all well for us as a family. My son has a CSP but the does matter and no-one cares whether he gets an education at all. the CSP does not get reviewed or implemented and my son is at home with no input.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

No, they do not they need specific training on different additional support needs anymore staff and less unqualified people looking and try to educate our children

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

It doesn't matter if you know your rights unless you can afford a lawyer you can get the council to do nothing. They flaunt the guidance and pay no heed to policies or laws.

e. Does where you live make a difference?

i think so yes, we are in a very rural area and there are no resources here

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

My son has been restrained 25 times and this is recorded, he has been excluded and secluded a number of times and foe long period of times the education authority has totally traumatized my son and totally failed him

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

Your guidance and policies mean very little unless people can take councils to task and legally convict them for failing to implement laws then nothing will change. parents have little autonomy or respect. Unless you can afford a lawyer, you will get nowhere for your child with additional support needs.

Mrs Linda M Powell

- a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

One grandson started secondary school in August 2017. It lasted six weeks, by the end of which he was thoroughly confused and miserable, because there was none of the promised support that he needed. He is now home-educated.

- b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

As above, my elder grandson was more or less babysat when he did have support; he seemed to regress a great deal in his ability and lost confidence. He really felt he was stupid.

His younger brother is still in primary school and has no support at all on a Friday. Hence, he is off school one day a week as he cannot work without supervision. This is not a problem about behaviour, but of his comprehension level.

- c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

It would seem that schools are lacking in the money to provide learning support as required. I also suspect, though I lack the knowledge to prove it, that the staff in Scotland do not receive enough training in the varied range of problems that these children have. I have a niece in Wales who works in this area of education and had to pass two sets of exams to qualify as a support for learning assistant.

- d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

My grandchildren would not be able to act on their own behalf, but my daughter is pretty well versed in their rights and we have a Head teacher and an ex-teacher in the family.

- e. Does where you live make a difference?

I am sure it does. Here we lost 53% of learning support staff over three years, and I do wonder if Councillors have enough knowledge of the problems that children and parents face on a daily basis.

- f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

I have no experience of this aspect.

- g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

None.

Michelle Graham

- a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

Mainstream Education has had a serious impact on my child's wellbeing. The presumption of mainstream, in my opinion, has been used as a means of reducing expenditure of specialist base classes or schools. Mainstream has actually been excluding and isolating many children. Sometimes for a child to succeed it is more important for them to start on a level playing field so they are able to feel success. In my child's case she had no voice, was burdened with sensory issues, was ridiculed and made to feel stupid, it took her far longer than others to process information so she rarely got any of her work done and rarely had that feeling of success. During the time of my last submission we had been fighting for a suitable placement for my daughter with the support of Govan Law ASL Advocacy. We won a placement in a school that has Autism Classes within. Six children, one teacher and one support teacher. A week after the move the nocturnal enuresis stopped. The nightmares stopped. The anxiety reduced. With the reduction of anxiety, came the reduction in violent incidents. Since that time my child has went from being unable to read to moving up four reading levels. She now understands the joy of succeeding within education. It isn't enough to make assumptions that mainstream will be okay for children with ASN. Especially where teachers have had NO training in Autism.

- b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

The ASL Policy does not work in Mainstream where there is limited understanding, limited training and even a limited awareness. Within Specialist classes it is much better. However, with the reduction in funds and the reduction in specialist teachers and lack of correct training of support staff. Many ASN children are having their support and associated agency support cut.

- c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

No, I don't think they have enough support but more so It is more about the quality and quantity of resources. I have visited a number of schools in my area and most of the teachers in mainstream school aren't informed about Autism. There is a huge difference in being aware of what Autism is and being fully informed. Mainstream was never ready for Autism. The impact the damage has done is just becoming more apparent. Teachers need to be fully trained in Autism, to at least Level 2, to have adequate information to support the child.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

Definitely not, I facilitate an Autism Support Group the topic of conversation is constantly about Education and that they have little understanding of their rights, schools most certainly don't point them out. I found it that disturbing that I became a trained education advocate for our Parent Carer Autism Group and since supporting parents they often tell me how shocked they are, at the difference in their legal rights and what support they really get.

e. Does where you live make a difference?

Yes, it does, in our local area we are supported by our local community Autism Hub. However, a lot of that support comes from hard pressed parents who live off carers allowance and work many hours unpaid to support those new to ASL.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Not personally but I have spoken to a number of parent carers who have.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

No

Marie Gray**h. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?**

In my experience, as a parent, this policy has failed my Son. He started his primary education in mainstream, with LCSC support, after a specialist nursery placement. He remained in LCSC until the end of primary 3. However, his time there caused him great anxiety. He has autism. His symptoms were so severe they became physical. Our Paediatrician was a great support during this time and helped immensely. After several failed discussions with his school about moving my Son to a more appropriate placement, our local authority (North Lanarkshire) agreed to reassess my Son. The Educational Psychologist completed the assessment and as a result of her findings, my Son was moved to a specialist placement, which he started in Primary 4. This policy had funnelled my Son's education and in doing so, had amplified mental health issues. He displayed regressive behaviours and was withdrawing. This policy does not fit all ASN children, yet it has priority as there are fewer specialist placements and fewer specialist schools.

i. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)? –**j. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?**

No, they don't. I think there's pressure on staff to train in ASN as well as the demands of teaching in mainstream classes. Schools have always been short of resources, and now additional support pupils have been included without additional fully trained and experienced staff. Mainstream schools are bursting with mainstream pupils, additional support pupils, no additional rooms and minimal staff to cope. Personally, I feel there are ASN children placed in schools that require 1:1 or specialist placement schools. This was my experience. The Scottish Government needs to consider building more ASN schools for the children that mainstream school is not suited to. I fear for my youngest child coming through the system. He also has ASN.

k. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

My Son was completely unaware of any rights he had. He was never informed and wouldn't understand. I now know what rights parents have, as I have been through the process of placement requests. I can exercise his rights on his behalf now.

l. Does where you live make a difference?

I don't think it does. I think ASN knows no boundaries and schools up and down Scotland have issues with lack of resources and mainstreaming ASN children. I

believe local councils could do more than they are financially, to increase placements by building extensions or using empty buildings within their locality.

m. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience? –

n. Do you have any specific comments on any of the Committee's [report recommendations](#)?

I think, as a parent of 3 ASN children, that their needs are being pushed aside in favour of mainstreaming their schooling. I feel that there is a conflict between mainstream policy and GIRFEC. I'm concerned that specialist schools will not be an option in the future if the Scottish Government doesn't address the needs of every ASN child within Scottish schools now. There are children that cannot and will not cope within a mainstream setting and no amount of teacher training will change that. The sensory, social and behavioural needs of some ASN children, including my own, are not compatible with mainstream schools. Teacher training is great, but experienced ASN teachers are essential for ASN children. I fear there will be more mental health problems in young ASN children/adults as a result of forced mainstreaming education. We have failing policies on mental health, yet early intervention is promoted. We have failing mainstream policies that are being promoted yet the answer to both is quite simple. We need more ASN schools with early intervention for mental health issues, and priority given to the needs of the child and not a policy or a purse. I'm quite sure some replies will promote mainstreaming ASN children, and that's fantastic for the children that can cope with mainstream school. However, I can only speak for my child/children, and I feel passionately about them having the same right to education as their mainstream peers. They will not have that opportunity within a mainstream setting. They have the same rights to learn, to have fun, to be educated in a school with their peers. That is their right, and they need to be heard too.

Anonymous Parents

Anonymous Parent 1

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

No, my daughter is still getting very little support in class. Too many children needing help in her group and not enough staff

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

No ---- very little contact from ASN staff to check progress or what support they give is working.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

No, they even don't have an individual overlay they have to share. Taking time to explain in a way a child understands, work written in a larger font, use of computers, smaller groups

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I thought I knew my rights. We ask for support and they say they will get back to you but never do feel like they are ignoring my concerns.

e. Does where you live make a difference?

I think it does depend on where you live and in our school if your child is going to get higher grades they give that child more learning aids / support. I know of friends at two other local academies and they get far more help and progressing well.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

g. Do you have any specific comments on any of the Committee's report recommendations?

My daughter was diagnosed dyslexia in primary she is now in 3rd year at Secondary at a recent parents night two of the teacher didn't even have a clue she was Dyslexic . Classwork she finds hard to do / read / understand I did bring it up twice. Via email as well, told they would monitor her and get back to me arrange a meeting I have had one meeting in three years to see how they can help my child. I have written to guidance how they could help support my eldest daughter when her tracking report says she was underperforming in higher English this was ignored and she failed her prelim. Last year she was on a programme to help her read a bit better she has also been left to get on with it. I feel as if my youngest daughter has made very little

progress she was put in a class doing level 1..... she was on level 2/3 when she left primary and feel she is going backwards instead of progressing. her dream is to go to college but I feel she won't get good enough grades to get on the course.

I am a parent.

Anonymous Parent 2**a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?**

It does not work in my experience. My son is highly intelligent, but his autism means that the mainstream environment is filled with sensory, communication and social issues which make him anxious and trigger behavioural problems. He attends a special school, with supported access to classes in the attached mainstream school. Due to funding / staffing shortages only English and maths are offered in the base, and other classes have to be taken in full mainstream.

With a support assistant, my son was attending 2 languages classes, ICT and chemistry in full mainstream, plus the classes in the base. Prior to the summer break he started having panic attacks when going to the language classes, and yet after the summer holiday it was discussed with my son (without my knowledge or presence, inappropriate because he wishes to please and would struggle to articulate his anxiety) that as he was doing so well in mainstream his support assistant would be withdrawn, for a trial.

This was discussed with me only after my son had agreed. I expressed my concerns because of the panic attacks, but said they could try it. The assistant was withdrawn for one class, then both language classes. My son started having panic attacks in class and on the way to class, then began refusing to attend the classes altogether. I spent 3 months arguing for his assistant to be reintroduced, and when she eventually was my son had become so anxious around the classes he refused to return to them. He described them as interesting, knew he was doing well, these were in fact his best subjects, but now he has dropped them.

I have no doubt that his assistant was withdrawn because of staffing issues and the need for her to be elsewhere, but my son was only able to cope with mainstream because the support was right for him. Withdrawing that support has resulted in his inability to access mainstream learning.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

The policy sets out the rights my son has, but there are insufficient resources for my son to exercise those rights. As a parent, I had to go looking for the information on support, it is not simply provided when the additional support needs are identified.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Not even close to enough resources. What my son needs is mainstream teaching in a special school environment, whether that be via the base, or in a special school. The special school teaches at a much lower level as most of the kids have learning disabilities, so it is ultimately not suitable, but my son cannot access mainstream and

so we are stuck between sacrificing his education for his happiness, or trying to force him to cope in an environment which is detrimental to his mental health.

What is needed is a large increase in the number of trained ASN assistants to provide 1 to 1 support, an increase in ASN trained teachers who can provide mainstream level education in bases or in special schools, or an increase in state provision of autism / adhd schooling for kids like mine who need the right environment to access learning. We need more educational psychologists who are accessible and can assist in making the right interventions to assist the teachers and kids, and we need OT to routinely assess what support ASN kids need in class. While this is expensive, it would enable capable kids to get a decent education, so they have future prospects of work.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

We had to go looking for the information on what was available, when we received the diagnosis we were given a fact sheet on autism and a phone number, and that was it. In my experience the schools (both mainstream and special) are very keen to identify the needs our kids have and to support those needs, but they simply don't have the resources. I would suggest that when ASN are first identified, information about support and rights should be given then to all parents.

e. Does where you live make a difference?

Yes, it does. I have lived in the highlands where class sizes were small and specialised support wasn't readily available. In Glasgow there is more support available, but also higher demand. The support is easier to access (distances are smaller, public transport is readily available), and there are special schools if they are appropriate. In the highlands there was no alternative provision.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

My son was repeatedly excluded (unrecorded) from multiple mainstream primary schools because of his behaviour (meltdowns, swearing, lashing out). Even when he was in school, he was rarely in class being taught because he could not cope with the environment. That does not happen in the special secondary school, he is allowed to take himself out of class and to a safe place when he needs to calm down, and as a result he is more able to regulate his moods and behaviour, one of many reasons why special school is better for him.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

The presumption to mainstream is wrong because it forces children regardless of their needs into years of suffering in an environment which is unsuitable for them, until sufficient evidence has been accumulated to show why they should be

elsewhere. While I accept inclusion as a good idea, and that mainstream should be the destination for all kids who can cope with it, the assumption to mainstream places the focus on trying to make the child fit the environment, rather than the environment fit the child. By the time that it is accepted that there is a serious problem, psychological damage is often done.

It is my belief that when ASN are first identified, children should be placed into a base type environment where their specific needs can be assessed, including with limited, monitored exposure to mainstream, so that a support regimen for their specific issues can be designed. With that sort of early intervention perhaps my son would be able to tolerate supported mainstream. IF not, he would not have gone through 4 years of people trying to ram his square peg into round holes, and the associated nightmares, trauma, and delays to learning he has experienced.

Anonymous Parent 3**b. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?**

I am the parent of two children with ASL needs.

Since I last submitted to committee my eldest son is no longer in the Education System. He had to be mainstreamed as our local area sticks resolutely to mainstreaming policy and does not provide alternatives. He managed only six weeks at mainstream secondary school before it became completely evident it was unworkable. He is now Home Educated.

My second son is now part-time at Primary School, as they had staff cutbacks and could no longer support him on a full-time basis. He now attends Monday-Thursday. He is transitioning to secondary school now, we do not yet know whether they will be able to support him full time or not.

I also worked for a year as an Advocate for families of children with ASL needs for a local charity. The difficulties I faced are common where we live. The numbers of ASL children being withdrawn to Home Educate soared by something like 500% last academic year alone. Those children who remain in education usually do so without support. Many children with ASL are on reduced timetables or are regularly informally excluded because schools don't have the resources to support them.

c. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

Our local authority pays little or no attention to ASL policy as they know it's mostly non-enforceable.

d. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

No, from my own experiences in 7 preschools and schools so far and from my experiences supporting other families across our region.

The key resources missing in our area are EXPERTISE. Most schools don't have access to any specialist resources, trained ASL teachers, educational psychologists, speech therapists, OT, psychology etc. No one actually KNOWS how to support the children.

Technology is a big issue where we live. IT solutions are under resourced and underutilised. Policies like not allowing pupil devices to connect to wifi networks etc very much hinder opportunities that could be accessed.

Resources to use community supports have disappeared. Lots of children used to get things like Horseriding, Swimming, Community Life Skills etc. Most of these things have now dried up because they have no funds nor staff to facilitate it.

e. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

No. That's a large part of what my organisation did for families. But even then its almost impossible to secure the children's rights.

f. Does where you live make a difference?

Yes definitely. In our area there is one small special needs school at secondary level, which is now part of a massive all-through campus containing 4 schools and a nursery. Mainstreaming just doesn't work for some kids, but there are no options if it doesn't.

Sensory support services are poor for blind or deaf children.

There are no autism specific base units.

There is a lack of specialist services to help with assessment and planning for children with additional needs.

g. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

There are a lot of informal exclusions in our area, particularly of children with behavioural difficulties, who the school simply can't manage.

Part time timetables are very common for ASL kids here too, which is realistically mostly an informal exclusion.

h. Do you have any specific comments on any of the Committee's [report recommendations](#)? -

Anonymous Parent 4**a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?**

As parents of a child with ASD, thank you for the opportunity to respond. This issue has been one of the most significant facing our family since our eldest son started nursery.

In our experience, the success of mainstreaming depends hugely on the attitude of the teaching staff – whether they are prepared to be flexible in their response and thinking - and the availability of specialist staff (e.g. ASD Outreach Teachers) to advocate for the child with staff and to advise them.

In the space of one year our son has gone from a P7 where he was isolated from his class and at one point only in school 8 hours a week (also spending hours in a seclusion room – see below) to being full-time in Secondary 1, largely due to the advocacy of ASD Outreach Teachers and the constructive attitude and response of school senior management.

Whilst in P7, when we discussed options for high school with the local authority, there was a suggestion of alternative provision. However, the only alternatives were Autism Provision (intended for those profoundly affected) or SEBN Provision (whose own Director identified as being mainly populated with children who'd suffered chaotic or traumatic home lives) neither of which would have been appropriate.

It's also worth noting that outside primary school, our son attended tutors, music and sport sessions, and the Boys' Brigade, all without any problems whatsoever, at the same time he was in school only 8 hours a week (hence the need for a tutor) and being dragged to seclusion rooms.

Where does that suggest the problem lies and accommodation needs to be made?

We believe the reasons for the dramatic improvement in the success of mainstreaming for our son between primary and secondary are the following:

- 1) He eventually received a diagnosis of ASD from CAMHS, which empowered his ASD Outreach teacher to advocate more strongly for him.
- 2) This advocacy had seemed to fall on rather deaf ears in primary school, where it sometimes felt like our son's rigid thinking was met with equally rigid thinking by staff – even after, and certainly before, diagnosis.

His first Head Teacher had told us the problem was just "lack of parental consequences". We felt compelled to remove our son from this school after she'd informed us that other parents had been complaining, illustrating the conflict of interest that any "Named Person" would have.

- 3) By contrast, in secondary school, the senior management seem much more willing to be flexible and are perhaps more accustomed to taking a nuanced

response to challenge rather than “my way or the highway”.

4) In secondary, our son was offered a place where he could voluntarily go when overwhelmed. This is in complete contrast to primary, where his experience was being dragged to what was essentially a cupboard, with one teacher telling him “You’re not stronger than me, I used to be a policewoman”. (So much for SHANARR!!)

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

The principle that an obligation is placed on local authorities to meet the needs of children with additional support needs can be a powerful tool once the child has a suitable advocate. Regarding this, please see question d. on exercising rights.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

From our experience with schools and a child with ASD, the most effective support that can be provided is understanding and flexibility on the part of education staff. This doesn’t need to cost anything. Contrast the Depute Head who, facing an impending meltdown, coerced our son into a calm room versus the one who took him outside to kick a ball. For children with ASD, we found specialist ASD Outreach Teachers to be the most effective resource required, principally in being able to advise teaching staff on de-escalation strategies.

In more detail, what is helpful and not helpful:

Helpful

- Teaching staff who are willing to “not treat challenging behaviour as a challenge [to their authority] but who can de-escalate rather than escalate situations.
- Senior Management of schools who appreciate that children with ASD think differently, and are not simply being deliberately disruptive.
- Availability of ASD Outreach Teachers to advocate for children with ASD to other staff, and provide them with de-escalation strategies.
- Access to CAMHS.
- Some humility on the part of the professionals to perceive and acknowledge that they don’t always get it right, and to adapt their approach accordingly.
- Space where a child can go when they start to feel overwhelmed, but where they will not be coerced to go when it’s too late.

- Meeting groups of parents/families in a similar position. There's a crucial distinction with Patronising Parenting Advice below.

Not Helpful

- Educational Psychology. It may be unfair to tar all practitioners with the same brush, but our experience with two Educational Psychologists is that they are ineffectual and with no experience of real life problems (in contrast to ASD Teachers). At the prospect of being involved with our son, one remarked "That would be an interesting wee research project for me". When we challenged use of calm (i.e. seclusion) rooms, another's response was that "many children find them helpful", and it took the intervention of CAHMS to stop their use.
- Patronising Parenting Advice. Until and unless you raise a child with conditions such as ASD or ADHD (or a specialist professional with real-world experience), you have simply no idea what it is like. We heard from another parent in the playground, whose child was subsequently diagnosed with ADHD, about being first having been sent on a parenting course which simply talked about the importance of routine and bedtimes. Again, there is a crucial difference here from providing specialised, voluntary courses and/or peer family help groups.

Accessing support can sometimes feel like some grotesque video game where you have to get through the initial levels of being patronised and judged (by professionals as well as other parents) before finally reaching the level of a CAMHS Clinical Psychologist or Psychiatrist who can actually understand and help.

- Child Support Plans which don't actually specify support, but instead list unrealistic targets for the child e.g. 'Will learn to self-regulate more quickly by X date', Would a deaf child's CSP say "Will learn to listen a bit harder by X date"?

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

At our son's first school, where he first started having difficulties and responding with challenging behaviour, this was regarded as purely the result of "lack of parental consequences". As we were being blamed for the difficulties, we did not feel that we could question the response or make further requests for support.

We found from a Subject Access Request that after we first consulted the Paediatrician who referred us to CAMHS, her conversation with this school included the recorded observation "CAMHS will tease-out any problems at home". What CAMHS teased out was that our son has ASD! I presume this is an example of

“professionals sharing wellbeing information” - in fact the sharing of toxic and counter-productive speculation.

The implicit (and sometimes explicit) assumption in the GIRFEC/SHANARRI model of intervention is that families are the source of any problems a child may be having, fueling judgemental attitudes of teaching staff, at least until intervention by CAMHS. There's no space on SHANARRI indicators, My World Triangles, National Risk Frameworks or ACE Checklists to show problems *caused* by the school environment.

This makes it difficult for parents to advocate for their child, if they are being judged by teaching staff. It also makes teaching staff completely unsuited to be advocating for the child, as Named Persons, as they are the ones making judgemental assumptions, and, to be fair, dealing daily with challenging behaviour.

This is why the roles of CAMHS in providing an explanation for challenging behaviour and of ASD outreach teachers as independent advocates for the child are crucial.

e. Does where you live make a difference?

Unable to comment as we have not experience of different local authorities.

However, we suspect that the judgemental attitude we initially encountered as described above would be felt even worse by someone who was, say, a young, unemployed single parent living in an area of deprivation, making it harder to access appropriate services.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

From the age of 7 our son reported being dragged, carried by two adults, one at his head and one at his feet, and adults holding the door of the “calm room” to prevent his escape. This was a mainstream primary school. On two occasions our son came home from school, after being in a calm room, with unexplained bruising.

The rooms in both schools where our son experienced restraint and seclusion were windowless apart from a glass observation panel in the door. One had a double door handle to prevent children from escaping.

We made an official complaint about the use of the calm room to the school, which was rebutted. The Council and their educational psychologists were very defensive of their use of calm rooms, responding “many children find it helpful”. We would suggest that if this were true, there would be no need for a child to spend hours at a stretch in a calm room day after day, they wouldn't have to be dragged there and they wouldn't be kicking and banging on the door to get out.

We have also suggested to school that if parents were to shut a child in a windowless cupboard with a double door handle in their home, school would be documenting it as a serious wellbeing concern, (or Adverse Childhood Experience?

Or source of trauma?), and challenging behaviour by the child would not be seen as an excuse.

Our son also experienced numerous unrecorded exclusions, at one period almost daily. For many of the seven years of our son's time at primary school, we were on essentially constant alert awaiting phone calls summoning us to take our son from school immediately. At his first school in particular, these were always treated as behaviour problems, rather than an indication that additional support was required. At one point he was accused of diverting support away from other children.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

We support the statements that the efforts of some individuals can make a huge difference to the effectiveness of mainstreaming for children with ASN and that the main resources required are specialised ASN Teachers, CAMHS staff, and specialised training for mainstream teaching staff (i.e. beyond a simplistic stereotyping of how a child with ASD may present.)

Beyond this, in his related report, Professor Ian Welsh talks about "recalibration of GIRFEC". This recalibration must include a rebalancing away from the automatic assumption that families are the problem, and an acknowledgement that sometimes the attitudes of the professionals are the problem.

Anonymous Parent 5

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

My experience is that it is highly variable. For example, in my son's last year of primary school, as he was understood, not only was he happy, learning well and happy to attend school, he did not require any additional support via interventions. This was because the Head Teacher understood what attitude, and skills the teacher needed to have in order to be able to understand my son (who has an autism spectrum condition – ASC-- and many features of ADHD) and she would have been supported in this. Even over the course of the last year, the teacher changed which did not cause any upheaval to my son.

So, then he transitioned to the academy, in the same village, and it is a totally different story. Firstly, they did not ensure that my son was in a class or even school house with any of his peers at all which is totally contrary to current knowledge about the benefits of keeping some consistency in terms of keeping a child who has an ASC. When I raised this, and requested a change of class, quite early on in the term, I was met with resistance and lip service, and was therefore not taken seriously, despite increasing amount of incidents happening which pointed to my son not fitting in with the class he had been put in. I was ignored for so long that it therefore went on so long with not even a response back from the school, and by the time of term 3 happening, the transition to a different class would have been too much of an upheaval.

The management at the academy clearly take a zero-tolerance approach to children such as my son, and have basically said that, if he is not in the Additional Support Needs unit, then he has to constantly maintain the same standards expected of all other children. As traits of ASC, and ADHD include: a lack of ability to self-regulate, becoming anxious easily and impulsivity, with the additional challenge of attending a longer day & additional school placed challenges, it is impossible for him to continually and consistently display the standards that other neurotypical children. This, alongside a high number of staff who are clearly untrained in autism, means that they use punishment tactics too frequently with my son, which sets into a vicious circle of him feeling upset, then apprehensive about attending school, unsure of himself and his ability to meet expectations. So, in short, instead of getting support for his condition, his condition and therefore overall wellbeing and his education are now being placed in 2nd if not 3rd place. In primary place are teachers implementing what they think is the correct level of discipline.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

Has the Additional Support for Learning policy been rolled out in Aberdeenshire? As above, my personal experience, and that of other parents that I know, would indicate that many head teachers are unaware of it.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Firstly, Resources, is clearly an issue and there have been enough studies done which clearly show that overall the number of children with ASN has increased in Scotland, whilst specialist staff and support staff numbers has dwindled so my answer is in general no, they do not have enough resource.

More resources are definitely needed for children who have additional physical and medical needs.

But the failure by mainstream schools to provide effective support is not just due to resources. The “resources” issue can also be misused by Head teachers who simply do not have the resilience themselves, or patience and lateral thinking ability to consider how to best support a child who is displaying any sort of behavioural problem in their school that they think is atypical or upsets the balance of the school classroom.

Poorly trained or poorly supported teachers, in conjunction with zero-tolerant Head teachers can and do exasperate the scale of the problem with a child who exhibits any sort of atypical/undesirable behaviour. To illustrate: a child who does not pay attention and is fidgeting and not getting on with their work after many requests. An untrained teacher will tell the child off, causing embarrassment and maybe send the child out of the class. At that point, the child knows he is “in trouble,” and also may be sent to the room of a more senior member of staff. This is highlighting a child’s behaviour, making them feel that they are in trouble and can create more frustration and unhappiness.

A more trained teacher may ask that child if they want a break for a few minutes, and then come back in a fresher state of mind, or, if they need any additional help. Basically, a co-operative and kind approach to the child instead of a harsh and reprimanding one which is more likely to cause the child to feel alienated, disengaged, show more undesirable behaviours and then this over time escalates. Then, a similarly untrained head teacher seeks for more resource in the system: educational psychologist, pupil support worker, perhaps even social worker, eating up time and resources, and finally anyway the correct solution would be for the teacher to simply be trained in the first place – and so understand, that the child with ADHD/ADD/ASC is not intending to play up, but temporarily struggling and just needed a break or a small bit of support in the first place!

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

No, in general they do not. Parents who know their rights are ones who have really seen their child suffer on a protracted basis and searched out many different routes of support.

Even if they know their rights, such as in my case, they may choose not to exercise them, for fear of generating bad feeling with the school management and exasperating the situation for their child. Also, single parents are less likely to fight for their rights and I believe that families in poorer areas are also less likely to know about the legislation and fight for their child's rights. It takes a lot of courage to confront senior people in education. These people also often purposely provide a hostile environment for initial first concerns. I have also found that Quality Improvement officers are quite ambivalent to parent's concerns.

In reality, parents of children with ASN should not need to spend time learning about the law. It is school management who need to ensure that

- a) Their staff are trained in the most prevalent causes of ASN areas e.g., ADHD and so can be prepared in the classroom,
- b) Their staff know about their duties under the law e.g. to provide reasonable adjustments
- c) Their staff know the specifics of the child with ASN and only apply the strategies which will be effective for that child. This means that the teachers will need to have the sufficient capability to identify when those strategies are needed and not just rely on their own subjective approach when they have that child in their class.

e. Does where you live make a difference?

Yes. Incidences of schools taking a harsh and punitive approach to children, many of them primary school children, seem to be more prevalent in Aberdeenshire for example, rather than Aberdeen. I also feel that schools in Glasgow and Edinburgh and general central belt will be more advanced and committed to the proper implementation of mainstreaming for ASN children. In general, the Scottish Government always put first focus and resource to the central belt.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

I was threatened with a temporary exclusion by an acting head for my son which I do not think was justified. If I had not fought it so much (by getting the local authority, QI department involved) potentially my son would have been excluded. He tells me that he did go to the "quiet room" many times but he did not want to speak about it, this was during a very negative spell in my son's primary school where the school was being led by a deputy head teacher.

This is another major problem – the shortage of head teachers in the North East of Scotland. I have heard of posts being advertised for a very long time and then too few applications come in. How can this be changed? Does it always need to be about recruiting from overseas? What about an accelerated training programme that could be rolled out for existing teachers in North East schools to be eligible for applying for the roles?

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

Yes, about this whole debate of whether mainstreaming is always best. In general, I highly disagree with this statement. As for any child with an ASN, the school experience needs to be tailored. The amount of tailoring involved simply is not feasible in many schools.

To illustrate: a child with autism may not be able to follow 7 hours of learning each day even though academically s/he is able. What may really help is something like an outdoor or physical activity after any length of academic learning. In specialist schools they place a focus on this e.g., trips out, horse riding, swimming, ball games, a variety of activities.

But a mainstream school will be struggling with basic statutory requirements due to overall a lack of investment, such as just being able to teach in a class with a high no. of children so they simply cannot tailor the experience. This just leads to children feeling more and more pressurised to fit in, do as the others but in reality, they have no chance of maintaining the academic levels as their peers, nor fitting in with them socially. So, you can see that mainstreaming can have the opposite affect for a child and lead them to feel unconfident, unsupported, isolated and not progress.

Point 12 – it is good that the Scottish Govt. understands the link between better off parents being able to get a better outcome for their child, rather than the parents of children in more deprived areas.

Point 18 – I do not think that the outcome of the findings to date require asking the Scottish Government for more “analysis.” Then this becomes a numbers game. It is also very difficult to rank outcomes especially for children with ASN. Too much time & resources will be spent on gathering data and then presenting statistics which could show the picture one way or another. The overwhelming evidence about what needs to change – attitude of teachers/ culture of the school with regards to real inclusion, training, and more resources – is already available in abundance for the Scottish Government.

Point 19 & 20 – training. Please do not focus entirely on new teachers coming into the system. Existing teachers must be trained in particular in the main bulk of diagnoses which make up ASN which I do think will be those children with autism and co-morbid conditions such as ADHD.

The Scottish Govt invested highly in generating the Autism Toolbox and it is a brilliant resource, but is there any statutory legislation that a teacher even needs to look at this, let alone be trained in it? – this should be part of all teacher's statutory ongoing CPD.

One further point relating to mainstreaming and in particular, the prevention of exclusions.

The ASN legislation is generally good. What the Scottish Govt. did not seem to realise though is how an ASN child can be found at the mercy of the incompatibility of the standard education legislation, despite the ASN legislation existing.

So for example, current legislation alludes to if parents feel that a child in the class has a disproportionate disruptive effect on other pupils, then, that is a grounds for exclusion.

But this does not marry with ASN legislation of the policy of inclusion in mainstream (ASN children are more likely to be disruptive and impulsive). This is also the way in which head teachers use the legislation to their advantage when they want to exclude a child – use the excuse of “oh well nothing we can do, as the child disrupts or is a risk to the other pupils.” As a parent who receives this communication, you feel totally powerless, but now as I understand the law, it is this piece of legislation (focussing on the proportionate level of disruption to other children) which Head teachers can fall back on in order to exclude children with ASN and likewise, parents can gather together and make the case for that child to be excluded. So ultimately, it is the ASN child who is more at risk of being excluded in a mainstream setting. Exclusions even temporary severely impacts on a child’s self-confidence, feeling of acceptance as well as their education and the levels that we are seeing across Scotland are disgraceful.

There should be tougher sanctions for Headteachers who take this approach.

Anonymous Parent 6

I am a parent who also helps run a parent/carer support group.

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

The range of different ASN means they cannot be considered as a single group. Children with English as an additional language form a completely different subset to those with physical impairments or social, emotional and behavioural difficulties, who in turn are different to those with neurodevelopmental conditions (ASD, ADHD, Dyspraxia etc). Many physical impairments can be overcome by relatively straightforward changes to the physical environment and/or provision of specialist equipment and clearly identified support. EAL needs specialist English teachers and may be some changes to teaching structure and cultural awareness but otherwise these children's needs are not complex (unless they have other ASN). Children with neurodevelopmental conditions in particular are being failed by mainstreaming. It is much too easy for councils to save money by trimming the budget for support staff (or not increasing it to match increasing numbers of children). The closing of specialist schools and support bases means there is no longer a source of specialist knowledge; SFL teachers in mainstream schools do not see the volume of children necessary to build up a really good specialist knowledge base.

There is little incentive for mainstream teachers or support staff to develop the appropriate knowledge/skill base themselves and not enough recognition of postgraduate qualifications or career structure to encourage teachers to study them. Most teachers do go above and beyond in trying to support children with ASN but there is also set of teachers who simply do not wish to learn about ASN and are a huge barrier to those seeking support. There is now a lack of local alternatives for those whose aptitude and ability means mainstream school is unsuitable. Specialist schools tend to be for those with learning disabilities comorbid with other conditions; there is little or no provision for academically able children who can't manage in mainstream. Mainstream schools also often do not offer the teaching of social and life skills many neurodiverse children need to be taught. Where children cannot manage in school they may simply be at home, very often uneducated with no access to home tutors (especially since the 6-hour requirement was dropped). The alternative offered to some children is a range of external activities such as forest school, sailing, skate boarding and cooking. These alternatives may seem attractive but they are denying the children the opportunity to learn the core curriculum and work towards a range of exams which they would be capable of if they were in the correct specialist setting.

Our experience has been very mixed. We have had some very supportive teachers and good PSAs. We have also had experience of a poor PSA/teachers who simply left my child sit unsupported and not achieving (staring into space all day). The classroom environment is unsuitable and creates a considerable barrier to learning. During a very difficult period both ourselves and school tried to access support from Educational Psychology and NHS specialties but this was not forthcoming. The only help that could be accessed was by contacting charity helplines and the teacher on google.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

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c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

Mainstream schools do not have enough resources to provide effective support. It is recognised that areas of deprivation have higher levels of some ASN, and parent's in these areas are not always able to argue effectively for support. However, these areas also have smaller class sizes, additional funding for teaching and support, together with pupil equity fund monies. More affluent areas still have ASN – diagnosable conditions such as ASD, Dyslexia, ADHD are fairly constant across deprivation levels. However, they do not receive any of the additional funding associated with deprivation.

My child's class has 33 children, many with ASN. There is a PSA for two children, however lack of funding for PSAs means other children who may need support have had to be placed in this class as it is the only one with a PSA (even though her time should be fully accounted for). Many other children who need support do not receive sufficient support as there is very limited funding for PSAs; teachers have to cope with 33 children many with ASN with no support. Even finding staff to toilet physically handicapped children is a challenge. Parental income cannot influence this. Many specialists (eg. speech and language therapists, occupational therapists, physiotherapists, vision support services, autism outreach) are also struggling and have to take a 'consultative' approach and/or training school staff or teachers to provide the input. However, the teachers do not have the time to provide this 1:1 input when there are 32 other children in the class and there are no other staff available or skilled. Specialist schools often retained skills assistants on staff to support these children.

Knowledge and skills is another resource that is lacking in mainstream schools and the lack of specialist settings reduces the opportunity for these to provide a source of knowledge in the local area. The specialist knowledge that had existed has now been diluted away.

Finally, the physical resources (the buildings) in mainstream are not suitable for all children. My child struggles to cope in a school environment which provides overwhelming sensory input and distraction preventing his learning. There are other children for whom this provides an impossible environment to cope in and they have to be taught in a separate room – this is not inclusion.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

Parents across the spectrum of deprivation levels are unaware of their rights. They are not properly advertised by the council as required. Parents in less deprived areas may be more able to argue their case or have the resources to pay for private assessments which they should not have to and can still be a financial struggle to do so. Many parents worry that 'causing a fuss' might impact negatively on their child, others have low expectations of help, and yet others have blind faith in the system and only realise belatedly that their child is not achieving as it is not flagged by the school. In order to fight for support (and it feels a fight) requires a high level of energy (including emotional energy) and parents who are struggling to manage their child's behaviour every day or are having to cope with multiple health appointments/therapies often do not have the energy to cope with fighting for school support.

Govan Law Centre is meant to provide advice, but my experience is of very poor communication and unreturned phone calls. Enquire provides good information but lacks the detailed knowledge.

e. Does where you live make a difference?

Yes, funding levels are different in different council areas meaning that services and support levels differ too. Availability of Specialist Schools also vary between council areas and in large rural areas the travel to additional resources can be considerable.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

I have not had any direct experience of this (my child internalises their feelings and simply fails quietly rather than exhibit challenging behaviour at school). However, I have heard of many cases of this. Part time timetables are often used for months/years without the parents' consent. I have also heard of many cases where parents are being requested to pick their child up, sometimes on an almost daily basis, in order for them to 'calm down'. Part time timetables and being asked to pick the child up are often presented as positive actions by the schools so parents do not realise that their child is being failed.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

'ASN' should not be considered a single block as it is a varied group with often very differing needs. Actions may lead to improved outcomes for one section of the group without having any impact, or even a negative impact, on other children. All children have a right to fulfil their potential so all children with ASN must be considered not just some.

Deprivation is not the be all and end all; there are children with ASN being failed across society. There are several local academies in the least deprived areas with very good Higher results. However, they are considered poor for children with ASN

such that parents in these catchments are looking to send their children with ASN out of catchment to more deprived areas where there is less of an academic focus, more range of courses, and higher levels of staffing/support available. One local Academy has a particular reputation for 'encouraging' all children who will not do Highers out of the school and to college at 16 (which also has a poor reputation).

CSPs are much more appropriate for education support planning than Child's Plans. The need for significant input from other agencies should be removed as it provides a disincentive to provide support (the additional agencies don't want to be tied into providing support) and other agencies are often struggling with resources so try to get schools to do the work thereby reducing the 'significance' of input. Council's she be able to be held to account more easily.

Anonymous Parent 7

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

Our son has the ability to work within a mainstream class so the policy has not made a difference to us but I can see it has affected others in a negative way. It affects the quality of teaching as not enough support exists within the class for both pupils and teachers to accommodate the needs of all those included within mainstream.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

Since submitting our previous experience, we have had to escalate our concerns to involve a legal team, in particular to challenge the lack of implementation of the ASL legislation. We feel the ASL policy does not work as is not implemented correctly within our school. They do not monitor and review the effectiveness of any support given. They do not check they are implementing supports recorded. Everything is done verbally so there is no recording of information other than a Childs Plan which is prepopulated before the actual meeting. No evidence or information is passed to us to evidence why things should stay the same or supports removed, only a verbal discussion which is then not included within the Childs Plan itself. There are no formal minutes of any meetings kept verifying positions. When multi agency information is shared and requires support, they omit to include this information within the Childs Plan, therefore not providing the much-needed support. This is not getting it right for any child. When failures are identified through the complaints process, no recommendations are made to improve the position.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed? Absolutely not.

Firstly, there needs to be Childs Plans written that are clear and concise, not ambiguous to hide the support need. That could be a valuable resource to the child. Everything takes far too long and the outcome is no support for the child so to be able to act promptly would be another useful resource. Parents views are ignored completely which results in a lack of knowledge about the child. Many meetings happen to talk around issues, wasting resources that could be used effectively in other areas. I think the most important resource in many cases is the parents as they have the best knowledge and understanding of their child. There needs to be a good line of communication and information, to act quickly if issues arise and supports need to be flexible for this. This does not happen in many schools at the moment. Schools are aware their provision falls massively short and therefore are limiting as much as they can information being shared with parents. Additional staff trained in ASN need to be made available within the settings. Teachers need further training,

additional support teachers need fully trained before beginning the job, not doing the job while training for it. Lastly there needs to be recognition that the current framework does not work, is failing children and the appropriate funding provided. Councils are making further cuts to Education budgets so this resource issue will only get worse.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

No, we do not know our rights. We have found out our rights through hard work and determination and with the help of bodies such as Enquire, Mindroom, Alliance, ICO and so on. We are educated people and it has taken us over 3 years to get to the point where we may get some action as a result of our rights. The rights of the child are not considered at all. They should have a right to be included and respected, they have a right to their parents aiding decision making on their behalf if this is what they chose. They have a right to information being shared about them to also be shared with parents or themselves if they are old enough. This does not happen. In exercising our rights, the whole process has taken nearly 3 years and is not complete yet. The time taken itself is against human rights as forces you to cope with a position you cannot change. Tribunal cases are not given equal rights for every child. Parents who can afford to and parents who receive legal aid can use tribunal to exercise their child's rights but there is a huge body of children who are not afford that right. We were told through a recent request to for information that education can share all information between its departments and that this does not have to be shared with us unless we submit a subject access request. We had made such a request well over a month ago and this has still not been complied with. This again contravenes the rights of the child as well as not complying with legislation but the authority doesn't care. They just apologise. There is no accountability. A call to ICO stated education not in their remit its their governing body, Education Scotland claim it's not theirs its ICO. No-one knows or cares how the system is supposed to work. They just all know its broken.

e. Does where you live make a difference?

We do not live in a deprived area so do not get any additional resources. I would not know how it works in other areas. It is a rural area so makes access to additional resources difficult.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

No

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

The report recommendations identify some of the problems but have not been responded to by positive change. Additional resources and training will go a long way to help but it is the abject refusal by authorities to listen and implement that is the biggest problem. I also believe there are issues around children like mine where their difficulties do not cause any behavioural issues and these children are 'forgotten' in the classroom as they do not because anyone bother. Their supports are forgotten and they are being failed when in actual fact their need is relatively small, but equally as important for them.

Other Individuals

Rachel O'Neill, University of Edinburgh

I work as a lecturer in deaf education at the University of Edinburgh where I teach on the postgraduate diploma in inclusive education, deaf education pathway; this is the qualification which teachers need in Scotland in order to teach and support deaf children. I am a member of BATOD, the British Association of Teachers of Deaf children and I also sit on the UK and Scottish groups of CRIDE, the Committee for research in deaf education. This group, which includes academics, BATOD and the National Deaf Children's Society, runs an annual survey for local authorities across the UK which provides an alternative source of data on the number of deaf children and specialist staff supporting them. My research area and publications are in relation to deaf education.

A. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

I reported to the committee last time that some local authorities are interpreting the mainstreaming policy very rigidly, possibly in order to save money on taxi fares. In the case of deaf young people who use British Sign Language (BSL), this limits their opportunities to join a school or resource base with a large deaf peer group, one where they could use BSL fluently to learn and socialise. This situation still continues in some authorities, but at the same time LAs taxi children who want to learn through the medium of Gaelic across boundaries. That is, the linguistic status of Gaelic as an alternative language in which to learn has been acknowledged by the education system, but it has not in relation to deaf BSL users.

This poses a risk to those deaf children who are not able to use BSL, as they may not develop any fluent language and they certainly won't have many peers to communicate with informally. If we look at the whole range of deaf children, and in Scotland specialist teachers of deaf children work with a very wide range of children from those deaf in one ear to profoundly deaf, it is a minority who will want to use BSL or Sign Supported English (SSE). However, this is still a group which is under-resourced in the current education system. They usually do not have staff working with them who can sign fluently. Recent evidence of this comes from the Ravenscroft and Wazni report (2016, p.10 &12;) which demonstrated that only 12% of specialist teachers of deaf children have fluent BSL skills above the level of a Higher (SCQF 6), and 57% of these teachers need to work with pupils who use SSE or BSL. Mainstreaming without deaf schools or resource bases, therefore, leads to less choice for deaf pupils and lower quality specialist support.

B. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)? N/A

C. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

In relation to school acoustics, which I brought up recently at the hearing of the Education and Skills committee (12.12.18), no longer building open plan schools is

important. A report to this effect was submitted to the Scottish Executive in 2005 (Charlton Smith, 2005), but the results ignored and many more were built. Good acoustics are important for a wide range of children with additional support needs, not just deaf children. Making small changes to classrooms, such as MDF noticeboards and displays, can also improve the listening environment cheaply. Similarly, using Soundfield systems can support a very wide range of learners more effectively by distributing the teacher's voice more evenly across the class and at slightly louder levels, but they don't work well in open plan schools.

I think it's important that LAs collaborate to support vibrant resource based schools or deaf schools so that those children who use BSL or SSE experience teachers who are really fluent in this language and mode. Having a resource base in a school improves positive attitudes towards deafness from other pupils and staff. The additional resources needed to make deaf schools or resource base schools work effectively with deaf learners are advanced BSL classes for teachers of deaf children, encouraging more fluent BSL teachers into the profession, and more specialist support for the Scottish Sensory Centre's BSL Glossary which provides excellent curriculum support by collecting and devising specialist school subject terminology in BSL.

D. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

I have during 2018 been conducting some research into the views and experiences of parents living on a low income and bringing up a deaf child. Funded by the National Deaf Children's Society (NDCS), this research report will be on their website in February, I hope. Findings suggested that in general early years services were not proving very effective for this group: they experienced delay in receiving appropriate support; professionals were sometimes prescriptive about the approach which should be taken to language and communication rather than offering choice; BSL classes for parents were expensive or very short; and rules about how much support was to be provided based on exact hearing level could reduce the amount of support actually needed, i.e. assessments were not looking at the whole child but focusing on one piece of medical information to decide on support levels. The findings suggest that more specialist teachers are needed to support families from 0-5 and beyond – parents still need regular communication with these specialists when their child has started school.

From the Ravenscroft and Wazny report (2016) we know that a large proportion of Scottish teachers of deaf children (ToDs) are not fully qualified. In fact, only 49% of Scottish teachers of deaf children are actually fully qualified holding the postgraduate diploma in deaf education (Ravenscroft, Wazny & O'Neill, 2017, p.10). The Scottish Government could improve this situation by offering bursaries to young, well-qualified teachers who want to make this their career. The lack of promotion in the profession is also a reason many well-qualified ToDs leave the field. In England

there is an increment for being a fully qualified ToD and the government keeps records of who is qualified. The same could happen in Scotland, perhaps with registration of fully qualified ToDs with GTCS. The inspectorate, perhaps HMIE with the Care inspectorate, could inspect local authority services for deaf children: at present there is no accountability and provision in the early years varies greatly across Scotland. Simple benchmarks could be used by local authorities and health boards to make clear to parents whether their LA service for deaf children is performing well: the proportion of deaf children identified as deaf by one month old, aided and / or BSL started by three months old and intervention started by six months old. These international benchmarks lead to better educational outcomes (Yoshinago-Itano, Sedey, Wiggin & Chung, 2017), and also give families a chance to start on early learning of BSL, if that is what they choose.

E. Does where you live make a difference?

Yes. Having a resource base school in the local authority means that more choice is available to parents and deaf children about a wider range of approaches in deaf education. Principally, there is more opportunity to learn through BSL or SSE and usually better qualified staff. My research about outcomes for deaf young people in Scotland showed that only in authorities with resource bases or deaf schools did deaf young people use BSL or SSE as young adults (O'Neill, Arendt and Marschark, 2014). The choice should exist in all local authorities, especially because of the Government's commitment with the BSL (Scotland) Act 2015 to protect and promote the language.

There are only three deaf schools remaining in Scotland, all for primary age children: Hamilton School for the Deaf, Aberdeen and Windsor Park in Falkirk. All three maintain close relationships with primary schools and are co-located. The resource based schools where BSL is used are: Moorfoot PS and Clydeview Secondary Inverclyde; Claypotts PS and Craigie HS, Dundee; Dingle PS and High School, Highlands; St Roch's PS and Secondary, Glasgow; Grange Academy, East Ayrshire; Calderside Academy, South Lanarkshire; Falkirk High School.

I am not including Donaldsons School because it has few deaf pupils remaining, and the specialist support staff base, particularly deaf bilingual staff fluent in BSL, have been made redundant or left. Some high needs deaf children with additional disabilities were sent back to their LA and in some cases, were out of school for a long time because no local provision was possible for them.

So deaf children in Falkirk, Lanarkshire, Aberdeen, Inverclyde, Dundee, Highlands and Glasgow have a wider range of options available. Some LAs still fortunately maintain taxi transport across boundaries so children can access these specialist schools. In most of these specialised resource bases there are high expectations about educational outcomes and an understanding of the importance of Access to Work and Disabled Students Allowance for pupils progressing to work and to university. Peripatetic teachers of deaf children supporting mainstreamed deaf children often do not have time to work on these important transition issues.

F. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

G. Do you have any specific comments on any of the Committee's [report recommendations](#)?

Recommendation 11 about monitoring the number of specialist teachers is very important. The Scottish Sensory Centre could continue to do this, given the resources, and also extend it to monitoring the skill levels of ToDs and support staff in specialist areas such as auditory verbal therapy and BSL.

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Organisations

Unison Scotland

Introduction

UNISON is Scotland's largest trade union with members across the public, private and voluntary sectors, including the staff who support children with a range of additional support needs in schools and early years settings as well as social workers and educational psychologists. UNISON therefore welcomes the opportunity to give evidence to the committee.

Evidence

There is no doubt that the needs of children and young people with additional support needs (ASN) are not being fully met in our schools and early years settings. UNISON believes that there is an urgent need take action to ensure that we are Getting It Right For Every Child. There needs to be substantial investment in a range of different staff to support children in mainstream education and specialist schools for those children that need it. This means staff who can identify pupils' additional support needs, for example educational psychologists, counselors, school nurses and social workers. There also need to be staff in place to provide appropriate support, this includes specialist teachers, specialist support staff, mental health workers, counsellors, speech and language therapists, social workers, youth workers and medical staff to meet the healthcare needs of pupils. Funding is required for training and ongoing professional development for **all** staff.

Increasing numbers of children with additional support needs attend mainstream schools but many are far from being mainstreamed into school life. The widely supported policy has not been underpinned by adequate funding for the learning support, healthcare needs and behavioural support that children need in either mainstream or specialist schools. There is also widespread misunderstanding about who is actually providing support for children on a day-to-day basis. Classroom assistants provide the majority of their support and these staff do not get adequate training, support or pay for the work they undertake. School nurses are not part of a school's staff complement: pupils' healthcare needs are taken care of by support staff. Pupils with challenging behaviour are also most often supported by school staff not teachers. Wider recognition of just who is providing support would be an excellent first step to improving the attainment of pupils with ASN in our schools and early years settings.

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

The feedback from members is that there has been very little change since our last submission. If anything, the pressure on resources has increased. The education budget has reduced by 2.5% since 2010/11 but the number of primary school pupils and pre-school registrations has increased by 30,000. So it doesn't take a degree in

accountancy to see that is a big cut in the resources available for each pupil. Total spending on primary and secondary education may have grown in cash terms but the **real spend** per pupil has fallen since 2010/11. (8% for primary and 4% for secondary). It will come as no surprise that satisfaction with schools has fallen for the sixth year in a row. Add to this the continued rise in pupils with identified ASN and it is clear that resources continue to be a serious issue¹⁸.

Some authorities have initiatives in the planning stage which may lead to improvements in some areas but if these come from a shifting of resources within the education budget rather than new funding then there will be a negative impact in the areas which have been cut. Concerns continue to be raised about the suitability of the school environment for some children: the settings are too large for some, classes are too large, some pupils have sensory issues which make mainstream schooling extremely challenging. Some children are being forced to fit in rather than being schooled in more suitable physical environments.

Glasgow City Council has plans in place to use specialist early years staff to work with health visitors to assess children with complex learning needs and then support their transition to schools specialising in those needs. There therefore does seem to be a growing recognition that mainstream schools will not be suitable for all children.

UNISON has consistently raised concerns about the lack of training and ongoing professional development for the staff who provide support for children with ASN. Sadly, the Summary Statistics for Schools in Scotland don't include support staff numbers so it is difficult to get accurate figures for the numbers of staff who are working with ASN children far less the training they have received. Even where training does take place it is often not appropriate or detailed enough to allow staff to meet the needs of the children they are working with.

So while UNISON welcomes initiatives such as Glasgow CC's proposed introduction of an accredited two-year induction training course for all new support staff (and possible rollout to existing staff) the success will depend on the content of the programme and the time given to staff to undertake and reflect on the training.

Feedback from members is that training is still too brief and too often in the form of a lecture or video with little opportunity for discussion or practical activities. For example, de-escalation training delivered in a single morning en-masse to only support staff and with no opportunity for in-depth dialogue/interaction. The training on offer has little scope for meaningful discussion round the needs of individual children with experts in the field. The cascade method and online tools remain popular with employers presumably due to their cost, but are as unpopular with staff as they are ineffective.

¹⁸ Local Government Benchmarking Report 2017/18 <http://www.improvementservice.org.uk/councils-continue-to-perform-well-for-communities.html>

Another key issue is twilight or weekend training. In this largely female workforce training should be in work time. Many have caring responsibilities and cannot attend after work sessions. Low pay rates also mean that many of the staff have other jobs in evenings and weekends so again do not have the flexibility to attend training outwith their working hours.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

As stated in our earlier submission UNISON does not believe that the policy is working as we had all hoped. Pupils may have gained access to mainstream school buildings but in many cases, that is all that has been achieved. There are neither the resources in place to properly identify the specific needs of children nor to meet them once identified.

The lack of resources has an impact on all the children in the school. If a parent manages to successfully get extra support for their child then this is not accompanied by extra funding. Resources are just redirected impacting on others in the school. When support needs are not met pupils', behaviour can become disruptive. This impacts on others in the class and often leads to their exclusion from the classroom. This typically leads to a child working alone in another classroom with a support worker not a teacher or specialist. Time-out rooms are also used to de-escalate tense situations often caused when lack of support in the classroom leads children to disruptive responses. Again, it is usually the lowest paid staff in the school expected to manage the pupil once removed from the classroom.

These staff are the ones who receive the least training (and pay) the whole point of identifying additional support is to identify specialist help. That requires employing and training specialists.

School support staff are very concerned about the violence they experience in schools and the lack of support they receive from employers after an incident has taken place. Many report that they are told that it is just "part of their job". UNISON believes that reporting systems are inadequate and many incidents go unreported. Even when reported there is little if any assessment of what happened or action taken to avoid a repeat. No one should be expected to be the victim of violence as part of their job.

The following are the incidents recorded by local authorities in the 2017/18. (not all authorities give separate figures for education)

Aberdeen City – Education Services - 244 physical assaults, 188 Staff Verbal

Aberdeenshire Education & Children's Service 544(employee) 70 (non employee) Violent Incident

South Ayrshire – Education –56 verbal, 77 physical, 65 verbal & physical, 9 threatening behaviour

Renfrewshire –68 Classroom assistant, 21 nursery officer, 166 Teacher - physical/verbal

West Dunbartonshire – 95 education physical assaults

West Lothian - Education, Pupil support worker 709 incidents, Education, Teacher 402 incidents

Dumfries &Galloway – 463 violent incidents

Clackmannanshire - Teaching Staff 53/32physical 21 verbal, school Staff 78 physical /21 verbal

Stirling – Schools & Learning - 194 physical assaults on employees

City of Edinburgh :Early Years Officer 3 violence with injury 1 violence with no injury Early Years Practitioner 28 violence with injury 16 violence with no injury

Learning Assistant 26 violence with injury 8 violence with no injury

Nursery Nurse 125 violence with injury 47 violence with no injury

Teacher-Nursery 2 violence with injury 2 violence with no injury

Teacher-Primary78 violence with injury 43 violence with no injury

Teacher-Secondary 4 violence with injury 7 violence with no injury

Teacher-Special 122 violence with injury24 violence no with injury

These figures are clear evidence that pupils are not getting the support they need. Other children also need to be protected from unacceptable behaviour. Accepting violence in schools fails the children who exhibit violent behaviour as much as it fails everyone else involved. They need support to express themselves in a more appropriate manner. It is those pupils who have most to gain from school leaders reacting properly to violent incidents with full risk assessments, assessments of the child's needs and then taking action to deal with the issues identified.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

It is very clear that schools do not have enough resources to provide effective support for pupils without ASN far less those with. The education budget has reduced by 2.5% since 2010/11 but the number of primary school pupils and pre-school registrations has increased by 30,000. So, it doesn't take a degree in accountancy to see that is a big cut in the resources available for each pupil. Total spending on primary and secondary education may have grown in cash terms but the **real spend** per pupil has fallen since 2010/11. (8% for primary and 4% for secondary). It will come as no surprise that satisfaction with schools has fallen for the sixth year in a row. Add to this

the continued rise in pupils with identified ASN and it is clear that resources continue to be a serious issue¹⁹.

This is about more than just teacher/pupil ratios. The fact that national statistical publications don't record the numbers of other staff in schools also indicates that those other staff don't count when anyone working in schools knows the value of the full team to delivering high quality education. Despite the language of debates and policy papers the day to day work with pupils with ASN is carried out not by teachers but by support staff who go under a range of different titles across the local authorities. Some support staff were employed directly to work with ASN pupils and others as classroom assistants but who are increasingly expected to undertake work with children with complex needs including healthcare.

Anyone working in schools will agree that cuts to support staff numbers have had a serious impact on the quality of the service provided in schools despite all those working in schools working long hours and skipping brakes in an effort to maintain standards.

There is also a shortage of staff such as educational psychologists, school nurses and social workers to identify a child's needs and develop a programme to meet those needs. There also needs to be initial and ongoing training and development of staff in order for them to meet those needs. This needs to include the support staff who do the day to day work and not just teachers. This requires time in the working day. Twilight and weekend training is difficult for staff to attend and it is much harder to learn after a full day's work. Many low paid women have to combine 2 or even 3 different jobs in order to make ends meet. They do not have free evenings and weekends, they are working. As UNISON has raised before, cascade training, where one person attends and then feeds back to others or training videos are not good enough to enable staff to deal with the complex nature of much of the individualised support that pupils need.

The use of ICT in schools is increasing and offers many opportunities for those with ASN. Proper planning for their needs rather than trying to adapt a one size fits all roll out of new ICT such as tablets could make a huge difference. Staff will also need training in the use of new devices. Many will not have access to their own to practice on out with work time so again not just a short training video but time to develop the skills to use them.

There needs to be a wider understanding of the huge range of ASN among pupils from short-term problems where children will need emotional support and time to adjust like divorce, an ill parent, loss of a grandparent to long-term physical and mental health

¹⁹ Local Government Benchmarking Report 2017/18 <http://www.improvementservice.org.uk/councils-continue-to-perform-well-for-communities.html>

problems, learning and physical disabilities. They need to be treated as the individuals they are.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

Nothing has changed since our original evidence that leads us to believe that things have improved. Not all parents and young people have the either same knowledge of their rights or the power to ensure that they can access them. The current system for ASN is adding to the current wealth based attainment gap. Many members indicate that they see not those most in need getting extra help and support but those with more resources and contacts. Some parents are also able access support from advocacy groups round specific disabilities or organisations like the Education Law Unit but again not all parents know that such support is available. We hear that it is those who “shout the loudest” that get help for their children. Not only is this an unfair way to allocate resources it puts enormous pressure on parents who have to “shout” to get the support their children are entitled too. Families shouldn’t have to fight to have their children’s needs recognised or met.

There needs to be a move to a much more open system where parents and staff can work together to support the needs of the child. When there aren’t enough resources available it is no surprise that the rationing of scarce resources has a negative effect on the relationships between those perceived to be holding the key to support and those who feel they are being denied support.

e. Does where you live make a difference?

UNISON is more concerned about the differences created by the relative power/wealth of families rather than geographical differences across local authorities. UNISON believes that as directly elected bodies local authorities have the right to make decisions about how services are delivered locally, assuming that meets their statutory duties. By doing things differently it is also possible to see what works and then learn from the differences and share best practice. Local difference isn’t a bad thing in itself. That does not mean that children’s rights should be undermined.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

Below is the evidence UNISON recently submitted to the Petitions Committee in response to their inquiry into introducing CCTV following concerns raised regarding restraint.

UNISON does not believe that CCTV cameras in our schools would be a particularly helpful strategy. It suggests that staff or pupils need to be watched to ensure appropriate behaviour. It is a culture of blame/punishment rather than building an ethos of clarity on acceptable behaviour and good relationships. On a practical level CCTV cannot “watch” everywhere: camera angles mean that there are often blind

spots particular under furniture etc. How many cameras would it take to provide blanket coverage? What atmosphere would hundreds of cameras create? If behaviour has broken down to such a serious extent the perpetrators will also be able to use the limitations of camera's scope to avoid detection. UNISON believes that better staffing ratios, including chaperones during intimate care and toileting, alongside individualised training are a much more effective way to protect children and staff.

School support staff are very concerned about the violence they experience in schools and the lack of support they receive from employers after an incident has taken place. Many report that they are told that it is just "part of their job". UNISON believes that reporting systems are inadequate and many incidents go unreported. Even when reported there is little if any assessment of what happened or action taken to avoid a repeat. No one should be expected to be the victim of violence as part of their job.

The following are the incidents recorded by local authorities in the 2017/18. (not all authorities give separate figures for education)

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Teacher-Primary 78 violence with injury 43 violence with no injury

Teacher-Secondary 4 violence with injury 7 violence with no injury

Teacher-Special 122 violence with injury 24 violence no with injury

Violence is not a minor issue. Action needs to be taken to ensure that incidents are reviewed, that staff are given adequate ongoing support including counselling and adequate time out to recover. Incidents must be properly investigated. There needs to be action in terms of appropriate staffing going forward and specific support for the child. Other children also need to be protected from unacceptable behaviour. Accepting violence in schools fails the children who exhibit violent behaviour as much as it fails everyone else involved. They need support to express themselves in a more appropriate manner. It is those pupils who have most to gain from school leaders reacting properly to violent incidents with full risk assessments and then taking action to deal with the issues identified.

There may be a role for body cameras: they can record incidents which can be used for analysis which can support training either through demonstrating good practice and/or reflection/discussion round how different approaches earlier on could have led to different outcomes. These cameras are more effective at recording incidents and also avoid turning schools into Orwellian nightmares of constant surveillance. The culture in which recording takes place is the key to successfully changing behaviours. It will not succeed as part of a blame culture. A focus on improving services, protecting staff and Getting it Right for Every Child will be much more effective. This will require careful management and negotiation with appropriate trade unions.

g. Do you have any specific comments on any of the Committee's [report recommendations](#)?

UNISON welcomed the committee's report but is concerned at the slow pace of change since then. Scotland has a range of excellent policy statements but we need action to take Getting It Right for Every Child from an aspiration to a reality.

Conclusion

UNISON is Scotland's largest trade union with members across the public, private and voluntary sectors, including social workers and the staff who support children with a range of additional support needs in schools and early years settings. UNISON therefore welcomes the opportunity to give evidence to the committee. There is no doubt that the needs of children and young people with additional support needs (ASN) are not being fully met in our schools and early years settings. UNISON believes that there is an urgent need take action to ensure that we are Getting It Right for Every Child. There needs to be substantial investment in a range of different staff to support children in mainstream education and specialist schools for those children that need it. This means staff who can identify pupils' additional support needs, for example educational psychologists, counselors, school nurses and social workers. There also need to be staff in place to provide appropriate support, this includes specialist

teachers, specialist support staff, mental health workers, therapists, speech and language therapists, social workers, youth workers and medical staff to meet the healthcare needs of pupils. Funding is required for training and ongoing professional development for **all** staff.

UNISON Scotland
December 2018

NASUWT

1. The NASUWT welcomes the opportunity to comment on the Education and Skills Committee's ongoing inquiry into Additional Support for Learning (ASL), examining how ASL is working in practice in mainstream schools.
2. The NASUWT is the fastest growing teachers' union in Scotland, representing teachers and school leaders in all sectors of education.

GENERAL COMMENTS

3. The ambition for all children to be educated in mainstream schools is one the NASUWT supports in principle, but the setting must be appropriate and the placement properly resourced to meet the needs of each child. Without this, the needs of the child will not be met and their educational progress will suffer.
4. In April 2018, the NASUWT published the results of an Additional Support Needs (ASN) survey (see Appendix 1) which examined member experiences in relation to the presumption of mainstream. Ongoing feedback from members indicated that there was an increasing focus on inclusion and that the demands being placed on teachers and schools were also increasing, with more and more learners with complex needs being taught in mainstream classrooms and cuts to specialist services exacerbating the difficulties teachers face. The survey sought evidence about the nature and extent of these issues.
5. The following stark statistics were revealed in the 2018 NASUWT ASN survey:
 - 58% of respondents from Scotland said that the local authority required their school to implement burdensome policies and procedures;
 - 56% of respondents from Scotland stated that they had received training or Continuing Professional Development (CPD) within the last two years, compared to 68% of respondents from England and 61% of respondents from Northern Ireland;

- 43% of teachers in Scotland identified training/CPD on local authority ASN policies to be ineffective and just under one third of respondents (31%) reported that training/CPD on engaging parents was ineffective; and
- less than half of Scottish respondents said that their Career Long Professional Learning (CLPL) includes discussion about their ASN support needs.

6. As a teachers' trade union, the NASUWT clearly has concerns not only for the impact on a pupil's learning but also for the wellbeing of the teachers who deliver that learning. The issue of reduction in ASN support has been consistently raised at our local and national conferences (see Appendix 2). The impact on teacher workload is clear. Without support, teachers are left to manage classes on their own, often struggling to cope. Two examples given by members are:

- (a) class of 20 secondary pupils, nine of whom have ASN (all, of course, of a different nature) results in having to produce ten differentiated plans for everything;
- (b) secondary teacher on receiving a new pupil who only speaks Arabic has to spend several hours on a weekday evening translating PowerPoint handouts using google translate to ensure the pupil feels included. No English as an Additional Language (EAL) support is available for this pupil.

A national dialogue about the support available for our young people is required as a matter of urgency.

7. NASUWT members also report a funding crisis in schools which the Government should not underestimate. As set out in a letter of 07/12/17 to the Education and Skills Committee of the Scottish Parliament in advance of the publication of the 2018/19 budget, teachers are reporting that the underfunding of schools has led to numerous extremely detrimental consequences, including:

- *'class sizes continue to increase, with low-ability sets growing to the stage where pupils cannot receive the individual attention they need;*
- *off-campus places for children and young people with the most challenging behaviour are impossible to get, other than for looked-after children;*
- *special school provision in many local authorities has been stripped out;*
- *children and young people with very challenging behaviour in mainstream settings are failing to receive the support they need and discipline standards*

are plummeting in classes affected, which impacts on all pupils in these classes.'

8. As the NASUWT further set out in its response to the Scottish Government *Excellence and Equity for All: Guidance on the Presumption of Mainstreaming* consultation:

'The Union...agrees that "being present in a mainstream school should not be the primary marker of successful inclusion"... [and] recommends, before progressing further guidance or legislation relating to the presumption of mainstreaming, that the Government commits to undertake a full audit of the success of inclusion to date and considers in depth what the barriers to inclusion currently are.'

9. The NASUWT is therefore pleased that the Education and Skills Committee has continued to keep ASN in practice as part of its work plan, but it is also critical that we do more than talk. Teachers report that the failures of the school system in providing adequately for vulnerable children and young people, and worsening provision for pupils with ASN, are stoking up problems for society in the future, when these children and young people will become adults. Provision for violent, autistic or mentally ill pupils is at crisis point.

SPECIFIC COMMENTS

10. In order to provide a real-time snapshot of teacher experiences, the current questions being considered by the Education and Skills Committee were circulated to the NASUWT Scotland Executive Committee for immediate feedback. Extracts from our members are enclosed within the responses below.

a. How has the mainstreaming policy for young people with ASN worked (specifically your experience since you submitted to the Committee)?

EXTRACTS FROM MEMBER FEEDBACK

It needs to be reviewed. There are too many children misplaced in mainstream education and we are failing them, not through teachers' effort but through lack of skills, resources and facilities. There have been some success stories, true, but too many are being let down and would have achieved more with the right specialist facilities and personnel.

<i>The mainstreaming policy has proved to be a challenge – meeting the needs of pupils with ASN in full classes has become almost impossible at times.</i>
<i>On the whole the policy does not work. Schools are not equipped with sufficient resources to deal with the complex needs of many ASN young people.</i>
<i>I feel that young people have been let down by this policy. They do not receive the individual support that they require in order to access the curriculum.</i>
<i>Patchy at best. Many young people are left unsupported and this has had a big impact on learning and teaching.</i>
<i>Generally it has not. Support can be intermittent, inconsistent or non-existent.</i>
<i>Insufficient support. Has obviously been the result of a cost-cutting exercise.</i>
<i>Not very well, the children without any major needs get by only.</i>
<i>The presumption of mainstream can create exclusion within classrooms. Young people may not be fully included in the learning, due to the complexity of their needs.</i>
<i>Teachers are expected to differentiate for too many different learners in a class. For instance, I have experienced having a class of 30 pupils; 1 EAL pupil has no grasp of basic English (Google translate can only do so much), 4 ASD pupils, 2 of which often require a lot of one to one support. This can sometimes be detrimental to the learning of others as I am busy trying to support those with ASN.</i>
<i>I do believe that the children who would previously have been in a special school are being short-changed because they would do better in very small group teaching environments and also in years gone by would have been taught by experienced teachers with additional qualifications in ASN.</i>
<i>In my experience, when a mainstream placement is not suitable for a child, it takes years to have them moved. In fact, we have a child in our school who should be in special school and we have been told that the LA will not move her till she is ready for high school. She is currently in P3.</i>
<i>The assumption of mainstream is key to saving money and, by the back door, reducing support staff numbers. This will result in an increased workload for mainstream teaching staff and for ASN specialists, with the new ASN strategy being one where ASN PTs will not be in classes or departments, but consultants to assumption of mainstream. I do not think this is GIRFEC (Getting It Right for Every Child) or serving the best interests of reducing teacher workload.</i>

11. While the NASUWT supports the principle of the presumption of mainstream, it is clear that pupils with ASN are being placed in schools which are either inappropriate for their needs or are unable to provide adequate support.
12. Financial austerity has substantially affected both the ability of the system to successfully support mainstreaming as well as the perception on the ground of the Government's intentions behind the inclusion policy.
13. The downward turn in investment in ASN, and education more generally, shows no signs of improving and therefore the current inability of the system to best support the mainstreaming policy shows no sign of positively changing.
14. Feedback from one Local Association Secretary noted that their local authority was facing a growing shortfall in funding due to the current method of calculating government-allocated funds and highlighting how funding changes are very slow to react, with it taking years to see the gradual lowering of one authority and the increasing of another. Its current budget discussions for the coming year include the closure or removal of: all family engagement teams, youth workers, police teams working with young people and schools, swimming lessons in primary schools, all music instructors, and a 25% reduction in senior education officers and educational psychology. Further, the proposals are factoring in a reduction in funding for supply staff, with cover (particularly in secondary schools) having to be taken by promoted staff; increases in class sizes; a closure of a school; a 5% reduction in classroom assistants; fewer subjects being offered to students; and where a school post has been sitting 'unfilled' for a period of time, the post being 'removed'. Local authorities are weighing up the cost/risk analysis of reducing the number of posts being offered to new teachers with the potential financial penalty from the Government. Significant concern should be given to fiscal discussions where the folding of a local authority within the next four years could feasibly take place.

b. How has the Additional Support for Learning policy worked (specifically your experience since you submitted to the Committee)?

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EXTRACTS FROM MEMBER FEEDBACK
<i>There are not enough staff to support the young people's global needs.</i>
<i>ASN legislation is good but underfunded and under resourced.</i>
<i>Some pupils are provided with support but a significant number are not, and when you have large class sizes they tend to suffer because of this. Very frustrating as a teacher as there is only so much you can do for them.</i>
<i>Class teachers are responsible for meeting the needs of the learner on their own. Some pupils with complex needs that require one to one support receive nothing due to staff not being available. In some instances I have more than half of pupils in a class with some sort of support requirement and I am supposed to manage this all on my own.</i>
<i>Our school has around 310 pupils but is expected to share a Support for Learning teacher with four other schools across four days. This results in only the neediest learners being allocated support for short periods of time within an overloaded support timetable.</i>
<i>Class teachers are expected to meet with the Support for Learning teacher despite required budget savings dictating an absence of class cover to facilitate meetings. Class teachers receive 'advice' on learners requiring additional support and are expected to provide this within normal class teaching time.</i>
<i>Often, groups of children needing support are put in the same class and one extra person is given to support them all. The impact of this is high numbers of ASN in a class, meaning those pupils, and pupils without ASN, are not getting enough one-on-one time to progress their learning. This also leads to extremely stressful working conditions for staff, again leading to a detrimental impact on pupil learning.</i>
<i>All children deserve an appropriate placement where their needs are met. All children, in every class, should have the support/resources that are necessary. This is not the case. Class sizes are too big, ICT is abysmal and resources, including support staff, needs to be drastically improved.</i>

15. Teachers and schools will always strive to do their best for every child they teach, but it is unacceptable for them to be expected to meet the needs of pupils without the necessary resources. Supporting children and young people with ASN requires renewed investment in tailored services and education settings to ensure there is equality of opportunity for all.

16. The teaching workforce want to work within an education system which will enable all children and young people to get the support they need to reach their full learning potential. But sole responsibility for ensuring barriers to learning are overcome and the policy intention behind GIRFEC is achieved should not be shouldered by classroom teachers, as was highlighted in the following 2018 NASUWT Scotland Conference motion (see Appendix 2):

Reducing the support for Mainstream ASN Pupils

Conference is concerned that local authorities are cutting funding both directly and indirectly for pupils with ASN in mainstream classes in Scotland.

Conference asserts that the effective responsibility for GIRFEC ‘Getting It Right for Every Child’ is being subtly passed to mainstream class teachers through increased workload both during and outwith direct class contact time. Conference calls upon the Scotland Executive Council to campaign to ensure support for pupils with ASN is not being reduced through reduction in staffing budgets and the redistribution of funds through such initiatives as PEF (Pupil Equity Funding).

17. Without the addition of funding, resources and support for the education workforce, the ASL policy rhetoric appears little more than an attempt to pass the buck to schools and teachers.

c. Do you think mainstream schools, in your experience, have enough resource to be able to provide effective support? What forms of additional resources are needed?

EXTRACTS FROM MEMBER FEEDBACK

No. We have a school of over 1,600 pupils and the facilities here are extremely inadequate to support the many children we receive as ASN, EAL and so on. Staffing ratio of teacher to pupil requiring the necessary assistance is extremely inadequate. There are not enough specialist staff in this school to carry out the job efficiently and because of this staff just cannot help the way intended, so the young people miss vital assistance, fall behind, become disengaged, and the cycle continues.

No! More support staff required to provide provision for all class not the selected few.

<i>Not enough resources are provided for young people – PSAs assigned at Primary school do not follow to secondary school and so support is withdrawn – more and more often, schools are having to use PEF funding to increase staffing resources.</i>
<i>No. Children with EAL and ASN are poorly served in mainstream. Not enough resources allocated. Classroom teachers left to get on with it, with little to no support. What support there is is often poor. Lack of EAL and ASN teachers and support staff.</i>
<i>No. There are not enough specialist ASN teachers. Half an hour training session and we are supposed to be an expert in how to manage, prepare and deliver a curriculum for these children.</i>
<i>No, pupils with ASN into classes with 30 pupils does not allow a teacher amicable time to meet the needs of the learners in the classroom. Resources are not necessarily the answer, additional time with ASN pupils is fundamental.</i>
<i>Classroom assistants can be useful; however, I don't feel that there are enough of them.</i>
<i>Teachers and support assistants are often given a brief lecture and some literature to read on an in-service day and expected to be expert on various conditions. It is then expected that this allows them to support the young person with ASN. Staff do not feel confident enough with the limited training given and this leads to stressful environments for both pupils and staff. Staff also feel extremely guilty that the young people in front of them are not receiving the experience they are entitled to. The emotional impact of this on staff can lead to mental health issues.</i>
<i>Due to teacher shortages, they are on maximum contact time. This historically was not the case. When not on maximum contact, it meant staff could dedicate a significant amount of planning time to ensuring lessons and resources fully met the needs of ASN pupils in their classes, as it takes longer to plan these types of lessons. Staff now do not have that "extra" planning time and so lessons for ASN pupils feel rushed and not to the high standards pupils should expect.</i>
<i>New school buildings, my own being a case in point, are not suitable for many ASN pupils, ie no doors, shared noisy spaces, not enough rooms in the school as the building is too small and ICT hardware that is fit for the bin. Too noisy, too distracting and for some children a sensory overload.</i>
<i>There are not so many teachers qualified in specialist ASN and teachers are trained in an ad hoc, bitty way through short twilight sessions.</i>
<i>The universities need to change what they teach in their initial teacher training courses.</i>

18. The provision of education to children and young people with ASN is currently creaking under the strain of inadequate resourcing. The NASUWT is committed to the full inclusion of children and young people with ASN in the education system, but in far too many cases the Presumption of Mainstream policy has become a euphemism for cuts in high-quality ASN provision, including specific ASN staff such as educational psychologists.

19. In addition, the reduction in the number of support staff in schools does not only jeopardise educational standards, but also results in teachers being diverted away from their professional pedagogical role into support-staff duties and activities, such as supervisory functions and clerical and administrative tasks. The reduction in the number of support staff in schools militates against excellence and also contributes to high teacher workload, one of the key drivers of teachers wanting to leave the profession. NASUWT members report that in at least one local authority classroom assistants have been removed wholesale from secondary schools, with a consequential impact on standards and also teacher workload. Many other local authorities continue to reduce numbers of support staff significantly.
20. Teachers and other support workers must also have access to appropriate training and CLPL to ensure they have the specialist knowledge and skills to be able to support all pupils with ASN's. At this point it is worth revisiting the NASUWT ASN Survey results (see Appendix 1) in which it was shown that only 56% of respondents from Scotland stated that they had received training or CPD within the last two years, 43% identified training/CPD on local authority ASN policies to be ineffective, and less than half of Scottish respondents said that their CLPL includes discussion about their ASN support needs.
21. In addition to improved teacher training, both at initial teacher education (ITE) and beyond, teaching staff require sufficient time to undertake parental and external liaison as well as additional planning and preparation time. Given the current teacher shortage across Scotland, many teachers are unable to access time out of class for any reason. Indeed, increasing numbers of teachers are working beyond their contractual maximum class-contact time of 22.5 hours.

d. Do parents and young people know their rights (on mainstreaming or receiving support in school for ASN)? If so, are they able to exercise them?

EXTRACTS FROM MEMBER FEEDBACK

Quite possibly, but many do not, and if they did they would be demanding a better provision either in the school they are in or elsewhere. And that is the biggest problem – less

<i>alternatives these days and more and more are placed in mainstream when it shouldn't happen.</i>
<i>Yes, they know their rights. However, their expectations about what we are able to deliver as an individual are unrealistic.</i>
<i>As usual, the parents who are persistent in their demands for support for their child usually get the support needed, but many more children are falling through the net.</i>
<i>Can't speak for parents but would suggest that in areas of high deprivation, the majority do not.</i>
<i>I don't think they are fully aware of their rights.</i>
<i>In my opinion very few know their rights.</i>
<i>Many teachers feel that they do not have the necessary training or expertise, and very often the meetings around the children are nothing more than talking shops where school staff try to assure parents that all is well and they are meeting the needs of their child, where, in actual fact teachers are struggling to access and provide the support they need.</i>

22. Teaching staff cannot with any certainty know whether parents and young people are fully aware of their rights and undoubtedly there will be variations across schools and local authorities. Nevertheless, what is clear is that teachers are being placed in the unenviable position of having to explain and justify local authority provision of ASN support to parents and young people, when they themselves are feeling significantly unsupported.

e. Does where you live make a difference?

EXTRACTS FROM MEMBER FEEDBACK
<i>Yes. In an area of high deprivation you tend to get more pupils with ASN. In more affluent areas, parents are more aware and will push for the support of their pupil.</i>
<i>Yes. And the mix of pupils between ASN and EAL.</i>
<i>Very much so. In this school there are a very large number of Roma children who have little or no English and are illiterate in their own language. They require a lot more provision in a specialist unit rather than being placed in mainstream classes.</i>
<i>The reallocation of funding through the Scottish government PEF programme is a system of robbing Peter to pay Paul, with PEF funding restricting where and how money is spent, while existing funding for everyone else is cut back continuously.</i>
<i>Is funding to raise attainment reaching the children who really need it?</i>

-
23. There are undoubtedly a number of variables to the provision of ASN support within a school or local authority, such as:
- number of children with an ASN: for example, some areas have significantly higher numbers of EAL pupils;
 - access to high quality support/training for teachers;
 - school building facilities;
 - allocation of local authority resources/ASN priority within budget;
 - continuity of staffing;
 - PEF funding/staffing;
 - availability of special school provision;
 - numbers of specialist's support services.
24. It is important to flag the intended and unintended consequences of the allocation of PEF funding. Attendees at a recent NASUWT Primary Teachers Seminar disclosed that many were not only unaware of how their PEF was being spent, but also had not been consulted or involved in those discussions. Where PEF funding had been disclosed to staff, some were concerned that it had not been put to the best use, being spent on life-size models of pupils or football pitches. While there have been examples of PEF making a positive contribution, there is considerable variability and understanding across Scotland. For example, where there is constant turnover in the SMT, this has had a detrimental impact on the management of PEF money.
25. One significant yet unintended consequence resulting from the distribution of PEF has been the 'PEF drift', where posts created using PEF, which, for example, pay teachers to attend homework clubs, attract applications from teachers whose current schools do not have access to PEF or are not using funds in this way. Schools not receiving substantial PEF are losing experienced staff and having significant difficulties filling vacant places.
26. Through the national policy narrative which currently focuses on the closing of the Poverty Related Attainment Gap, the Scottish Government has also undoubtedly

affected the funding priorities of local authorities and schools, which in turn will affect pupils with ASN or with a protected characteristic under the Equality Act.

27. In the NASUWT's experience, local authorities are not universally following national guidelines for ASN support and there is currently no-one effectively monitoring this variability. Furthermore, within local authorities, the significant reduction in the numbers of experienced ASN central staff (Education Officers/QIOs) who previously would have supported mainstream schools and headteachers has resulted in a catastrophic loss of practical knowledge and support for schools, who can feel left adrift and unable to provide the appropriate support for their pupils.

28. With the proposed introduction of the Headteacher Charter, this variability of provision for ASN across Scotland could increase. It is critical that the Government commits to monitor and track ASN support and ASL implementation across different areas because, while it is absolutely necessary that individual local authorities must have the scope to make independent decisions as to what local provision will best meet their specific needs, it is equally important that children and young people across Scotland have a common entitlement to education.

f. Do you have any experience of seclusion or restraint of children, or unrecorded exclusions from school? If so, what is your experience?

EXTRACTS FROM MEMBER FEEDBACK
<i>Unrecorded exclusions from school remains an issue.</i>
<i>Yes. Pupils physically assaulting teachers and the initial exclusion not being recorded.</i>
<i>I think that unrecorded exclusions take place on a regular basis. Young people are sent home and told to return with a parent at a future date. This has gone on for some time. On other occasions, young people are removed from class and placed with DHTs for a period of time.</i>
<i>I don't know of any.</i>
<i>No experience of this.</i>

Yes, very regularly pupils are sent home with no formal exclusion.

29. While there may be significant variability of experience, there remains a number of unrecorded exclusions taking place within the system. While *Included, Engaged and Involved*, Part 2 sets out that ‘all exclusions from school must be formally recorded and that children and young people must not be sent home on an “informal exclusion” or sent home to “cool off”’, it may be prudent to revisit the messaging to schools and local authorities on this specific issue.

g. Do you have any specific comments on any of the Committee’s [report recommendations](#)?

EXTRACTS FROM MEMBER FEEDBACK

Improve the provision of care for those kids with ASN in mainstream. Review your policies and stop closing facilities and using it as an excuse for increasing numbers into mainstream – everyone suffers from it – there cannot be any winners from such a policy other than a Council’s budget. Make reporting easier and support teachers who are abused at work, verbally or physically. It seems to be the only profession that Councils are keen to ignore the Zero Tolerance approach to abuse of its employees.

There needs to be a thorough look at the support, and new strategies to be devised to deal with the increasing ASN needs and funding needs to be available to deal with this.

EAL is reaching epidemic proportions in some schools. Mainstreaming without any English is a disaster.

Largely in agreement with the recommendations.

I do feel that no matter what evidence we submit the Government will disregard much of what is said if it is not fitting with the current ideology. Unfortunately, classroom teachers’ opinions are always bottom of the pile and local authority senior staff and policy makers are so busy trying to fit in with Government policies.

30. The NASUWT considers that recommendation 4 is key to better supporting both pupils with ASN and teachers and is in full agreement that ‘resources are not

currently sufficient to support those with additional support needs in mainstream schools’.

31. As set out in recommendation 11, the NASUWT considers a comprehensive review of the extent to which resources are impacting on mainstreaming to be essential. The data analysis outlined in recommendation 18 is also important and the NASUWT would welcome an in-depth analysis from the Scottish Government on *‘how the education and ultimately the attainment of pupils in general is being impacted upon by insufficient resources’.*
32. The NASUWT will continue to work with the Scottish Government and other stakeholders to support the policy intention behind the Presumption of Mainstreaming and to campaign for sufficient finances to ensure its successful implementation.

Chris Keates (Ms)
General Secretary

APPENDIX 1:

<https://www.nasuwt.org.uk/uploads/assets/uploaded/843fe4e0-fb73-408f-b2d69e1c48a95dfe.pdf>

APPENDIX 2:

2018 MOTIONS FROM NASUWT SCOTLAND CONFERENCE.

Lack of Support for Staff in Dealing with the Needs of All Pupils across the Sectors

Conference notes the unacceptable availability of support for teachers in meeting the needs of children and young people with additional support needs.

Conference urges the Scotland Executive Committee to investigate the level of provision of ASN support staff and specialist teachers across local authorities.

Conference also requests that a survey is undertaken into the availability and access to appropriate training provided across the country.

Reducing the support for Mainstream ASN Pupils

Conference is concerned that local authorities are cutting funding both directly and indirectly for pupils with ASN in mainstream classes in Scotland.

Conference asserts that the effective responsibility for GIRFEC 'Getting It Right for Every Child' is being subtly passed to mainstream class teachers through increased workload both during and outwith direct class contact time.

Conference calls upon the Scotland Executive Council to campaign to ensure support for pupils with ASN is not being reduced through reduction in staffing budgets and the redistribution of funds through such initiatives as P.E.F.

2017 MOTIONS FROM NASUWTSCOTLAND CONFERENCE**Class Support for Children with Identified Additional Support Needs**

Conference notes with concern the increase in the ratio of children identified with special needs in mainstream classes who do not have additional class support.

Conference further notes that many children with SEBDs are not recognised as having Additional Support Needs.

Conference recognises that for presumption of mainstream to be effective it must be appropriately resourced and supported to enable our schools to Get it Right For Every Child.

Conference calls upon the Scotland Executive Council to undertake research into the current ratio of children with identified specific needs in mainstream classes and to campaign for the Scottish Government to set ratio triggers that will lead to increased class support or a change to advice on class sizes in proportion to ASN pupils in the class.

Evidence Concerning the Presumption of Mainstream

Conference recognises that the Scottish Government policy of presumption of mainstream is intended to ensure that every young person has equality of access to education.

Conference asserts that presumption of mainstream is currently failing in this aspiration.

Conference calls on the Scotland Executive Council to seek, from Local Authorities:

- the evidence that supports the continued implementation of the principle of 'Presumption of mainstream';
- the evidence that indicates the benefits of any decision to reduce specialist support, staff and resources.

2016 MOTIONS FROM SCOTLAND CONFERENCE**Additional Support Needs – Cuts to Support**

"This AGM deplores the fact that, at a time when the Scottish Government has a priority agenda to close the attainment gap, support is being reduced in many schools

across Scotland for all pupils, but particularly those with identified additional support needs.

This AGM urges the Scottish Executive Council of the NASUWT to lobby Scottish Government to secure a firm commitment to Getting it Right for Every Child (GIRFEC) and provide pupils and teachers with the necessary support required for all pupils to reach their full potential.”

Impact of Inclusion on Mainstream Resources

“This AGM acknowledges and commends the commitment of all staff in mainstream education establishments to meeting the educational and wellbeing needs of all pupils in their care.

This AGM is concerned that resources are being diverted to support additional inclusion strategies which may not be appropriate.

This AGM calls on the Scottish Executive Council of the NASUWT to research the cost effectiveness of some of these inclusion strategies and evaluate the potential negative impact of these strategies on all pupils through the loss of resources.”

**Education and Skills Committee
Scottish National Standardised Assessments
Wednesday 27 February 2019**

LOCAL AUTHORITY - ASN SUPPORT STAFF

Introduction

The Committee held an evidence session in November 2018 on school support staff data, specifically on the availability and accuracy of information on the number of staff working with children with additional support needs. The Committee agreed to seek further information from local authorities based on the evidence it heard from Scottish Government officials. The Committee also wrote to the [Cabinet Secretary for Education and Skills](#) on issues arising from the evidence session. The Committee received a response from the [Cabinet Secretary](#) along with a response from the [Chief Statistician](#).

[On 21 December 2018, the Convener wrote to the Directors of Education](#) regarding ASN school support staff. This paper summarises the responses, which are available in full [here](#).

Responses to the Convener's letter were received from 17 local authorities. This paper provides a summary of these. Authorities also provided information about what job roles they use and responded to the specific information the Convener's letter asked for regarding:

- What data local authorities collect and hold on the numbers of school support staff supporting children with an ASN.
- What guidance local authorities have in place on the naming of job roles.
- What training is provided for staff.

Pupil Support Assistant

In response to the Committee's concerns about the decision to combine the staff categories of Classroom Assistant and ASN Auxiliary/Care Assistant, the majority of authorities provided information about the job titles they use within their schools.

As demonstrated by Table 1, authorities use of a variety of job titles for those staff providing support in schools to pupils with ASN and more widely.

Table 1: Job Titles Used by Local Authorities

	Job Title
East Lothian	Additional Support Needs Auxiliary (ASNA); Classroom Assistant; Playground Supervisor; Dining Room Supervisor
East Renfrewshire	Pupil Support Assistants
Edinburgh	Pupil Support Assistants
Fife	Pupil Support Assistants

Highland	Pupil Support Assistants
Midlothian	Learning Assistants; ASN Learning Assistants
North Ayrshire	Classroom Assistant
North Lanarkshire	Additional Support Needs Assistants (ASNA)
Orkney Islands	Support for Learning Teacher; Support for Learning Assistants
Renfrewshire	Additional Support Needs Assistants (ASNA); Classroom Assistants
Shetland Islands	Learning Support Worker (LSW); Learning Support Assistant (LSA)
South Ayrshire	School Assistant
South Lanarkshire	School Support Assistant
West Dunbartonshire	Learning Assistant
West Lothian	Pupil Support Workers (PSWs); Advanced Pupil Support Workers (APSWs)

Of the fifteen authorities that provided information about job role names, four stated that they use the term Pupil Support Assistant (PSA).

Although East Renfrewshire use the title PSA, they were able to offer a breakdown of PSA type as this information is recorded in their budget lines. East Renfrewshire employ PSA Classroom Assistants; PSA Additional Support Needs staff and PSA Behaviour Support staff. The authority noted that those PSAs who work with children with complex needs have a different job description and a higher pay grade, which relates the needs of the child.

East Renfrewshire stated that the move to one job description and pay grade has allowed for flexibility in the system noting that: “school leaders often take a more holistic view of their resource allocation and deploy all PSAs, irrespective of title, to support learning, targeting those children who need it most.”

Edinburgh Council stated that: “we do not commonly use the term ASN teachers ... so requests for such data can be quite misleading.” It wrote that almost all of its support staff are designated as PSAs, explaining that as more than 25% of learners in Edinburgh have ASN, in effect, supporting these pupils is the responsibility of each member of staff. The consolidation of the categories, the Council considered, better reflects the position on the ground as it is the role of Headteachers to determine how to best use their resources, therefore support staff may understand a range of role. Therefore, from the Council’s perspective, PSA is a valid descriptor.

Highland Council wrote that following an extensive piece of work undertaken in 2012 with staff and their union representatives, a single job description and post of PSA was agreed. There are no longer any Classroom Assistants in Highland, as such the authority considered that: “the removal of the title Classroom Assistant for reporting purposes has actually been supportive of the situation we have in Highland.” The Council went on to state that it does not provide generic classroom support and: “all PSAs are employed specifically to support children and young people with identified ASN, with clear plans as to how the PSA will engage to support them.”

Fife also stated that the: “term Pupil Support Assistant most accurately reflects the support provided in schools and is the term we have used in Fife for many years.” The Council noted

that it had previously employed staff whose jobs were termed 'Classroom Assistants' but that this was a distinct role and these staff had not provided support to children with ASN. The distinction made by Fife Council related to ASN Level: PSA Level 2s support a broad range of pupils with ASN, whereas PSA Level 3s are more highly trained (i.e. qualified at HNC or above in ASN) and work in both mainstream and specialist schools.

South Ayrshire Council wrote that in 2009 they changed the job titles of support staff in schools to the generic title of 'Support Assistant' – replacing the existing PSA and Classroom Assistants. The Council described the role of 'School Assistant' as similar to a PSA and therefore: "the issue raised in your letter [21 December] is not a concern in South Ayrshire."

South Lanarkshire Council reported that they created the generic post of 'School Support Assistant' in 2002 which encompasses the roles and responsibilities previously held by: Clerical Assistants; Additional Support Needs Assistants and Classroom Assistants. South Lanarkshire wrote that this has 'enabled flexibility' in the deployment of staff.

East Lothian Council noted that a number of titles are used with the local authority, for example, Additional Support Needs Auxiliary (ASNA) and Classroom Assistant. ASNA staff are on a higher grade which reflects their specific role in supporting those with complex ASNs such as the need to administer medication. However, the Council further stated that as all staff within its schools support those children and young people with ASN (it is not solely the responsibility of its ASNAs) the category of PSA does:

"more accurately reflect the support provided in schools at present and encapsulates a wider group of staff/job titles who are involved in supporting children and young people with additional support needs (including both ASNA and classroom assistants)."

North Ayrshire Council reported that it employs Classroom Assistants, including ASN, Primary and Secondary staff. Shetland Islands council stated that it had job profiles and specifications for the positions of 'Learning Support Worker' and 'Learning Support Assistant' with both groups advised by ASN teachers. West Dunbartonshire wrote that it employs 'Learning Assistants' to work specifically with those children and young people with ASN

North Lanarkshire Council employ Additional Support Needs Assistants (ASNA). Renfrewshire Council also employ ASNAs and differentiate between this staff group and Classroom Assistants. Renfrewshire did state that they are currently undertaking a thorough review of ASN which will examine grading and the roles of support staff.

Midlothian Council stated that it has neither ASN teachers nor PSA, instead it employs 'Learning Assistants' across each school. ASN Learning Assistants are employed for those pupils with complex needs and for SEBN.

West Lothian differentiates between those staff that provide support for pupils with ASN in mainstream schools and those which provide ASN support in specialist schools. The former are described as 'Pupil Support Workers' (PSWs) with the latter known as 'Advanced Pupil Support Workers' (APSWs). The Council stated that while it was easy to calculate the number of ASPWs working in ASN schools and the number of PSWs working in mainstream schools to support those with severe/complex ASN it is:

"not easy to quantify what proportion of time is spent by other PSWs on providing support to children with ASN which arises from their ASN, as opposed to support

provided to other pupils, and support provided to pupils with ASN that is not specific to their ASN.”

Argyll and Bute, while not stating what job titles they use did note:

“We are comfortable with the decision to merge categories and this gives the best available use of all staff within our schools. This is particularly helpful in small rural schools where the hours can be combined to make a more sustainable post and to attract the best candidate.”

The Council went on to state that one category posts would need to be looked at in terms of grading within said category and some children require personal care.

Additional Comments on Data

Three Councils offered additional comment on the concerns raised by the Committee about the ability to know how many support staff are specifically employed to support those children and young people with ASN.

East Lothian stated that it agrees: “there are a number of titles used between and within Local Authorities to categorise the role of the adult supporting children and young people in schools. This variation will make it impossible to compare and contrast and look for patterns.” It further stated that: “Looking at categories of staff cannot give an overall picture of the resource supporting children and young people with additional support needs. To focus solely on ASNA’s would not provide an accurate picture.”

Edinburgh Council noted that from their perspective: “there are concerns about the validity and reliability of data relating to Additional Support Needs when used for comparison across authorities. It is my understanding that this view is shared in other education authorities.” The authority went on to say: “the data that are available for inter-authority comparisons and national monitoring have not been purpose designed and reflect the impact of multiple factors that distort the picture.”

Lastly, Highland Council wrote that: “we would agree that we require reliable data on the number of school support staff working specifically to support children and young people with additional support needs across Scotland and that all local authorities are clear about the roles and responsibilities of such staff. This is particularly important given the rise in the incidence of children and young people reported as having an additional support need.”

However, it went on to state that: “the greater issue for local authorities is the lack of consistency in reporting the numbers of pupils with ASN and the levels of need experienced by these children and young people in each area. The inconsistency across local authorities and the growing number of pupils recorded as having ASN would indicate that local authorities are using different benchmarks internally, with some reporting all ASN as defined by the Education (Scotland) Act (ASL) 2004 ... Guidance on recording and reporting on SEEMIS would be helpful in ensuring greater consistency and having clarity about the real need across Scotland.”

What guidance do local authorities have in place on the naming of job roles?

Three out of the 17 authorities that responded answered this question. North Ayrshire Council wrote that there is no specific local authority guidance on how job roles are named, however, Human Resources support the Education Service in preparing role profiles are

posts. West Lothian also stated that it has no guidance on the naming of job roles, further stating that it:

“would not support national consistency in the naming of staff providing support to pupils with ASN. This would not recognise the different roles required to meet needs within different authority approaches to meeting the needs of all pupils including those with ASN. It would be likely to lead to a national convergence of remit and pay grade. This sort of one size fits all approach runs counter to the greater freedom being given to schools to deploy resources flexibly to meet learners’ needs.”

East Lothian Council stated that it: “would welcome clearer guidance on job role names which in turn would allow more consistency.”

What data local authorities collect and hold on the numbers of school support staff supporting children with an ASN?

Only four authorities responded directly to this question. Highland Council stated that it gathers data on the number of PSAs employed, the number of ASN teachers and the number of specialist teachers, i.e. teachers of the deaf. They hold this data centrally and it is available for staff employed in their special and mainstream schools.

North Ayrshire reported that it currently has 316.96 Classroom Assistants, including response hours, other authority hours, school funded and access to work. This figure includes ASN, Primary and Secondary staff. The data concerning Classroom Assistants is held within the authority’s HR/Payroll system and is supplemented by staffing sheets from each school which contain information on hours of work, salary, etc.

East Renfrewshire reported that as of 31 January 2019 it employed 222.57 FTE PSAs. This was split between:

- 43.83 FTE PSA – Classroom Assistants
- 158.69 FTE PSA – Additional Support Needs
- 20.05 FTE PSA – Behavioural Needs

North Lanarkshire Council wrote that its Additional Support Needs Assistants (ASNAs) are allocated on a per hours basis. The Council provided the below table (Table 2) breaking down the allocation of hours per week by school type. The ‘Hours Allocated at FTE’ column represents the hours data as converted into an FTE comparator assuming a 35 hour per week, term-time contract.

Table 2: North Lanarkshire ASNA Hours Allocation

	Allocated Hours Per Week	Hours Allocated as FTE*
Nursery	334	6.69
Primary	10,876	217.79
Secondary	4,126	82.62
Special	11,108	280.28
Units	15	0.39
Total	26,459	587.76

What training is provided for staff

Nine local authorities provided information on staff training.

Fife Council wrote that it offers staff a wide range of training opportunities as part of their continual professional learning. Staff can access in-house bespoke training, provided by Educational Psychologists or by a specialist team (i.e. the Autism Team) to help support the particular needs of the children with whom they are working. The local authority also offers training on literacy, numeracy, nurture and welling. The Council further stated that all its PSA Level 2 staff have undertaken a Personal Development Award or equivalent. All PSA Level 3 staff are required to be qualified at HNC or above in ASN, or a related area, i.e. Paediatric Nursing.

Highland Council reported that it has recently established a database of training to capture which courses and modules are undertaken by each PSA, noting that teachers maintaining their own CPD log. The Council also stated that: “we are aware that the numbers of ASN teachers who have a post graduate qualification in ASN has reduced significantly over the past 10 years.”

East Lothian noted that training and support is provided to staff when required, rather than to specific groups. It further stated that it holds a comprehensive Career-Long Professional Learning (CLPL) directory which all staff can access. The authority holds an annual support staff conference which: “incorporates professional learning requests from our staff as well as professional learning planned by the authority to enhance the skills and experience of staff.”

East Renfrewshire supports its PSAs through a: “high-quality training and development programme.” The authority offers staff a combination of in-hours training, which is specific to the school and children they support, and more generic, departmental training. East Renfrewshire offered examples of recent training courses including: Social, Emotional and Behavioural Needs; Reading Recovery Approaches; Proactive Approaches to Challenging Behaviour, and The Brain and Social Emotional and Behavioural Development. The Council has also recently undertaken a consultation with staff, including PSAs, to help plan future learning.

North Ayrshire reported that its training is linked to the authority’s Inclusion policy and reflects priorities both at authority and school level. Educational Psychologists and the Professional Learning Academy deliver a range of training including: De-escalation; Talkboost; WOWW (working on what works) and Emotion Coaching.

Orkney Islands Council wrote that it has: “recently been consulting with representatives from this part of our workforce [teachers and support for learning assistants] and head teachers. The outcome of this is a commitment to an ongoing training/learning plan.” The content of this plan is varied and includes exploring partnership working through GIRGEC approaches and training relating to epilepsy and autism.

At school level Renfrewshire Council ASNAs are trained to meet the medical needs of pupils as required, i.e. supporting children with diabetes. Other school level training is offered relating to a range of ASNs such as language and communication needs, behaviour support, and child protection. In addition, the authority has organised full and half day conferences and in-service day training covering: “professional learning in relation to attachment theory, promoting positive relationships, child sexual exploitation, supporting young carers, de-escalation techniques, supporting children with challenging behaviour

and supporting children with language and communication needs.” The Council also noted that approximately 15 ASNAs are due to start training in the use of Video Interactive Guidance (VIG).

Shetland Islands Council stated that training is recommended for its Learning Support Workers and Assistants in: Managing Actual and Potential Aggression; Nurture training, and Manual Handling. Training is offered regularly that relates to supporting individual pupils, for example, training in the use of alternative communication systems such as Signalong and training specific to the diagnosis of a child, for instance, in ASD or ADHD. ASN teachers also have a responsibility for training and providing guidance to LSW and LSA staff.

South Lanarkshire stated that it delivers a ‘comprehensive training programme’ for its School Support Assistant staff. Some aspects of this training are generic, while others are more individualised dependent upon the specific needs of children and young people.

Although it did not state what training it provides, West Lothian Council referred to the qualifications and competencies it expects PSW and APSW staff to have. PSWs are required to have the ability to work towards a qualification which allows them to register with the Scottish Social Services Council (SSSC). It is also desirable that they have a WLC Support Assistant (or equivalent) qualification and Basic First Aid.

APSWs are required to undertake training relating to the care of children with severe and complex difficulties. They are also required to participate in medical training, for example, administering medicine for seizures and safe handling procedures. The Council also expects APSWs to have the ability to be working towards a qualification that allows them to register with the SSC.

Kate Wane
SPICe Research
19 February 2019

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.

The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Education and Skills Committee

7th Meeting, 2019 (Session 5), Wednesday, 27 February 2019

Additional Support Needs – Focus group notes

This pack contains the notes from the following meetings and focus group.

- [Annexe A: Additional Support Needs focus group 20 February 2019](#)
- [Annexe B; Note of meeting with representatives of the Consortium for Research in Deaf Education \(CRiDE\) 12 December 2018](#)
- [Annexe C: Note of visit to Royal Blind School 12 December 2018](#)

Annexe A

**Education and Skills Committee
Focus group notes – additional support needs
20 February 2019**

1. A delegation of members met with parents, young people and individuals and organisations involved with additional support needs (ASN) on 20 February 2019. Members present were Clare Adamson (Convener), Ross Greer and Oliver Mundell.
2. The Committee has been scrutinising additional support needs issues since its establishment in 2016 and is reviewing what progress has been made since it produced 20 recommendations in 2017. The purpose of the focus group was to assist with this review.
3. This note is drafted around themes discussed during the focus group as opposed to chronological order.

Role of mainstreaming

4. One attendee said there has been a presumption of mainstreaming since 2000, but local authorities need to build a continuum of provision as those with ASN are not a homogeneous group. They were of the view that excellent ASN provision declined after 2005.
5. Another attendee opined that you need “a lot of ducks in a row” for inclusion to work, and that for some children, mainstreaming would never work. Some attendees felt that the use of ASN units attached to mainstream schools achieved a good balance for many ASN pupils (although this would not be the answer for all) as it would allow some children to take part in some mainstream classes where appropriate and better involve children in the school community.
6. The parents present did also suggest that, where mainstreaming was not appropriate, it was important for children to be placed in specialist schooling as soon as possible due to the stress and anxiety for the child and the wider family.
7. An attendee suggested more interventions in primary school are needed so that pupils have as much time as possible to be identified and understand what support works best for them.

Resourcing and training

8. Some attendees felt there is a dearth of understanding and experience of working with ASN at a local authority level. One attendee mentioned that a specialist school recently advertised a post which only listed experience with ASN as “desirable” rather than “essential”.
9. An attendee said there are endless initiatives and plans but they are only meaningful if they are followed through and resourced properly.

10. School buildings were described by some as a “sensory nightmare” due to the way they are built. Basic accommodations, such as lights being switched off when not needed, are not thought of.
11. Attendees felt that far more resources are needed for proper mainstreaming, in terms of staff numbers and turnover, pay, and workload/time. This was a frequent theme of the focus group. It was believed that pay levels for support staff are not high enough to retain and attract people to the profession.
12. It was also stated that teachers and staff have too little time to properly think about ASN. Attendees also frequently mentioned that there was not enough training for teachers, and the training that does exist can be negatively framed around “problem” children rather than getting it right for every child.
13. Attendees felt the ethos in a school and leadership that understands a continuum of need is vital; one example given by an attendee was a Depute Head telling a pupil with ASN to “look me in the eyes when I am speaking to you”.

Data and assessment

14. Not everybody with ASN is being identified and there are invisible needs. Some young people appear to cope during the day, but their anxiety builds up and then emerges at home at night. This builds up cumulative stress and anxiety and means children are not performing as well as they could.
15. Data and statistics is important – data on looked after children published every second year. Although exclusion figures are going down for looked after children, they are still higher than for other children, despite guidance saying it should only be used as a last resort. One practitioner commented on a notable rise in overall exclusions from P1-P3 based on a recent study they had undertaken.
16. Questions were raised by a number of attendees over how many kids were on part time timetables or even not attending school at all, and the belief that any figures given for children on part time timetables or not attending school were not robust and fully reflective.
17. Looked after children are assumed to have ASN unless they have been assessed to the contrary. However, different local authorities take different approaches to assessment and this can also affect discrepancies between social work and education departments regarding numbers of kids with ASN. Unless you have the right numbers/data, you cannot begin to assess what is needed.

Experiences of parents and young people

18. One parent said that their child with ASN had been traumatised through education. They had been identified throughout school as needing one to one

support but the local authority insisted that they had to try a mainstream school before other avenues would be explored. The child nearly ended up in a secure unit due to the trauma caused by experiences and the assumption that they had to try mainstream.

19. One young person was not picked up as being autistic until their teens. They felt constantly tense in schools, not helped by emphasis on group work. Breakout spaces are a great resource but there needs to be gatekeeping of provision to avoid them being misused/viewed as a punishment space.
20. Parents said it can be a postcode lottery in terms of how local authorities treat ASN, even within local authorities, and had experience of being passed back and forth between social work and education.
21. A teacher suggested there were two groups of parents; those who were articulate fighters that knew the system, and those who did not know their rights. However, some said parents have to know their rights but even well-informed parents with the means to push for their children's rights can face battles.
22. Parents said they shouldn't have to fight for support for their child, or have to worry about whether the support will always be in place. One parent said they had to suggest they would seek a judicial review in order for them and their partner to be allowed to take part in a course for parents of children with ASN. The parent said this course (More than Words) was an invaluable but expensive resource; due to being in full time employment, it was incorrectly suggested they would not attend every course, which was what led to the initial decision.
23. Another parent said that they had had an "email battle" with their local authority over their child's care, and that the local authority had ignored suggested plans on how their son could be educated until the parent sent them the full paper trail, copying in their local MSP and MP, demonstrating that the local authority had not responded.
24. Reference was made by a parent to an ongoing petition regarding restraint and seclusion. Examples were given by attendees of children excluded due to a lack of staff, taught in corridors, isolated in support base or given reduced timetables. One young person didn't attend school from 14 until they could legally leave.
25. One young person living in a rural area reported that provision between their local schools in terms of support staff numbers could differ massively. Some suggested good practice was the use of profiles created alongside a support worker to help staff understand individual needs – e.g. "I struggle in noisy rooms".

Annexe B

Education and Skills Committee

Wednesday 12 December 2018

Note of meeting with representatives of the Consortium for Research in Deaf Education (CRiDE)

Introduction

1. The Committee agreed to meet with representatives of CRiDE to:
 - assess progress against recommendations made by the former Education and Culture Committee on attainment of pupils with a sensory impairment; and
 - explore the issues raised in this Committee's report on Additional Support for Learning.

Attendees

2. CRiDE was represented by a selection of members from:

- The University of Edinburgh
- Highland Deaf Education Service
- The British Association of Teachers of the Deaf (BATOD)
- National Deaf Children's Society (NCDS)

The delegation also included:

- Depute Head Teacher and specialist educational audiologist.

3. The Committee was represented by Liz Smith MSP, Iain Gray MSP, Rona Mackay MSP and Ross Greer MSP.

Format

4. Each of the organisations/individuals present made some introductory comments setting out their perspective on issues affecting the education of deaf children and then responded to questions. This is an anonymised note of key issues raised in the meeting produced by the committee clerks. A [submission](#) from NDCS was published in advance of the meeting and a [briefing](#) was received from NDCS following the meeting to provide follow-up information..

Key issues

Data collection

5. Participants reported that data on additional support needs had improved, in large part due to the [CRiDE survey](#) on educational provision for deaf children in Scotland which was separate from the official SEEMiS management information system.

One issue with official statistics is that the annual pupil census figures do not capture pupils with multiple needs e.g. deafness and another disability.

6. Data on attainment highlighted that there is still a significant and persistent gap between the attainment of deaf school leavers and their hearing peer group.¹
7. There was general agreement that data on numbers of Teachers of the Deaf (ToDs) was accurate. More details are included later in this note.

Acoustic design of schools

8. All participants were concerned about the acoustic dynamics of schools and the impact on young people with hearing difficulties (whether mild or severe, temporary or permanent). Many new schools are open plan and may have large atria or common spaces which can be very noisy.
9. As many as 1 in 5 children can suffer from glue ear during childhood. Although usually temporary, long-term glue ear can affect children's hearing, speech development, and cause them to fall behind at school. It is more prevalent among children from low-income families.
10. With reference to the Committee's recommendation around appropriate acoustic standards being provided in all schools, in England and Wales, [Building Bulletin 93 \(BB93\)](#) sets out minimum performance standards for the acoustics of school buildings. Standards are not similarly defined in Scotland although BB93 is able to be used as guidance. Poor acoustic design negatively affects all building users. Compulsory pre-completion testing of new schools would be desirable in order to prevent the need for (and cost of) retrospective modifications to reduce noise.

Initial Teacher Education for deaf people

11. The group expressed concern about barriers for deaf people entering Initial Teacher Education (ITE) courses at university. A lack of BSL interpreters can create barriers for deaf students to access ITE and successfully complete their probationary year.

Workforce planning and recruitment of Teachers of the Deaf

12. The group was concerned about a perceived lack of workforce planning and regular recruitment difficulties in many areas, given that nearly a quarter (24%) of specialist ToDs in Scotland had been lost over the last seven years. In the same period there has been a 26% increase in numbers of deaf children across Scotland. Nearly half of current ToDs are due to retire in the next 10 to 15 years. The group was therefore keen to see a national workforce planning exercise as soon as possible.
13. The group considered that it was extremely desirable to recruit ToDs at a younger age and earlier in their teaching career as that would enable them to develop proficiency in BSL and other specialisms.

¹ <https://www2.gov.scot/Topics/Statistics/Browse/School-Education/leavedestla/follleavedestat>

CPD, BSL qualifications and availability of training

14. The group supported enhanced opportunities for BSL training for existing ToDs in order to enhance their skill levels. However, it was vital that education authorities fund the costs of the course and training time (including supply cover) or teachers could be deterred from training to become a ToD.

Inspection of peripatetic hearing services

15. The group reported that inspection of these services by Education Scotland can occur, but is not routine. The lack of inspection was said to have undermined their quality and value. The group was very keen that peripatetic hearing impairment education services should be subject to regular inspection by Education Scotland.

1 + 2 approach to modern languages

16. The Scottish Government's policy is aimed at ensuring that every child has the opportunity to learn a modern language from P1 until the end of the broad general education (S3) and to learn a second modern language from P5 onwards.
17. Members of the group would like to see BSL included in the 1+2 approach. In at least 13 local authorities there is no commitment to do so. In the Highland Council area, however, 27 primary schools are committed to this approach with Dingwall Academy supporting it from S1 upwards. Highland Council has developed a full package of materials to support teachers including video clips.

Annexe C**Education and Skills Committee****Wednesday 12 December 2018****Visit to the Royal Blind School****Background**

A delegation of members visited the Royal Blind School in Edinburgh on 12 December 2018. Members present were Clare Adamson (Convener), Johann Lamont (Deputy Convener), Dr Alasdair Allan, Gordon MacDonald, Oliver Mundell.

The Royal Blind School provides places at the school including residential places. 29 children currently study at the school but it has a maximum capacity of 45, although the number of children the School can take is dependent on the extent to which children have multiple requirements.

The Headteacher, Elaine Brackenridge, hosted the visit and the Committee thanks Elaine and all the School staff and children and young people that shared their time and experience with members during the visit. The morning consisted of two meetings and a tour of the building meeting children and staff. This note is drafted around themes discussed during the visit as opposed to in chronological order.

Presumption to mainstream

The Headteacher set out the challenges in providing appropriate support for children with complex needs and suggested that the law should be changed to shift the current extent of the presumption towards mainstream education. She felt that parents who have pushed for their child to come to the School often reflect that mainstream education has not been an inclusive socialising experience and children can begin at the school with very little confidence, willingness to engage or practical life skills. She said her biggest concern was perhaps that children in mainstream education who are perhaps not receiving the support that could help them fulfil their potential are not making a fuss about it.

Peripatetic

It also provides Elvis (East Lothian Visual Impairment Service) which involves RBS staff going to schools in East Lothian to provide support and roll-out training to teachers and other school staff, and provide peripatetic support services. This is a unique service tendered for by the Council which the School hopes to replicate in other areas. The School would like to see a national hub model adopted with peripatetic support available to all local authorities, similar to the approach taken in New Zealand. The School has had initial discussions with other local authorities on providing support, such as Argyll and Bute and Orkney.

Financial considerations

Another member of staff suggested that there are different approaches taken between local authorities, and that increasingly councils are openly stating, that certain decisions are based on budgetary constraints. Teaching staff have told the School that in certain council areas school staff have been told that it is a disciplinary matter if they mention to parents out of authority provision such as the School. They also suggested that Tribunal processes can be very demanding, long and emotional for families and that the process families are required to go through could be reviewed. A further point was that if a local authority agrees to fund a place at the School they can then refuse to pay transport costs and parents are then required to find money to pay for what can be long journeys to and from the School. One member asked about the cost difference between a child being placed at the School and being in a mainstream school. A member of staff suggested local authorities would suggest it is cost neutral, the School costs 20.5k a year as a minimum but this can be significantly higher depending on the needs of the individual child or young person.

Specialist training for mainstream school staff

One of the members asked whether one issue might be that those taking decisions in schools are perhaps not trained to assess particular additional support needs. There was agreement from the staff present at the School on this point. It was also highlighted that because many teachers and support staff in mainstream schools have not received specialist training, they often need support from specialists. For example where a local authority refuses a child a placement at the School, the School often provides over the phone advice to the staff in the relevant mainstream school to help them support that child and can also provide written strategies/advice.

Employment and social inclusion

One members asked about employment levels for the visually impaired. The response was that unemployment is around 75% and this is not reducing. The headteacher suggested that in addition to barriers to employment, young people can also feel socially isolated if they have not received an inclusive education in mainstream school. A member of staff suggested up to P4 visually impaired children and other children tend to integrate well but up towards P7 they find visually impaired children often become more socially isolated in mainstream schools. The headteacher suggested there are transition issues when young people move from school to adulthood and adult services / social work do not provide the same level of support that they have received in mainstream school or at the School.

Practical 'life skills'

She suggested students can leave the School with excellent qualifications and can progress through university with the required life skills. She also highlighted the emphasis on children and young people attending the School for a sufficient period to give them more confidence and practical skills and then they can fare well in mainstream education. On that basis her preference is to receive children at an

earlier stage to provide them with this confidence over a period of months or years. This is as opposed to a young person arriving that have had hard experiences and the School needs to build trust with the child and often with the parents. In addition, where the School did not consider a place at the School was required for a child and mainstream school could provide support, the School has referred them back to the relevant local authority.

Braille

The headteacher highlighted that very few teachers, outwith the School, are trained in Braille beyond knowing A to Z. Work is underway on the QTVI qualification as only A to Z is required at present and a higher standard is required in her view. The cost of different machines to aid reading (e.g. Perkins Braille, BrailleNote Touch, Brailleant, text to speech software, video magnifiers) was discussed, and the increasing reliance on technology such as audio readers.

Regional Improvement Collaborative

The Headteacher suggested Regional Improvement Collaboratives were an opportunity to consider some of the issues she has raised, although this is not formally part of their agenda.